

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 10
– Definitions, Natural
Hazards and Whole of
Plan

**REPLY OF AMANDA JANE LEITH
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

2 DEFINITIONS CHAPTER

27 March 2017

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1. INTRODUCTION

1.1 My name is Amanda Jane Leith. I prepared the section 42A report for the Definitions chapter of the Proposed District Plan (**PDP**), dated 15 February 2017. My qualifications and experience are listed in that s42A report.

1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on 14 – 15 March 2017 and have been provided with information tabled by submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.

1.3 This reply evidence covers the following issues:

- (a) Delineation of definitions within the plan;
- (b) Administration of definitions;
- (c) Application of definitions to designations;
- (d) Definitions transferred from Chapters 12 and 13;
- (e) References to other legislation;
- (f) Definitions previously recommended to be deleted;
- (g) References to Stage 2 zones;
- (h) Notes and advice notes;
- (i) 'Radio communication facility';
- (j) 'Outer control boundary';
- (k) 'Domestic livestock';
- (l) 'Ecosystem services';
- (m) 'Ground level';
- (n) 'MASL';
- (o) 'Residential unit', 'residential flat' and 'sleep out';
- (p) 'Exotic';
- (q) 'Wholesaling' and 'warehousing';
- (r) 'Antenna' and 'mast';
- (s) 'Community activity';
- (t) 'Cleanfill' and 'cleanfill facility';
- (u) 'Minor upgrading';
- (v) 'Earthworks within the national grid yard';
- (w) 'Trade supplier' and 'retail';

- (x) 'Passenger lift system';
- (y) 'Visitor accommodation'; and
- (z) Abbreviations.

1.4 Where I am recommending changes to the provisions as a consequence of the hearing of evidence and submissions, I have appended these as **Appendix 1 (Revised Chapter)**. I have also attached a section 32AA evaluation in **Appendix 2**.

1.5 Where I refer to a rule in my evidence I am referring to the Right of Reply version of the chapter.

2. DELINIATION OF DEFINITIONS WITHIN THE PLAN

2.1 In my s42A evidence I recommended adding a Note to make it clear that the definitions in this chapter apply throughout the Plan, every time the defined term is used. In my summary of evidence I confirmed that there is a need to make it clear in the note, that there is an exception in that the definitions do not apply to the Designations chapter.

2.2 The Panel suggested during the hearing that I consider identification of defined terms within each chapter through methods such as italics, underlining or capitalisation. I consider that use of these methods in highlighting a defined term can result in plan users interpreting that the defined term is of greater importance in a provision. However, should the Panel consider that identification is necessary; I have no preference as to the use of italics or underlining of defined words, and a method to be consistent with an ePlan layout may be preferable through the use of faint dotted underlining of defined terms. This is visible in both grey scale and colour printing without being overly distracting.

2.3 I note that capitalisation can be problematic as it can be confused with matters that are also capitalised, such as the names of documents.

2.4 In any event, as a result of points raised by the Panel during the hearing, I have given further consideration to the approach whereby definitions are to apply throughout the plan as outlined in the first note. I now recommend that this note be amended in order to allow some flexibility in the interpretation of District Plan provisions where unanticipated outcomes may occur as a result of the application of a definition. Consequently, I recommend insertion of the words '*unless the context otherwise requires*' into the note. I have made this change in **Appendix 1**. Consistent with this amendment, there is still no need to identify defined terms (whether through underlining, italics etc), within chapters.

2.5 The Panel also explored how confident they can be that the PDP was drafted and applied with the intent that the Chapter 2 defined terms whenever the defined term is used in the PDP (except for the designations chapter). I have discussed this with Mr Barr who, although did not draft all PDP chapters, was a member of the planning team at that time, and confirm that this is the assumption that has been used. I am not aware of anyone who has drafted the chapters in a different light. In any event, my '*unless the context otherwise requires*' note as recommended in paragraph 2.5 above, remedies this concern of the Panel.

2.6 The Panel questioned the intent of the second 'note' regarding the application of ordinary dictionary meanings, and how the plan reader is to pick what dictionary definition should be used given that if you look at multiple dictionary definitions of words, you may have vastly different results. In response to this query I looked at the approach utilised in the (Operative in part) Auckland Unitary Plan that states the following in this regard:

The meaning of the provisions in the Plan must be ascertained from all relevant text in the Plan and in the light of the purpose of the Resource Management Act 1991 and any relevant objectives and policies in the Plan.

2.7 I favour this approach and have recommended a similar wording in **Appendix 1**.

2.8 I have also recommended a change to the fourth 'note' in Chapter 2, which uses clearer language. This change is included in **Appendix 1**.

3. APPLICATION OF DEFINITIONS TO DESIGNATIONS

3.1 In my Summary of Evidence dated 13 March 2017 I recommended¹ that the first 'note' within the chapter be amended to state that the Chapter 2 definitions do not apply to designations in Chapter 37, unless it is specifically stated within the designation that a definition in Chapter 2 applies. This matter was also canvassed in Council's legal submissions.

3.2 The Panel requested further consideration as to whether Chapter 2 should apply to designations on the basis that it could create an anomaly. The Panel referenced the definitions of 'air noise boundary' and 'site' in which it would be preferable that the same definition is utilised.

3.3 In reviewing the designations in Chapter 37, I note that Designations #570: Aurora² and #D.1: Aerodrome Purposes³ include reference to the definitions in Chapter 2. No other designation conditions in Chapter 37 indicate that the definitions in Chapter 2 are required, in order to interpret the designations and their conditions. At the hearing, Ms Scott raised a number of concerns including that if the PDP definitions were to apply to designations that have been 'rolled over' from the ODP, particularly those that have been rolled over without modifications (where the Panel has no ability to recommend changes to the designations), then the applicability of a number of different definitions to the same designation, could result in a number of changes to the regulatory effect of both the purpose and conditions of the designation. Requiring authorities would not have anticipated that the works they can do under their respective designations may change, through a new definitions chapter, and particularly through

1 In paragraph 12.

2 'building height'

3 'air noise boundary', 'outer control boundary', 'activity sensitive to aircraft noise', '2037 noise contours' and 'indoor design sound level'

changes to submissions that have been made via site specific submissions on the PDP, for example.

3.4 With many of the PDP definitions being different to the ODP, I too am concerned that unanticipated outcomes may arise with this approach. I also anticipate that decision makers in their drafting of conditions on Notices of Requirements did not necessarily consider the wording of the conditions applied in relation to the defined terms within the ODP or PDP. In addition, as Council is not the decision maker for designations, any amendments to definitions used in designations (if the Council's approach was not followed) would need to be recommended and forwarded to each applicable requiring authority to determine.

3.5 In reviewing the s42A report and right of reply in relation to Chapter 37, I note that this does not appear to have been raised as an issue as part of the Hearing on this chapter. Consequently, I retain my recommendation that unless the designation specifically states that a definition in Chapter 2 is to apply, that in all other instances the definition in Chapter 2 does not apply.

4. DEFINITIONS TRANSFERRED FROM CHAPTERS 12 AND 13

4.1 The Panel at the hearing brought to my attention that chapter specific definitions have also been recommended within Chapters 12 and 13, as well as Chapter 26. In order to be consistent with the recommendation included within my Summary of Evidence relating to the transfer of the specific Chapter 26 – Historic Heritage definitions to Chapter 2, I also make the same recommendation in relation to the chapter specific definitions within Chapters 12 – Queenstown Town Centre⁴ and 13 – Wanaka Town Centre⁵ that have been recommended by Ms Jones.

4.2 These are shown in **Appendix 1** including the qualifier that these definitions only apply to Chapters 12 and 13.

4 'comprehensive development', 'landmark building' and 'sense of place'

5 'comprehensive development'

5. REFERENCES TO OTHER LEGISLATION

5.1 As outlined in my s42A report,⁶ and Council's opening submissions I understand that it is *ultra vires* to refer to future legislation within the PDP via a term such as 'replacement Acts' and that the *Interpretation Act 1999* provides that references to a repealed Act are replaced by the new corresponding Act. In accordance with this, the Panel noted that the definition of 'potable water supply' requires amendment. I have recommended deletion of '*or later editions or amendments of the standards*' from the definition and reworded the remainder of the definition to make sense. This is included in **Appendix 1** as a change.

5.2 A number of definitions refer directly to a definition within certain legislation. The Panel requested that I consider setting out the definition in full (from the legislation) for ease of use by plan users. I agree that this would make the plan more user friendly and have made these changes to a number of definitions⁷ in **Appendix 1**. I do not consider this to be a substantial amendment given that I have copied the definitions over from the relevant legislation. This recommended amendment however has resulted in a few issues as detailed below.

'Common Property'

5.3 As a result of the above recommendation, an additional new definition is required. The definition of 'access' as notified referred to '*common property as defined in section 2 of the Unit Titles Act 2010*'. In order to delete this reference the definition of 'common property' is required to be inserted into Chapter 2 so that the 'access' definition can rely on it. This recommendation is included in **Appendix 1**.

'Building', 'Reserve' and 'Road'

5.4 For other definitions, the insertion of the definition from the referenced legislation has proven difficult. For example, the Chapter 2 definition

6 Section 42A Report for Chapter 2 Definitions, at paragraph 19.8.

7 'access', 'accessway', 'amenity or amenity values', 'camping ground', 'lake', 'liquor', 'national grid', 'private way', 'river', 'service lane', 'subdivision', 'waterbody', 'wetland'.

of 'building' references the *Building Act 2004*. The *Building Act 2004* sets out a number of inclusions (Section 8) and exclusions (Section 9) from the term 'building' rather than providing a definition. These sections in themselves have numerous inclusions and exceptions and links to other related definitions. Further, the definition also covers structures that have been specifically excluded within the notified PDP definition. Consequently, the insertion of the content of Sections 8 and 9 of the *Building Act 2004* into Chapter 2 would result in changes to the definition that there is no scope to make via submissions, and therefore I have not recommended this change.

- 5.5 Similarly to the above, inserting the legislative definitions of 'reserve' and 'road' into the PDP is also difficult as both involve cross-referencing to other legislation and provisions within the applicable Acts. As a result, I have not recommended that either of these definitions be amended.

'Noise' and 'Sound'

- 5.6 The notified definition of 'noise' and 'sound' both reference the applicable New Zealand standards⁸ (**NZS**). The definition of 'noise' is as follows:

'Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

L_{dn} :

Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).

$L_{Aeq(15 min)}$:

Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

8 NZS 6801:2008 and NZS 6802:2008.

L_{AFmax} :

Means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit:

Means a $L_{Aeq(15\ min)}$ or L_{AFmax} sound level in decibels that is not to be exceeded.

In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.'

- 5.7 In reading the start of the definition: '*Acoustic terms shall have...*', it appears that the definition is intended to define more terms than only 'noise'. Furthermore, some, but not all of the terms listed in the definition above are included within the NZS and of the terms that are listed, the PDP defined term appears to be a summary of the more detailed definition in the NZS.
- 5.8 The notified definition of 'sound' refers to the meaning contained within the NZS, however although there are many definitions relating to more specific descriptions of 'sound', there is no definition of 'sound' in particular within the documents.
- 5.9 Neither Ms Evans nor Dr Stephen Chiles in their evidence on Chapter 36 – Noise raised any concerns with the above definitions, nor recommended any amendments. Further, no submissions were received seeking to amend the above definitions, with the exception of one from C Byrch (243) in relation to the definition of 'noise' to specifically delete the day/night level. Ms Evans responded to this submission in paragraph 8.68 of her s42A report and did not support the relief sought.
- 5.10 As a result of the above, I have not recommended any amendments to these definitions in **Appendix 1**.

6. DEFINITIONS PREVIOUSLY RECOMMENDED TO BE DELETED

- 6.1 In my s42A report I previously recommended the deletion of the definition of 'access lot' on the basis that it was not a term utilised in any of the Stage 1 chapters. The Panel however drew my attention to the fact that the term is used on subdivision plans (which generally form part of a subdivision consent). As Chapter 2 relates to the interpretation of the District Plan provisions only, to be consistent with my other recommendations, I do not consider it necessary to retain this definition in Chapter 2..
- 6.2 I also recommended deletion of the definition of 'all weather standard' for the same reason, however I now note that this term is used within the definition of 'formed road'. Finally, I no longer recommend that 'health care facility' be deleted as this term is used within the 'national grid sensitive activities' definition. Consequently, I now recommend the retention of these definitions in **Appendix 1**.

7. REFERENCES TO STAGE 2 ZONES

- 7.1 In paragraph 27.1 of my s42A report, I recommended deleting a number of definitions within Chapter 2 which are not used within the reply versions of the Stage 1 chapters or that relate to zones that have not been included within Stage 1. The Panel however noted that the definitions of 'height (building)' and 'home occupation' still include reference to the Three Parks Zone, which is not included within Stage 1 of the District Plan review. I have therefore recommended deletion of these references in **Appendix 1**.
- 7.2 While the definition 'development (financial contributions)' does not specifically mention a Stage 2 zone, this term is not used in any of the provisions within the Stage 1 chapters and therefore it is also recommended to be deleted in **Appendix 1**.

8. NOTES AND ADVICE NOTES

8.1 In my Summary of Evidence⁹ presented to the Hearings Panel, I outlined the changes I recommended within my s42A report with respect to 'advice notes' and 'notes' within definitions. The Panel questioned whether my statement about incorporation of 'notes' which are '*fundamental*' to the definition would result in a substantial change being undertaken, without the necessary scope provided through submissions.

8.2 In hindsight, I consider that my use of the word 'fundamental' was not the correct word to use in the context. As explained within my s42A report,¹⁰ where I have considered that the intention was to include the content of the note within the definition, I have recommended a change as a matter of clarification. Notwithstanding this, should the Panel not agree that this is a point of clarification, these notes can be reviewed further as part of Stage 2.

9. 'RADIO COMMUNICATION FACILITY'

9.1 In considering the recommended definition of 'radio communication facility' further, I note that the last part of the definition which states '*and as defined in the Radio Communications Act 1989*' is unnecessary. This Act does not provide a definition of 'radio communication facility' and the other related definitions are already covered by the definition. Consequently, I recommend deletion of this portion of the definition in **Appendix 1**.

10. 'OUTER CONTROL BOUNDARY'

10.1 Ms Holden in her Right of Reply for Chapter 26: Airport Mixed Use Zone recommended combining the definition of 'outer control boundary (Queenstown)' and 'outer control boundary (Wanaka)', with the following resultant definition:

9 Section 42A Report for Chapter 2 Definitions, at paragraph 11.

10 Section 42A Report for Chapter 2 Definitions, at paragraph 33.2.

'Means a boundary, as shown on ~~the~~ District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations ~~in 2036~~.'

- 10.2** At the Hearing on definitions, the Panel questioned the insertion of 'future' into the definition without the qualifiers of the 2036 and 2037 noise contours being referenced, as this term would then be unspecified.
- 10.3** The 'outer control boundary' is identified on the planning maps around Queenstown and Wanaka airports and these boundary lines reflect the 2036 and 2037 noise contours. Furthermore, the airport designations also reference these noise contours. In order to amend the 'outer control boundary' notwithstanding the wording of the definition would require a plan change to be approved.
- 10.4** However, for the avoidance of doubt, I recommend that the definition be amended to reference the date for both airports. This change is included in **Appendix 1**.

11. 'DOMESTIC LIVESTOCK'

- 11.1** The Panel questioned whether the intent of the definition to control the keeping of poultry is a matter for a Council bylaw rather than the PDP. I have checked the QLDC bylaws and have confirmed that there is no such current bylaw in operation for the District.
- 11.2** I agree that the control of the number of poultry kept on properties would be better administered via a bylaw rather than resource consent; however potential effects on amenity (noise and odour) as well as potential effects on people (health) may occur from the keeping of a large number of poultry. These potential effects are covered by the RMA and with expert assistance, could be assessed. Consequently, in the absence of a bylaw, I recommend the inclusion of the definition and related rules within the PDP.
- 11.3** The Panel also queried why all of the applicable zones are not referenced within the definition. For example, sites within the

Gibbston Character and Large Lot Residential zones are akin to those in the Rural and Rural Residential zones, therefore why are they not included within the second bullet point.

- 11.4** The 'catch all' provided within the first bullet point applies to all zones which are not referenced in the second bullet point, but I acknowledge that the Gibbston Character zone has the same applicable characteristics as sites within the Rural, Rural Lifestyle or Rural Residential zone (being sites of larger size, used for production purposes and the like) and therefore should be treated the same. However, there is no scope provided through submissions to recommend this amendment.
- 11.5** With regard to the Large Lot Residential zone, I consider that its inclusion with the other zones that have a smaller site size is relevant given that this zone is across land located within the proposed urban growth boundary for Wanaka. It is also recommended to have a smaller minimum lot size over parts of the zone compared to the Rural Residential zone. As a result, the effects associated with the keeping of a large number of animals in the context of the proposed density of development may be significant. Consequently, I do not recommend any changes in this regard.
- 11.6** As outlined in my s42A report, I recommend that the portions of the definition that equate to rules be inserted into the applicable rules in the zone chapters. I do not consider that this is a substantive change to the provisions. However I noted in my Summary of Evidence that rules relating to the 'domestic livestock' activity only appears in two zone chapters, being the Rural and Gibbston Character zones notwithstanding the definition applying to all zones. No submissions were received to rectify this oversight, therefore Council will need to consider this further as part of Stage 2.

12. 'ECOSYSTEM SERVICES'

- 12.1** The Panel has requested my reasoning in not supporting C Byrch's submission (243) in relation to an amendment to the definition of 'ecosystem services'. C Byrch requested that the definition be

rewritten as people are not the only thing that benefit from 'ecosystem services'.

- 12.2** I agree with C Byrch that people are not the only thing that benefit from 'ecosystem services' and that all manner of flora and fauna do also. However, when considering the use of 'ecosystem services' within the PDP, I note that 'ecosystem services' are usually identified alongside 'nature conservation values', 'indigenous biodiversity' as well as 'indigenous fauna habitat'. As such, I consider that the PDP provisions already address these other attributes without requiring a change to the definition.

13. 'GROUND LEVEL'

- 13.1** In relation to the definition of 'ground level', the Panel stated that this was a matter of detailed discussion during Stream 8 and that some submitters had outlined how confusing the definition is. The Panel suggested that the Council in the future consider implementing a type of 'line in the sand' approach that other Councils have adopted. This could be nomination of a specific date from which Council can source accurate topographical data, being the date from which 'ground level' is calculated.

- 13.2** I note that the original definition of 'ground level' in the ODP applied this 'line in the sand' approach. This definition is:

Means the actual ground level at the date of public notification of this Plan except for land for which subdivision consent has been obtained after the notification of this Plan, for which ground level shall mean the actual finished ground level when all works associated with the subdivision of the land were completed; and excludes any excavation or fill associated with building activity. Ground slope shall mean the slope of the ground measured across the above ground level(s).

- 13.3** A plan change (PC11, which was then superseded by PC11B) was undertaken to the ODP with the associated s32 report outlining the following difficulty with the definition (amongst others):

- *Determining primary ground levels at the time the partially operative district plan was notified – 10 October 1995 is difficult and in some cases impossible.*

13.4 Further details of the issue were provided in the s32¹¹ as follows:

While this approach is useful in that it provides a definite yardstick against which ground level is to be measured, the following issues arise in relation to this level:

- I. Complete records of district wide ground levels at that date are not held. Where ground levels have been modified but actual records are not available, it is difficult, if not impossible for Surveyors to certify ground levels at that particular date.*
- II. The lapse of time - the more distant that particular date, the less relevant ground levels at that point in time become.*
- III. The date is arbitrary - it results in a situation where any modification to ground levels immediately prior to that date have altered ground levels in perpetuity, while any changes through excavation or development immediately after do not. There is no clear rationale to this distinction.*
- IV. Permitted earthworks – a certain level of earthworks can be carried out as a permitted activity. The lack of formal record in relation to such earthworks make it difficult to determine if and to what extent the 1995 ground level has been modified.*

13.5 Plan Change 11B was made operative on 18 March 2010 following the resolution of appeals through the Environment Court. Consequently, although the approach suggested by the Panel would be a more simplified approach to the recommended definition of 'ground level' in **Appendix 1**, it appears that the current definition is the culmination of much previous assessment and consideration. I therefore do not recommend any additional amendments to the definition.

11 Page 18 of the s32 report for PC11.

14. 'MASL'

14.1 In my s42A report, I recommended relocation of the definition 'MASL' to the new acronym section of Chapter 2. No further amendments were recommended. The Panel at the hearing requested that I check consistency with Ms Jones' right of reply for Chapter 12 – Queenstown Town Centre. I have reviewed Ms Jones right of reply and MASL is still utilised and therefore explanation of the acronym is still relevant. 'MASL' is also utilised in other zone chapters in relation to location and floor level.

15. 'RESIDENTIAL UNIT', 'RESIDENTIAL FLAT' AND 'SLEEP OUT'

15.1 In my s42A report¹² I recommended that a definition of 'sleep out' be included within Chapter 2 to clearly differentiate between 'residential flats' and 'sleep outs'. Sleep outs are included within the definition of 'accessory building', which are also encompassed within the definition of 'residential unit'. Therefore, I no longer consider that a separate definition is required as they are covered both in definitions and in the applicable rules relating to 'residential units'.

15.2 Related to this, the Panel noted that with sleep outs being classed as 'accessory buildings' and dwellings often being designed as a series of separate pavilion buildings, that the classification of a sleep out as an 'accessory building' could result in dwellings being located within boundary setback distances. I acknowledge that there is the potential for this to happen across various zones in the PDP. However, the same can also occur under the ODP and it has not been proven through monitoring to be a significant issue. Further, sleep outs as 'accessory buildings' would only be permitted within a setback distance where they meet any height and wall length parameters set out within the standard for the applicable zone and not to have any openings along the wall facing the applicable boundary. Consequently, the potential effects of this development would be managed. As a result, I do not recommend any amendments to the definition of 'residential unit' or 'accessory building' in this regard and

12 Section 42A Report for Chapter 2 Definitions, at paragraphs 16.5 – 16.7.

no longer recommend a definition of 'sleep out'.¹³ This change is shown in **Appendix 1**.

15.3 The Panel raised the question of leasing or renting a 'residential flat' during the hearing. I confirmed to the Panel that I have recommended in my s42A report deletion of the words stating that you may lease a residential flat to another party on the basis that it is not needed. However the Panel raised the concept of 99 year leases and that they are effectively subdivision that would be contrary to the following bullet point within the definition:

- *is situated on the same site and held in the same ownership as the residential unit*

15.4 I am familiar with the concept of 99 year leases in the context of rural properties such as high country stations, where a property may be passed down through generations of a family. However I have no knowledge of similar leasing situations being utilised for the enduring use of a residential flat separate from a residential unit. I consider it unlikely that this would become a common situation in the District, due to the cost involved in paying for a 99 year lease being more than the cost of purchasing an entire residential unit. Also because ongoing tenure through generations of family occupying a residential flat, due to its small size and nature, is unlikely.

16. 'EXOTIC'

16.1 The Panel queried the definition of 'exotic' and whether it could be more specific to the District. I consider that this is the intent of the definition where it states '*not indigenous to that part of New Zealand*'. Consequently, I have amended the definition to be more specific to its use in the PDP as a matter of clarification. This change is included in **Appendix 1**.

¹³ I note that in my s42A Report I recommended that a definition of 'sleep out' be included within Chapter 2, however there was no scope to do so and it therefore was not included in Appendix 1 to the s42A Report.

17. 'WHOLESALING'

17.1 The definition of 'wholesaling' included within Appendix 1 to my s42A report is limited to the Three Parks, Industrial B and Airport zones. At the hearing, the Panel asked whether the definition really needs to be limited to those zones. Upon reviewing the definition, I do not see a need for the term to be limited to the specific zones stated as 'wholesaling' could be undertaken in many of the other business zones in Stage 1. Notwithstanding, I do not have the scope via submissions to recommend this change and consequently, have not included this change in the **Appendix 1**.

18. 'ANTENNA' AND 'MAST'

18.1 Ms O'Sullivan on behalf of the Queenstown Airport Corporation (433)¹⁴ outlines concerns in relation to Rules 30.4.41 – 30.4.53 of Chapter 30 – Energy & Utilities and the recommended definitions of 'antenna' and 'mast'. Ms O'Sullivan states that as drafted, these two definitions constrain these rules to telecommunication activities only and do not address radio communications, navigation or meteorological activities despite the heading of the rule table suggesting otherwise.

18.2 In my Summary of Evidence presented to the Panel, I responded to the relief sought by Ms O'Sullivan agreeing that changing the definitions of 'antenna' and 'mast' to widen the application of them would be beneficial, however that I could not find any scope through submissions to do this. At the hearing, the Panel suggested consideration of a more generalised definition of both terms to specify the transmission or receipt of radio waves.

18.3 In considering this suggestion, I consider that this amendment to each of the definitions would address the problem outlined by Ms O'Sullivan in relation to Rules 30.4.41 – 30.4.53 of Chapter 30. However, I again find that there is no scope through submissions to recommend this change and have therefore not included it in **Appendix 1**.

14 In paragraphs 2.20 – 2.25 of her tabled evidence.

19. 'COMMUNITY ACTIVITY'

19.1 Mr O'Flaherty tabled further information in support of the New Zealand Police (57) request to amend the definition of 'community activity' to incorporate 'police purposes' rather than 'police stations'.

19.2 Although Chapter 2 does not apply to Chapter 37 – Designations (unless specifically stated within the designation) and Mr O'Flaherty references the New Zealand Police designations, based on the additional information supplied by Mr O'Flaherty, I see merit in amending the definition of 'community activity' as requested, as there may be a time when the NZ Police seek resource consent for a 'community activity' for police purposes on land which is not designated. I have recommended this change in **Appendix 1**.

19.3 The Panel also queried why the definition of 'community activity' excludes 'recreational activities'. 'Recreational activities' are defined within the chapter as follows:

Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.

19.4 The Panel raises a valid point and I note that Council aquatic facilities or indoor courts could be captured by this exclusion. However these by their nature would be a facility open to the public for health, education and wellbeing. There is no scope provided through submissions to address this matter. Consequently, I have not made any amendments to the definition.

20. 'CLEANFILL' AND 'CLEANFILL FACILITY'

20.1 In my s42A report¹⁵ I recommended as a result of the Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd (**Z Energy**) (768) submission that the definition of 'earthworks' be amended to be the same as that introduced into the ODP by Plan Change 49 (**PC49**). Further, due to

15 Section 42A Report for Chapter 2 Definitions, at paragraph 24.6.

the definition of 'earthworks' including the terms 'cleanfill' and 'cleanfill facility' and there being no corresponding definitions proposed within the PDP, I recommended that the PC49 definitions of these two terms be included in Chapter 2 also.

20.2 Mr Laurensen in his tabled statement on behalf of these submitters has identified that the PC49 definitions of 'cleanfill' and 'cleanfill facility' are a *'significant departure from established definitions of comparable terms'* and details the definitions of these terms provided within the Ministry for the Environment's (MfE) Guide to the Management of Cleanfills (2002).

20.3 Upon reviewing the definitions provided by Mr Laurensen and also other similar definitions used for these terms, I agree that the PC49 definitions, particularly that of 'cleanfill' should be expanded upon further. Notwithstanding, I do not consider that the original submission by the above oil companies, nor the submission by H W Richardson Group (252)¹⁶ provides the scope to introduce the MfE definitions.

20.4 I note that the Earthworks chapter will be included within Stage 2 of the District Plan review and that this would be the best time for consideration of the definitions of 'cleanfill' and 'cleanfill facility' to be undertaken. As such, I no longer recommend definitions of 'cleanfill' and 'cleanfill facility' be included within Chapter 2 at this time. I do not consider that that this will raise any significant issues in the interim as reference to 'cleanfill' and 'cleanfill facility' are not included within any of the right of reply versions of the Stage 1 chapters. This change is shown in **Appendix 1**.

21. 'MINOR UPGRADING'

21.1 Ms Bould on behalf of Transpower New Zealand Limited (805) (**Transpower**) tabled evidence repeating and referencing Ms McLeod's evidence on behalf of the submitter for Chapter 30, requesting that the definition of 'minor upgrading' include a 15% increase to the height of support structures.

¹⁶ Submitter sought the PC49 definition of 'cleanfill' be included within Chapter 2.

21.2 Mr Barr in his Right of Reply¹⁷ for Chapter 30 addressed a similar relief to that outlined by Ms Bould. Notwithstanding this, I do not support the amendment sought, primarily as judging compliance would be very difficult. Furthermore, the relief sought could allow significant increases to the height of support structures undertaken incrementally over time as a permitted activity, without the potential effects being considered. Accordingly, I do not support the relief sought.

21.3 Ms Black on behalf of Real Journey's Limited (621) and Te Anau Developments Limited (607) presented evidence to the Panel seeking that the definition of 'minor upgrading' be expanded upon to enable minor changes to private infrastructure without the need to go through a resource consent process. I note that the requested relief goes beyond just a change to the definition as it would also require that corresponding rules be inserted into the relevant chapters. Ms Jones in her s42A report on Chapter 12 – Queenstown Town Centre addressed the submitter's relief in this regard and none of her recommendations give rise to the need to update the subject definition. As such, I do not recommend any further changes to the definition.

22. EARTHWORKS WITHIN THE NATIONAL GRID YARD

22.1 Ms Bould also reiterates Ms McLeod's evidence on behalf of Transpower (805) seeking a new definition of 'Earthworks within the National Grid Yard'. I understand that the primary issue the submitter has with the current recommended PDP provisions is in relation to earthworks undertaken for activities that are not captured by the definition of 'structure', such as tree planting. Upon reviewing the rules recommended by Mr Barr in Chapter 30,¹⁸ I note that Rule 30.4.30.6 specifically excludes earthworks undertaken as part of agricultural activities or domestic gardening. As a result, the requested new definition (or an amendment to the definition of 'earthworks') would not provide the relief sought by the submitter and

¹⁷ Reply of Craig Barr for Chapter 30 Energy and Utilities dated 22 September 2016, at paragraphs 16.3 – 16.4.

¹⁸ Rule 30.4.30.

would be inconsistent with the rules being recommended by Mr Barr in Chapter 30.

22.2 Transpower's submission was also considered by Mr Barr in Chapter 30 and Ms McLeod's evidence was also heard on this matter, which included the suggested new definition. I consider that the Hearings Panel for Chapter 30 has already been provided with sufficient evidence to make a recommendation on this requested definition and therefore I do not make any further recommendations on this matter.

23. 'TRADE SUPPLIER' AND 'RETAIL'

23.1 Ms Bowbyes in her evidence relating to Chapter 16 – Business Mixed Use zone recommended two new definitions be included, one of 'trade supplier' and the other of 'building supplier' (which is a subset of 'trade supplier'). I supported these recommended definitions and incorporated them into the Appendix 1 to my s42A report.

23.2 Since this time, I have also considered the pre-lodged evidence, the evidence presented at the hearing and the Memorandum of Counsel on behalf of Bunnings Limited (746), which originally sought a change to the definition of 'retail', however later changed this to an amendment to the definition of 'trade supplier'. I consider that a 'trade supplier' such as Bunnings should be included within the definition of 'retail' as their primary function is for the sale of goods from the site. Consequently, I do not support the submitter's earlier submission that 'trade suppliers' should be expressly excluded from the definition of 'retail'.

23.3 The relief now sought by Bunnings in their Memorandum of Counsel is to amend the definition of Trade Supplier as follows (addition shown as underline and deletion shown as ~~striketrough~~):

'Means a business engaged in sales to businesses and institutional customers and may also include sales to the general public, and ~~wholly~~ consists of suppliers of goods in one or more of the following categories:

- *automotive and marine suppliers;*
- *building suppliers;*

- *catering equipment suppliers;*
- *farming and agricultural suppliers;*
- *garden and patio suppliers*
- *hire services (except hire or loan of books, video, DVD and other similar home entertainment items);*
- *industrial clothing and safety equipment suppliers; and*
- *office furniture, equipment and systems suppliers.*

Trade Suppliers are to be treated in the Plan as both retail and industrial activities, unless Trade Suppliers are otherwise specifically provided for.'

- 23.4** Whilst I support the deletion of the word 'wholly' in order to allow for some flexibility in the definition, I do not support the remainder of the relief sought. I consider that the addition of the last sentence into the definition is pre-empting the notification of the Stage 2 Industrial chapter and any other chapter that may be suitable for a trade supplier, such as Three Parks.
- 23.5** Chapter 16 – Business Mixed Use zone specifically provides for 'trade suppliers' and therefore does not require the above amendment to the definition. Should Council in its preparation of the Industrial zone chapter (and any other applicable chapters) also consider that 'trade suppliers' are suitable within this zone (depending upon industrial land supply, potential effects and other relevant factors), I consider that the same approach should occur. A zone by zone bespoke approach would deliver a more certain outcome to both Bunnings Ltd and the community.
- 23.6** I also consider that the catch all suggested by Bunnings Ltd would possibly create uncertainty given that two or three land uses would apply to the activity and therefore assessments for car parking (and the like) could be confusing.
- 23.7** Overall, I do not support the relief sought by Bunnings Limited in relation to the definitions of 'retail' and 'trade supplier', however I acknowledge that the 'trade suppliers' definition is in need of further

consideration in the formulation of the zoning provisions as part of Stage 2.

24. 'PASSENGER LIFT SYSTEM'

24.1 I understand that the Panel questioned Mr Williams, who presented evidence on behalf of Queenstown Park Limited and Remarkables Park Limited, in relation to the definition of 'passenger lift system' and whether the definition should be confined to only transporting passengers within or to a Ski Area Sub-Zone. I understand the Panel's query to be in the context of the likes of Skyline Gondola, which exists in Queenstown and is not associated with a ski area sub-zone, and the numerous smaller examples of 'passenger lift systems' in Wellington, which are used to service individual properties due to the constraints provided by topography.

24.2 In considering the Panel's questions, I note that the definition has been recommended by Mr Barr as part of his Chapter 21 in response to the Mount Cardrona Station Limited (407) submission and that the scope of this submission (and others seeking similar relief) was with respect to integration between ski area sub-zones and nearby urban and resort zones. I am unaware of any other submissions that have been received requesting a definition of a similar system not in the context of the Ski Area Sub-Zones, and therefore do not consider that there is scope to make this change. Furthermore, rules and standards for 'passenger lift systems' have not been included within zone chapters other than Chapter 21 – Rural, which is where the Ski Area Sub-Zone rules are situated. Consequently, without additional provisions the change to the definition is not considered necessary.

25. 'VISITOR ACCOMMODTION'

25.1 In relation to the recommended definition of 'visitor accommodation', the Panel questioned the intention of adding '*and others of a similar scale and nature*' into the definition in reference to centralised services or facilities, given that these facilities can range widely in scale from bathrooms to conference rooms to golf courses. I accept this and note that the words '*similar scale*' add little to the description

of the activity. Consequently, I recommend deletion of the reference to scale in **Appendix 1**.

25.2 A limit on the size or proportion of these centralised services or facilities in relation to the visitor accommodation overall may be beneficial to ensure these are ancillary to the predominant visitor accommodation use, However this would be tantamount to a rule that should be included within the applicable zone chapters and not inserted into the definition. Further consideration of this issue should be undertaken as part of the visitor accommodation work being undertaken as part of Stage 2.

25.3 I also recommend a further amendment to the 'visitor accommodation' definition to bring the primary role of the services and facilities being for guests of the visitor accommodation to the forefront. I have included this change in **Appendix 1**.

26. ABBREVIATIONS

26.1 I have recommended deletion of the acronyms 'ODP' and 'PDP' in **Appendix 1** on the basis that these terms represent the phases in the current plan making process rather than the interpretation of any plan provisions.

27. CONCLUSION

27.1 Overall, I consider that the recommended changes provide greater clarity and will inform the consistent interpretation of the PDP provisions. I therefore consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Amanda Jane Leith

27 March 2017

APPENDIX 1
REVISED DEFINITIONS CHAPTER 2

DEFINITIONS 2

Key:

Recommended changes to the notified chapter are shown in red underlined text for additions and ~~red strike through text~~ for deletions, Appendix 1 to Right of Reply dated 27 March 2017.

Recommended changes to the notified chapter are shown in blue underlined text for additions and ~~blue strike through text~~ for deletions, Appendix 1 to Summary of Evidence dated 13 March 2017.

The changes recommended by other planners in their right of replies on the chapters which have already been before the Hearings Panel are shown in green underlined text for additions and ~~green strike through~~ for deletions.

Recommended changes to the notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to section 42A report dated 15 February 2017.

Definitions

2.1 Definitions

Notes

- ~~Unless the context otherwise requires, if~~ the definitions in this chapter apply throughout the Plan whenever the defined term is used with the exception of Chapter 37 – Designations, unless the designation specifically states that a Chapter 2 definition applies.
- In this Plan where a word or phrase has been expressly defined, the definition has primacy over other definitions elsewhere. However, where a term is not defined within the Plan, reliance will be placed upon the Resource Management Act 1991 definition where there is such a definition. ~~Otherwise, the ordinary dictionary meaning shall apply taking into account the purpose of the Resource Management Act 1991 and any relevant objectives and policies in the Plan.~~
- Where a definition includes reference to another defined term in this chapter, this definition should be relied upon in the interpretation of the first definition.
- Where a word or phrase is defined in this chapter, its definition includes any variations of the word or phrase that are singular or plural or singular version of the word.
- Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition.
- Definitions are also provided within Chapter 5: Tangata Whenua (glossary). These defined terms are to be applied across the entire Plan and supplement the definitions within this Chapter.
- Further definitions are provided within Chapter 26: Historic Heritage (terms used in this chapter). These definitions apply only to Chapter 26.
- Where a definition title is followed by a zone or specific notation, the application of the definition shall only be limited to the specific zone or scenario described.

Comment [a1]: Clarification

Comment [a2]: Clarification

Comment [a3]: Clarification

Comment [a4]: Clarification – copied from 1.6.5 in Chapter 1 - Introduction

Comment [a5]: 768

Comment [a6]: Clarification

Comment [a7]: Clarification

Comment [a8]: 836

Comment [a9]: These definitions are now recommended to be within Chapter 2

Comment [a10]: Clarification

Access

Means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property as defined in section 2 of the Unit Titles Act 2010.

Comment [a11]: The definition of 'common property' from the Unit Titles Act has been inserted below

DEFINITIONS 2

Access Leg	In relation to a rear lot or rear site, m Means the strip of land, which is included in the ownership of that lot or site, and which provides the legal, physical access from the frontage legal road to the net area of the lot or site.
Access Lot	Means a lot which provides the legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy in common in the same ownership as the lot(s) to which it provides legal access.
Accessory Building	In relation to any site m Means any detached building the use of which is incidental to the principal building, use or activity on that site, and for residential activities includes a sleep out, garage or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any garage or carport which is attached to or a part of any building shall be deemed to be an accessory building.
Accessway	Means pedestrian access as defined in section 315 of the Local Government Act 1974. Means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve.
Act	Means the Resource Management Act 1991.
Activity Sensitive To Aircraft Noise (ASAN) / Activities sensitive to road noise	Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility activity , but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Activity Sensitive To Aircraft Noise (ASAN) Wanaka	Means any residential activity, visitor accommodation activity, community activity and day care facility activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Adjoining Land	In relation to subdivision, land shall be deemed to be adjoining other land, notwithstanding that it is separated from the other land only by a road, railway, drain, water race, river or stream.
Aerodrome	Means a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.
Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.
Aircraft Operations	Includes Means the operation of aircraft during landing, take-off and taxiing but excludes: <ul style="list-style-type: none"> • aircraft operating in an emergency; • aircraft using the Airport as an alternative to landing at a scheduled airport;

Comment [a12]: Unnecessary definition as not included within Stage 1 chapters

Comment [a13]: No longer recommended to be deleted as this term is frequently used on survey plan therefore a definition of this is necessary

Comment [a14]: Copied from s315 of the Local Government Act 1974 for clarification

Comment [a16]: Change reflects recommendation to delete 'definition of 'community facility in Chapter 7 ROR

Comment [a15]: Recommended amendment in Chapters 7 - Low Density Residential and 9 - High Density Residential

Comment [a17]: Recommended deletion in Chapter 17 Airport Zone

Comment [a18]: Recommended amendment in Chapter 17 – Airport Zone

DEFINITIONS 2

	<ul style="list-style-type: none"> • military aircraft movements; and • engine testing.
Air Noise Boundary	<p>Means a boundary, the location of which is based on predicted day/night sound levels of Ldn 65 dBA from future airport operations. The location of the boundary is shown on the District Plan Maps.</p>
Air Noise Boundary Queenstown (ANB)	<p>Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB Ldn from airport operations in 2037.</p>
Airport Activity	<p>Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:</p> <ul style="list-style-type: none"> • aircraft operations, which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, • aircraft servicing, general aviation, airport or aircraft training facilities and associated offices. • Rrunways, taxiways, aprons, and other aircraft movement areas. • Terminal buildings, hangars, control towers, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, and facilities for the handling and storage of hazardous substances, and associated offices.
Airport Operator	<p>Means the person or body that has the necessary statutory authority for the establishment, maintenance, operation or management of the airport.</p>
Airport Related Activity	<p>Means an ancillary activity or service that provides support to the airport. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • land transport activities, • buildings and structures, • servicing and infrastructure, • police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose, • retail and commercial services, and industry and visitor accommodation associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses. • catering facilities • quarantine and incineration facilities • border control and immigration facilities • administrative offices (provided they are ancillary to an Aairport or Aairport Rrelated Aactivity). • farming activities.

Comment [a19]: Recommended deletion in Chapter 17 – Airport zone

Comment [a20]: Recommended amendment in Chapter 17 – Airport zone

Comment [a21]: Unnecessary definition as not included within Stage 1 chapters

Comment [a22]: Recommended amendment in Chapter 17 – Airport zone

DEFINITIONS 2

All Weather Standard	Means a pavement which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate and is usable by motor vehicles under all weather conditions, and includes metalled and sealed surfaces.
Amenity Or Amenity Values	Has the same meaning as defined in section 2 of the Act for amenity values. <u>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.</u>
Amenity Tree Planting	Means the planting of trees in the immediate vicinity of buildings.
Amenity Vegetation	Means vegetation, including trees, in the immediate vicinity of buildings.
Antenna	Means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.
Archaeological Site <u>(For the purpose of Chapter 26 only)</u>	<u>Means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014:</u> <ul style="list-style-type: none"> • <u>Any place in New Zealand, including any building or structure (or part of a building or structure), that –</u> <ul style="list-style-type: none"> ○ <u>Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u> ○ <u>Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u> • <u>Includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.</u>
Area Median Income (AMI)	Means the median household income for the Queenstown Lakes District as published by Statistics New Zealand following each census, and adjusted annually by the Consumer Price Index (CPI).
Automotive and Marine Supplier <u>(Three Parks and Industrial B Zones)</u>	Means a business primarily engaged in selling automotive vehicles, marine craft, accessories to and parts for such vehicles and craft, and without limiting the generality of this term, includes suppliers of: <ul style="list-style-type: none"> • <u>boats and boating accessories;</u> • <u>cars and motor cycles;</u> • <u>auto parts and accessories;</u> • <u>trailers and caravans; and</u> • <u>tyres and batteries.</u>
Back Lane Site <u>(Three Parks Zone)</u>	Means a site that gains vehicular access via a private back lane, as opposed to directly off the street, where the back lane is between 5m and 6m in width;
Backpacker Hostel	Means visitor accommodation where rooms and other facilities are shared by more than one person and beds are let as distinct from guest rooms.
Balcony	Means a floor at other than ground level having at least one side completely open except for a balustrade of a maximum height of 1.2m above balcony floor level. The balcony may be roofed and shall have direct access to the

Comment [a23]: Definition now recommended to be retained in chapter

Comment [a24]: No longer recommended to be deleted

Comment [a25]: Copied from Section 2 of the RMA for clarification

Comment [a26]: Unnecessary definition as not included within Stage 1 chapters

Comment [a27]: Unnecessary definition as not included within Stage 1 chapters

Comment [a28]: Transferred from Chapter 26

Comment [a29]: Unnecessary definition as not included within Stage 1 chapters

Comment [a30]: Unnecessary definition as not included within Stage 1 chapters

Comment [a31]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	residential unit it serves.
Bar (Hotel or Tavern)	In relation to any hotel or tavern, means any part of the hotel or tavern which is used principally for the sale, supply or consumption of liquor on the premises. Bar area shall exclude areas used for storage, toilets or like facilities and space.
Biodiversity Offsets	<u>Means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.</u>
Biomass Electricity Generation	Means electricity generation derived from biomass systems being recently living organisms such as wood, wood waste, by-products of agricultural processes and waste).
Block Plans (Three Parks Zone)	A comprehensive plan covering at least one street block which shows how all the land will be developed and which includes fixed lot boundaries and building platforms, building typologies including elevations, the outdoor living spaces, and the location, design, and dimensions of carparking, driveways, and accessways.
Boat	Means any vessel, appliance or equipment used or designed to be used for flotation and navigation on or through the surface of water, other than a wetsuit or life-jacket, and includes any aircraft whilst such aircraft is on the surface of the water. Craft or boating craft shall have the same meaning. Boating activities shall mean activities involving the use of boats on the surface of water.
Boundary	Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary. Note: also see definitions of INTERNAL BOUNDARY and ROAD BOUNDARY.
Boundary Fencing	In the Mount Cardrona Station Special Zone means any fence that is located on or near the site boundary, and which demarcates the boundary of the private allotment from surrounding sites and public spaces.
Building	Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004: <ul style="list-style-type: none"> • Fences and walls not exceeding 2m in height. • Retaining walls that support no more than 2 vertical metres of earthworks. • Structures less than 5m² in area and in addition less than 2m in height above ground level. • Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level. • Uncovered terraces or decks that are no greater than 1m above ground level. • The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race.

Comment [a32]: Unnecessary definition as not included within Stage 1 chapters

Comment [a33]: Recommended new definition in Chapter 33 - Indigenous Vegetation & Biodiversity

Comment [a34]: Unnecessary definition as not included within Stage 1 chapters

Comment [a35]: Non substantive amendment

Comment [a36]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<ul style="list-style-type: none"> • Flagpoles not exceeding 7m in height. • Building profile poles, required as part of the notification of Resource Consent applications. • Public outdoor art installations sited on Council-owned land. • Pergolas less than 2.5 metres in height either attached or detached to a building. • <u>Sshipping containers temporarily located on a site for a period less than 2 months.</u> <p>Notwithstanding the definition set out in the Building Act 2004, <u>and the above exemptions</u> a building shall include:</p> <ul style="list-style-type: none"> • Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for <u>a residential accommodation unit</u> for a period exceeding 2 months.
Building (Remarkables Park Zone)	Includes any vertical element of a building (excluding fences) which is separately identifiable by either height or bulk or form or external architectural design or roof form (“Discrete Building Component”).
Building Coverage	<p>Means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Building Ccoverage shall only apply to buildings at ground, or above ground level. The following shall not be included in Building Ccoverage:</p> <ul style="list-style-type: none"> • Pergolas • That part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall. • Uncovered terraces or decks which are not more than 1m above ground level. • Uncovered swimming pools no higher than 1m above ground level. • Fences, walls and retaining walls. • Driveways and outdoor paved surfaces.
Building Line Restriction	<p>Means a restriction imposed on a site to ensure when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.</p>
Building Supplier (Three Parks and Industrial B Zones)	<p>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 suppliers of:</p> <p>glaziers;</p> <p>locksmiths; and</p> <p>suppliers of:</p>

Comment [a37]: Recommended amendment in Chapter 35-Temporary Activities & Relocated Buildings

Comment [a38]: Unnecessary definition as not included within Stage 1 chapters

Comment [a39]: Recommended amendment in Chapter 16 – Business Mixed Use Zone

DEFINITIONS 2

	<ul style="list-style-type: none"> • <u>glazing</u> • awnings and window coverings; • bathroom, toilet and sauna installations; • electrical materials and plumbing supplies; • heating, cooling and ventilation installations; • kitchen and laundry installations, excluding standalone appliances; • paint, varnish and wall coverings; • permanent floor coverings; • power tools and equipment; • <u>locks, safes</u> and security installations; and • timber and building materials.
Bus Shelters (Mount Cardrona Station Special Zone)	In the Mount Cardrona Station Special Zone means buildings providing shelter for passengers using bus services.
Camping Ground	Means camping ground as defined in the Camping Ground Regulations 1985. Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.
Carriageway	Means the portion of a road devoted particularly to the use of motor vehicles.
Cleanfill	Means asphalt (cured), bricks, ceramics, concrete, fibre cement building products, glass, road sub-base, soils, rock, gravel and clay.
Cleanfill Facility	Means a site used solely for the disposal of cleanfill. A cleanfill facility may include stockpiling, landscaping and rehabilitation works.
Clearance Of Vegetation (Includes Indigenous Vegetation)	Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, <u>soil disturbance including direct drilling</u> , spraying with herbicide or burning. Clearance of vegetation includes, the deliberate application of water where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.
Commercial	Means involving payment, exchange or other consideration.
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor

Comment [a40]: Non-substantive amendments

Comment [a41]: Unnecessary definition as not included within Stage 1 chapters

Comment [a42]: Definition copied from the Camping Ground Regulations 1985.

Comment [a43]: 252

Comment [a44]: Definition no longer recommended to be inserted into the PDP

Comment [a45]: 768

Comment [a46]: Definition no longer recommended to be inserted into the PDP

Comment [a47]: Recommended amendment in Chapter 33-Indigenous Vegetation & Biodiversity

DEFINITIONS 2

	vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.
Commercial Livestock	Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.
Commercial Recreational Activities	Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.
Common Property	<p><u>Means:</u></p> <p>(a) <u>all the land and associated fixtures that are part of the unit title development but are not contained in a principal unit, accessory unit, or future development unit; and</u></p> <p>(b) <u>in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit</u></p>
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes <u>schools day care facilities, education activities,</u> hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police <u>purposes stations,</u> fire stations, courthouses, probation and detention centres, government and local government offices.
Community Facility	<u>In relation to a community facility sub-zone means the use of land and/or buildings for Health Care services, Hospital activities, ambulance facilities, elderly person housing and carparking and residential accommodation ancillary to any of these activities.</u>
Community Housing	Means <u>Residential Activity</u> that maintains long term affordability for existing and future generations through the use of a <u>Retention Mechanism</u> , and whose cost to rent or own is within the reasonable means of low and moderate income households.
Comprehensive Development <u>(For the purpose of Chapters 12 and 13 only)</u>	<u>Means the construction of a building or buildings on a site or across a number of sites with a total land area greater than 1400m².</u>
Comprehensive Residential Development	Means a comprehensively planned and designed collection of two or more Residential units where: <ul style="list-style-type: none"> (a) <u>the building and subdivision consents are submitted concurrently;</u> (b) <u>the net area for a residential unit is less than 450m²</u> (c) <u>the net area of the site containing all residential units is 2000m² or larger.</u>
Condominiums	<u>Means residential units build in groups so as to achieve high density development of land, often on multiple levels.</u>
Contributory Buildings	<u>Means buildings that contribute to the significance of a heritage precinct but may not be worthy of individual protection. They may contain significant heritage fabric, architecture or positioning that adds value to the precinct.</u>

Comment [a48]: Subsequent new definition as a result of modification of definition of 'access'

Comment [a49]: Recommended amendment in Chapter 7-Low Density Residential

Comment [a50]: 57

Comment [a51]: Recommended deletion in Chapter 7-Low Density Residential

Comment [a52]: Transferred from Chapters 12 and 13

Comment [a53]: Unnecessary definition as not included within Stage 1 chapters

Comment [a54]: Unnecessary definition as not included within Stage 1 chapters

Comment [a55]: Transferred from Chapter 26

DEFINITIONS 2

<u>(For the purpose of Chapter 26 only)</u>	
Council	Means the Queenstown-Lakes District Council or any Committee, Sub-Committee, Community Board, Commissioner or person to whom any of the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Act. District council shall have the same meaning.
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical <u>living listening</u> environments.
Day Care Facility	Means land and/or buildings used for the care during the day of elderly persons with disabilities and/or children, other than those residing on the site.
Development (Financial Contributions)	<p style="color: red;">For the purpose of determining financial contributions development m Means development or re-development of the site and includes the construction, erection, establishment or alteration of any building, and the following:</p> <ul style="list-style-type: none"> • Any earthworks, filling or reclamation of land, or the making of any retaining walls or other works relating to that earthworks, filling or reclamation. • The provision for or installation of any mode of transport including any railway or tramway relating to any such construction or erection, establishment or alteration. <p style="color: red;">Excludes any utility, the construction or alteration of any pipeline or associated works on land that is not otherwise subject to development.</p>
Design Review Board	In the Mount Cardrona Station Special Zone means a panel of at least four members who assess the design of subdivisions and buildings, who are agreed to by the Council and the developer and who are qualified in the following professions: landscape architecture, architecture, resource management planning, urban design.
Design Sound Level	Means 40 dB Ldn in all Critical Listening Environments.
District	Means Queenstown – Lakes District
Domestic Livestock	<p>Means the keeping of livestock bred, reared and/or kept on a property, excluding that which is for the purpose of commercial gain.</p> <ul style="list-style-type: none"> • In all Zones, other than the Rural <u>General</u>, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry <u>per site</u>, and does not include adult roosters <u>or peacocks</u>; and • In the Rural <u>General</u>, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a <u>site property in a Rural Zone</u> for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster <u>and peacock</u> per site. <p>Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock and a farming activity <u>as defined by the Plan</u>.</p>
Dwelling	See definition of <u>RESIDENTIAL UNIT</u> .

Comment [a56]: 433

Comment [a57]: Term not used within any of the Stage 1 chapters

Comment [a58]: Unnecessary definition as not included within Stage 1 chapters

Comment [a59]: 243

Comment [a60]: Clarification

Comment [a61]: 836

Comment [a62]: 836

Comment [a63]: Clarification

Comment [a64]: 836

Comment [a65]: Clarification

Comment [a66]: 836

Comment [a67]: 836

Comment [a68]: Recommended deletion in Chapter 7-Low Density Residential

DEFINITIONS 2

Earthworks	<p>Means the disturbance of land surfaces by the removal or depositing of material.</p> <p>Earthworks includes excavation, filling, cuts, batters and or the formation of roads, access banks, and tracks and the use of cleanfill but earthworks does not include:</p> <ul style="list-style-type: none"> • Excludes the cultivation of land, planting of vegetation including trees. • mining activities. • cleanfill facilities. • removal or deposition of material associated with new fence lines in the Rural zone, for farming uses only, where any cut or fill does not exceed 1 metre in height and 1 metre in width. <p>and the digging of holes for ofal pits and the erection of posts or poles or the planting of trees.</p>
Ecosystem Services	<p>Are Means the resources and processes the environment provides that people benefit from (for example e.g purification of water and air, pollination of plants and decomposition of waste).</p>
Educational Facility	<p>Means land and/or buildings used for the provisions of regular instruction or training and includes their ancillary administrative, cultural and commercial facilities.</p>
Education Activity	<p>Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education. It also includes and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>
Elderly Persons Housing Unit	<p>Means one of a group of residential units developed solely for the accommodation of elderly persons, and where not owned by the Crown or a local authority, is encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is limited to elderly persons.</p>
Electricity Distribution Corridor	<p>Means the area located 10 metres either side of the centreline of any overhead Electricity Distribution line identified on the Planning Maps (as shown in blue in the diagram below).</p> <p>Distances from Electricity Distribution Lines are to be measured from a point directly below the centreline of the line or cluster of lines, as shown in the diagram below.</p> <div style="text-align: center;"> </div>

Comment [a69]: 768

Comment [a70]: Non-substantive punctuation amendment

Comment [a71]: Recommended deletion in Chapter 7-Low Density Residential

Comment [a72]: Grammatical amendment

Comment [a73]: Recommended new definition from Chapter 7-Low Density Residential

Comment [a74]: Unnecessary definition as not included within Stage 1 chapters

Comment [a75]: Recommended new definition from Chapter 30-Energy and Utilities

DEFINITIONS 2

<p>Electricity Distribution Lines</p>	<p>Means the conveyance of electricity operating at 11kV from the Camphill Road Substation to Makarora, 22kV, 33kV and 66kV lines and cables (overhead and underground), support structures and substations operated by a Network Utility Operator.</p> <p>Advice note: Only the National Grid and Electricity Distribution lines are identified on the planning maps, however, works in close proximity to all electric lines can be dangerous. Compliance with NZECP 34:2001 is mandatory for buildings, earthworks, and when using machinery or equipment within close proximity to any electric lines.</p>
<p>Energy Activities</p>	<p>Means activities involved in the generation of energy including the following:</p> <ul style="list-style-type: none"> • Ssmall and Ccommunity Sscale Ddistributed Eelectricity Generation and Ssolar Wwater Hheating • Rrenewable Eelectricity Generation • Nnon-renewable Eelectricity Generation • Wwind Eelectricity Generation • Ssolar Eelectricity Generation • Sstand-alone Ppower Systems (SAPS) • Bbiomass Eelectricity Generation • Hhydro Generation Aactivity • Mini and Micro Hhydro Eelectricity Generation.
<p>Environmental Compensation</p>	<p>Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.</p>
<p>Erection of a Building</p>	<p>In relation to a subdivision means the completion of all framing, firewalls, fire ceilings and fire floors, and the affixing of all roof materials.</p>
<p>Exotic (Trees and Plants)</p>	<p>In relation to trees and plants means species which are not indigenous to that part of the New Zealand the District.</p>
<p>External Appearance (Buildings)</p>	<p>In relation to buildings means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures.</p>
<p>Factory Farming</p>	<p>Includes Means:</p> <ul style="list-style-type: none"> • The use of land and/or buildings for the production of commercial livestock where the regular feed source for such livestock is substantially provided other than from grazing the site concerned: • Bboarding of animals • Mmushroom farming
<p>Farming Activity</p>	<p>Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities.</p>
<p>Farm Building</p>	<p>Means a building (as defined) necessary for the exercise of farming activities (as defined) and excludes:</p> <ul style="list-style-type: none"> • Excludes buildings for the purposes of residential activities, home occupations, factory farming and forestry activities.

Comment [a76]: Recommended amendment in Chapter 30 – Energy & Utilities

Comment [a77]: Non-substantive amendment

Comment [a78]: Recommended new definition from Chapter 30-Energy and Utilities

Comment [a79]: Recommended new definition from Chapter 33-Indigenous Vegetation & Biodiversity

Comment [a80]: Unnecessary definition as not included within Stage 1 chapters

Comment [a81]: Clarification

DEFINITIONS 2

	<ul style="list-style-type: none"> Excludes visitor accommodation and temporary accommodation.
Farming and Agricultural Supplier (Three Parks and Industrial B Zones)	<p>Means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or in animal husbandry and without limiting the generality of this term, includes:</p> <ul style="list-style-type: none"> equestrian and veterinary suppliers; farming and horticultural equipment suppliers; seed and grain merchants; and stock and station outlets.
Farm Yard Car Park	<p>In the Mount Cardrona Station Special Zone means an area providing parking for adjacent residential units and secondary units, and includes all parking spaces and manoeuvre areas.</p>
Flatboard	<p>Means a portable sign that is not self-supporting.</p>
Flat site	<p>Means a <u>A flat site is where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope of less than 6 degrees (i.e equal to or less than 1 in 9.5), rules applicable to flat sites will apply.</u></p>
Flood Protection Work	<p>Means works, structures and plantings for the protection of property and people from flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, anchored trees, wire rope and other structures.</p>
Floor Area Ratio	<p><u>Floor Area Ratio is the ratio between Gross Floor Area and Site Area.</u></p>
Food and Beverage Outlet (Three Parks Zone)	<p>Means the use of land or buildings primarily for the sale of food and/or beverages prepared for immediate consumption on or off the premises to the general public. It includes restaurants, taverns, cafes and takeaway bars, and excludes supermarkets.</p>
Forestry Activity	<p>Means the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber or wood production in excess of 0.5ha in area.</p>
Formed Road	<p>Means a road with a carriageway constructed to an all-weather standard with a minimum width of 3m.</p>
Free Standing Sign	<p>Means a self-supporting sign not attached to a building and includes a sign on a fence and a sandwich board.</p>
Frontage	<p>Means the road boundary of any site.</p>
Front Site	<p>Means a site having one or more frontages to a road or private road, at least one such frontage to be not less than 6m.</p>
Full-Time Equivalent Person	<p>Means the engagement of a person or persons in an activity on a site for an average of 8 hours per day assessed over any 14 day period.</p>
Garage	<p>Is included within the meaning of residential unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items.</p>
Garden and Patio Supplier (Three Parks and	<p>Means a business primarily engaged in selling goods for permanent exterior installation or planting and without limiting the generality of this term, includes:</p>

Comment [a82]: Unnecessary definition as not included within Stage 1 chapters

Comment [a83]: Unnecessary definition as not included within Stage 1 chapters

Comment [a84]: Unnecessary definition as not included within Stage 1 chapters

Comment [a85]: Recommended new definition from Chapter 9-High Density Residential

Comment [a86]: Recommended deletion in Chapter 9-High Density Residential

Comment [a87]: Unnecessary definition as not included within Stage 1 chapters

Comment [a88]: Unnecessary definition as not included within Stage 1 chapters

Comment [a89]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

<p>Industrial B Zones)</p>	<ul style="list-style-type: none"> • garden centres; • landscape suppliers; and • suppliers of: <ul style="list-style-type: none"> bark and compost; clothes hoists and lines; conservatories, sheds and other outbuildings; fencing, gates and trellises; firewood; garden machinery; outdoor recreational fixtures and installations; monumental masonry; patio furniture and appliances; paving and paving aggregates; statuary and ornamental garden features; and swimming and spa pools
<p>Gross Floor Area (GFA)</p>	<p>Means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.</p>
<p>Ground Floor Area (For Signs)</p>	<p>Shall be measured:</p> <ul style="list-style-type: none"> • horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage. • vertically by the height from the surface of the road, footpath, access way or service lane or as the case may be to the point at which the verandah, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less.
<p>Ground Level</p>	<p>Ground Level means:</p> <p>The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 "ground level" means the finished surface of the ground following completion of works associated with the most recently completed subdivision.</p> <ul style="list-style-type: none"> • "Earthworks" has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past. • "Completed subdivision" means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued. • "Earthworks carried out as part of a subdivision" does not include

Comment [a90]: Unnecessary definition as not included within Stage 1 chapters

Comment [a91]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<p><u>earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent after 29 April 2016.</u></p> <ul style="list-style-type: none"> • <u>Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history.</u> • <u>Changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site.</u> • <u>Subdivision that does not involve earthworks has no effect on “ground level”.</u> <p>Notes</p> <ul style="list-style-type: none"> • <u>See interpretive diagrams in the definition of BUILDING HEIGHT Height.</u> • Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history. • Changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site. • Subdivision that does not involve earthworks has no effect on “ground level”. • <u>Special height rules apply in the Queenstown Town Centre, where “metres above sealevel” is used. “Original ground level” This is not affected by the definition of “ground level” above, which applies elsewhere.</u> <p>This definition does not affect or supersede the definition of “Ground Level” for the Remarkables Park Zone or the Industrial B Zone (Connell Terrace Precinct).</p>
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Comment [a92]: 836

Comment [a93]: Relocation from 'Notes' – non-substantive change

Comment [a94]: Non-substantive amendment

Comment [a95]: Relocated to above the word 'Notes'

Comment [a96]: Non-substantive amendment

Comment [a97]: Numbering changed to bullet points

Comment [a98]: Not applicable to the Stage 1 chapters

DEFINITIONS 2

Ground Level (Remarkables Park Zone)	<p>Means the actual ground level being either:</p> <p>(i) the ground level shown on the Remarkables Park Zone Survey Contour Plan dated 31st July 2004;</p> <p>or</p> <p>(ii) the ground level shown on the contour plan (certified by a Registered Surveyor) approved by the first implemented resource consent to recontour that land after 31 July 2004.</p> <p>Excluding any excavation carried out for basements or underground car parks for buildings.</p> <p>With respect to buildings:</p> <p>“Ground level” shall be calculated:</p> <p>(i) at the external walls of each discrete building component (excluding basement accessways), and</p> <p>(ii) as either average or rolling ground levels where:</p> <ul style="list-style-type: none"> • “Average ground level” means the horizontal average of the ground level measured at one metre intervals. • “Rolling ground level” means the ground level at any given point on a plane extended across the coverage of buildings.
Habitable Space (Three Parks Zone)	Means any internal space within a building, other than garages, bathrooms, laundries, or storage (including wardrobes);
Handicrafts	Means goods produced by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Hapu	Means sub-tribe.
Hard Surfacing	<p>In relation to any site Means any part of that site which is impermeable and includes:</p> <ul style="list-style-type: none"> • Concrete, bitumen or similar driveways, paths or other areas paved with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; or hardfill driveways that effectively put a physical barrier on the surface of any part of a site. • Any area used for parking, manoeuvring, access or loading of motor vehicles. • Any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks. <p>The following shall not be included in hard surfacing:</p> <ul style="list-style-type: none"> • Paths of less than 1m in width. • Shade houses, glasshouses and tunnel houses not having solid floors.
Hazardous Substance	<p>Means any substance with one or more of the following characteristics:</p> <p>(a) i) Explosives</p>

Comment [a99]: Unnecessary definition as not included within Stage 1 chapters

Comment [a100]: Unnecessary definition as not included within Stage 1 chapters

Comment [a101]: Recommended amendment in Chapter 17 – Airport Zone

Comment [a102]: 383

DEFINITIONS 2

	<p>ii) Flammability iii) A a capacity to oxidise iv) Corrosiveness v) Toxicity (both acute and chronic) vi) Ecotoxicity, with or without bio-accumulation; or</p> <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a to this definition.</p>
Hazardous Wastes	Means wastes of any hazardous substance(s).
Health Care Facility	Means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals but excludes facilities used for the promotion of physical fitness or beauty such as gymnasias, weight control clinics or beauticians.
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 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulation 1974).
Height (Building)	<p>In relation to a building m Means the vertical distance between ground level (as defined), unless otherwise specified in a District Plan rule, at any point and the highest part of the building immediately above that point, except that this measurement is not relevant when assessing the number of storeys in the Three Parks Zone. For the purpose of calculating height in all zones, other than in relation to assessing the number of storeys in the Three Parks Zone as specified above, account shall be taken of parapets, but not of:</p> <ul style="list-style-type: none"> • aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or building, provided that the maximum height normally permitted by the rules is not exceeded by more than 2.5m; and • chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m. <p>See interpretive diagrams below and definition of GROUND LEVEL.</p>







Comment [a103]: Unnecessary definition as not included within Stage 1 chapters

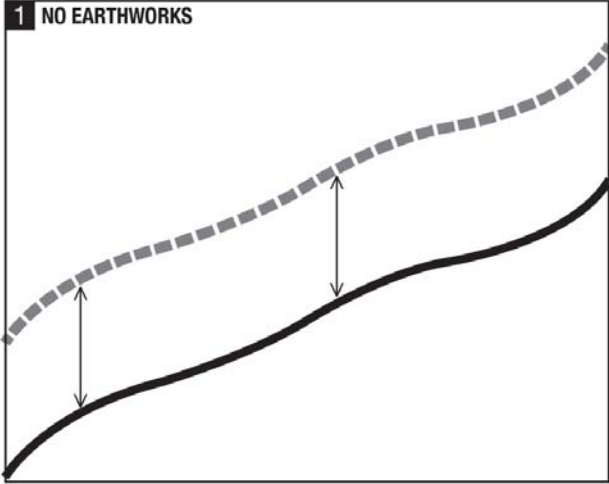
Comment [a104]: Definition now proposed to be retained within chapter

Comment [a105]: No longer recommended to be deleted

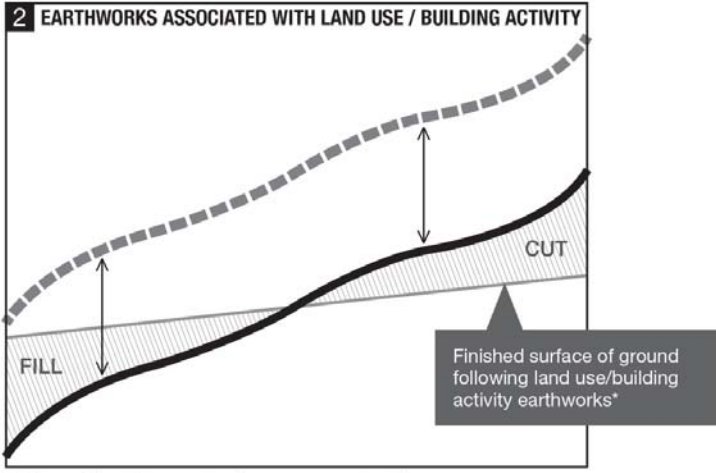
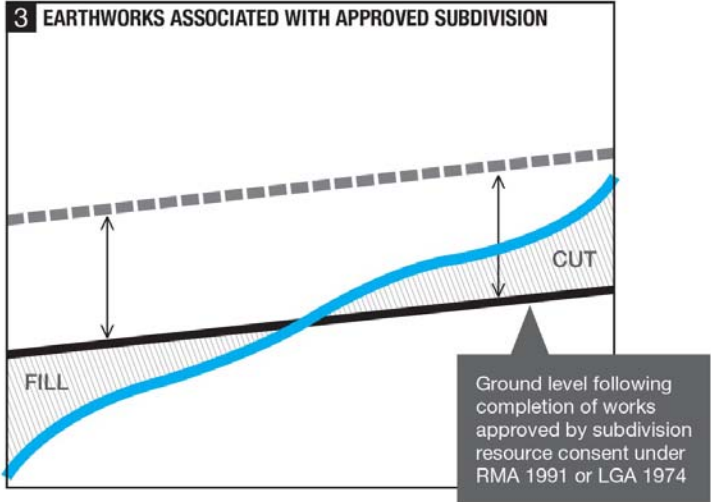
Comment [a106]: Reference to a zone not included within Stage 1

DEFINITIONS 2

-  Max height plane
-  Ground level (as per definition)
-  Fill or cut
-  Finished surface of ground
-  Max building height (as specified by zone)
e.g. 8m
-  Surface of ground prior to any earthworks on site



DEFINITIONS 2

	<p>2 EARTHWORKS ASSOCIATED WITH LAND USE / BUILDING ACTIVITY</p>  <p>*Note earthworks may require resource consent</p> <p>3 EARTHWORKS ASSOCIATED WITH APPROVED SUBDIVISION</p>  <p>Ground level following completion of works approved by subdivision resource consent under RMA 1991 or LGA 1974</p>
<p>Heritage Fabric or Characteristics</p> <p><u>(For the purpose of Chapter 26 only)</u></p>	<p>Means any physical aspect of a heritage feature, which contributes to its heritage values as assessed in accordance with the criteria provided in section 26.6.28. Where a heritage assessment exists for a feature on Council's records this will most likely provide a good indication of what constitutes the heritage fabric of that feature. Where such an assessment does not exist, heritage fabric may include but is not limited to:</p> <p>Original and later material and detailing which forms part of, or is attached to, the interior or exterior of a protected feature; The patina of age resulting from the weathering and wear of construction material over time; Fixtures and fittings that form part of the design or significance of a heritage feature, but excludes inbuilt museum and artwork exhibitions and displays.</p>
<p>Heritage Landscape</p>	<p>Means land surfaces, (which are defined by their value and significance to a group in society) that have been modified by human activity and define significant past patterns of land use, relationships and experiences of</p>

Comment [a107]: Transferred from Chapter 26

DEFINITIONS 2

	humans with their surroundings, which may include cultural, spiritual, historic, aesthetic, ecological and scientific values. Heritage landscapes may encompass natural terrain, physical structures and processes, archaeological sites or remains, pathways, habitats, the context and setting of these areas and cultural meaning (beliefs and practices, histories and myths) with elements of these overlaying one another over time.
Heritage Significance <i>(For the purpose of Chapter 26 only)</i>	Means the significance of a feature (be it Category 1, 2, or 3) as evaluated in accordance with the criteria listed in section 26.2. A reduction in heritage significance refers to whether a proposed activity would have adverse effects which would degrade the Category that has been attributed to the feature.
Historic Equipment	In the Mount Cardrona Station Special Zone means items of an historic nature that reflect the past goldmining and pastoral activities undertaken within the Cardrona Valley.
Holding	Means an area of land in one ownership and may include a number of lots and/or titles.
Home Occupation	Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay. This definition does not apply in the Three Parks Zone.
Home Occupation (Three Parks Zone)	Means the use of a site for a non-residential activity (trade, occupation, profession, or business) in addition to the use of that site for a residential activity, where the non-residential activity occupies no more than 40m² of the GFA of all buildings on the site and where at least one person engaged in the non-residential activity resides permanently on the site and no more than one full-time equivalent person engaged in the activity resides permanently off-site. Home occupations exclude the operation of any visitor accommodation activity or homestay.
Homestay	Means a residential activity where an occupied residential unit is also used by paying guests.
Hospital	Means any building in which two or more persons are maintained for the purposes of receiving medical treatment; and where there are two or more buildings in the occupation of the same person and situated on the same piece of land they shall be deemed to constitute a single building.
Hotel	Means any premises used or intended to be <u>used</u> in the course of business principally for the provision to the public of: <ul style="list-style-type: none"> • Lodging; • Liquor, meals and refreshments for consumption on the premises.
Household	Means a single individual or group of people, and their dependents who normally occupy the same primary residence.
Household Income	Means all income earned from any source, by all household members.
Hydro Generation Activity	Means activities associated with the generation of hydro electricity and includes the operation, maintenance, refurbishment, enhancement and upgrade of hydro generation facilities.
Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, <u>includes both vascular and non-vascular plants.</u>
Indoor Design Sound	Means 40 dB Ldn in all Critical Listening Environments.

Comment [a108]: Transferred from Chapter 26

Comment [a109]: Unnecessary definition as not included within Stage 1 chapters

Comment [a110]: Reference to a zone not included in Stage 1

Comment [a111]: Unnecessary definition as not included within Stage 1 chapters

Comment [a112]: 243

Comment [a113]: Recommended amendment in Chapter 33-Indigenous Vegetation & Biodiversity

DEFINITIONS 2

Level	
Industrial Activity	Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods
Informal Airport	Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. Note: This definition does not apply to excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.
Internal Boundary	Means any boundary of the net area of a site other than a road boundary. Note: also see definitions of BOUNDARY and ROAD BOUNDARY.
Iwi	Means Tribe.
Kitchen Facility	Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.
Koivi Tangata	Means unidentified human skeletal remains.
Lake	Shall have the same meaning as in the Resource Management Act 1991. Means a body of fresh water which is entirely or nearly surrounded by land.
Landfill	Means a site used for the deposit of solid wastes onto or into land.
Landmark Building (For the purposes of Chapter 12 only)	Means a building that is easily recognisable due to notable physical features, including additional height. Landmark buildings provide an external point of reference that helps orientation and navigation through the urban environment and are typically located on corners or at the termination of a visual axis.
Landscaping	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.
Landside	Means that an area of an airport and buildings to which the public has unrestricted access.
Large Format Retail (Three Parks Zone)	Any single retail tenancy which occupies more than 400m² of GFA. Refer definition of GFA
Laundry Facilities	Means facilities for the rinsing, washing and drying of clothes and household linen, and the disposal of waste water, and includes either a washing machine, tub or clothes dryer.
Licensed Premises	Means any premises or part of any premises, in which liquor may be sold pursuant to a licence, and includes any conveyance, or part of any conveyance on which liquor may be sold pursuant to the licence.
Lift Tower	Means a structure used for housing lift machinery and includes both the lift shaft and machinery room.
Liquor	Shall have the same meaning as alcohol as defined in the Sale and Supply

Comment [a114]: Non-substantive amendment

Comment [a115]: Non-substantive amendment

Comment [a116]: 383

Comment [a117]: 383

Comment [a118]: Copies from the RMA

Comment [a119]: Transferred from Chapter 12

Comment [a120]: Recommended amendment in Chapter 17 – Airport Zone

Comment [a121]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<p>of Alcohol Act 2012.</p> <p>Means a substance:</p> <p>(a) that:</p> <p>(i) is or contains a fermented, distilled, or spirituous liquor; and</p> <p>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</p> <p>(b) that:</p> <p>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</p> <p>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</p> <p>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people</p>
Living Area	Means any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.
Loading Space	Means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded.
Lot (Subdivision)	For the purpose of subdivision m Means a lot, two or more adjoining lots to be held together in the same ownership, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, lot shall have the same meaning as site.
Low Income	Means H household † income below 80% of the A area M median † income.
Manoeuvre Area	Means that part of a site used by vehicles to move from the vehicle crossing to any parking, garage or loading space and includes all driveways and aisles, and may be part of an access strip.
Manufacturing of Hazardous Substances	Means any process that produces a substance that is hazardous under the United Nations Transportation of Dangerous Goods Code; and includes any process that includes the mixing of material or making a compound product that is hazardous under the United Nations Transportation of Dangerous Goods Code.
MASL	Means "metres above sea level".
Mast	Means any pole, tower or similar structured designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.
Meeting Place	Has the same meaning as places of assembly.
Mineral	Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water and includes all metallic minerals, non metallic minerals, fuel minerals, precious stones, industrial rocks and building stones and a prescribed substance within the meaning of the Atomic Energy Act 1945.
Mineral Exploration	Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral

Comment [a122]: Copied from the Sale and Supply of Alcohol Act 2012

Comment [a123]: Unnecessary definition as not included within Stage 1 chapters

Comment [a124]: Relocated and listed under the acronyms.

Comment [a125]: Unnecessary definition as not included within Stage 1 chapters

Comment [a127]: Recommended new definition from Chapter 21-Rural Zone

DEFINITIONS 2

	<p>deposit or occurrence; and to explore has a corresponding meaning.</p>
Mineral Prospecting	<p>Means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes the following activities:</p> <ul style="list-style-type: none"> • Ggeological, geochemical, and geophysical surveys; • The taking of samples by hand or hand held methods; • Aaerial surveys.
Mini and Micro Hydro Electricity Generation	<p>Means Conversion of the energy of falling water into electricity. Mini and micro generation may utilise impulse or reaction turbines and include intake or diversion structures, small weir, headrace, penstock, channel, pipes and generator.</p>
Mining Activity	<p>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</p> <p>(a) m Means operations in connection with mining for any mineral; and (b) includes, when carried out at or near the site where the mining is undertaken:—</p> <ul style="list-style-type: none"> • the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and • the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and • the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and • the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations. <p>Mineral extraction, extraction or extractive activities shall have the same meaning.</p>
Minor Alterations and Additions to a Building	<p>Means any of the following:</p> <ul style="list-style-type: none"> • Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities. • Changing or putting in Replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. • Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
Minor Upgrading	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale, maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:</p>

Comment [a126]: Non-substantial amendment the definition relates to exploration

Comment [a128]: Recommended amended definition from Prospecting to Mineral Prospecting in Chapter 21-Rural Zone

Comment [a129]: Recommended amendment in Chapter 21-Rural Zone

Comment [a130]: Recommended amendment in Chapter 10-Arrowtown Residential Historic Management Zone

DEFINITIONS 2

	<ul style="list-style-type: none"> • Aaddition of lines, circuits and conductors; • Rreconducting of the line with higher capacity conductors; • Rre-sagging of conductors; • Bbonding of conductors; • Aaddition or replacement of longer or more efficient insulators; • Aaddition of electrical fittings or ancillary telecommunications equipment; • Aaddition of earth-wires which may contain lightning rods, and earth-peaks; • Support structure replacement within the same location as the support structure that is to be replaced; • Aaddition or replacement of existing cross-arms with cross-arms of an alternative design; and • Rreplacement of existing support structure poles provided they are less or similar in height, diameter and are located within ± 2 metres of the base of the support pole being replaced; • Aaddition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone; • The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period; • Rplacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter; • Re-sagging of existing lines; • Rplacement of insulators provided they are less or similar in length; and • Addition of lightning rods, earth-peaks and earth-wires;
Moderate Income	Means H ousehold I ncome between 80% and 120% of the A rea M edian I ncome.
Motorised Craft	Means any boat powered by an engine.
Multi Unit Development	Relates to any residential development in the Three Parks Zone, that results in three or more residential units either on a site or across a number of sites; and Relates to any development in Activity Area 3 of the Peninsula Bay Zone that involves three or more residential units within a single building. Does not include additions, alterations or accessory buildings.
National Grid	Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009; Means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned and operated by Transpower New Zealand Limited, including—

Comment [a131]: Re-numbered for consistent format

Comment [a132]: Recommended amendment in Chapter 30-Energy and Utilities

Comment [a133]: Unnecessary definition as not included within Stage 1 chapters

Comment [a134]: Recommended new definition in Chapter 30-Energy and Utilities

DEFINITIONS 2

	<p>(a) transmission lines; and (b) electricity substations</p>
National Grid Corridor	<p>Means the area measured either side of the centreline of above ground National Grid line as follows:</p> <ul style="list-style-type: none"> • 16m for the 110kV lines on pi poles • 32m for 110kV lines on towers • 37m for the 220kV transmission lines. <p>Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.</p>
National Grid Sensitive Activities	<p>Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk, or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> • Child Day Care activity; • Day Care facility activity; • Educational facility activity, except training related to the National Grid; • Home Stay; • Healthcare facility Hospital activity; • Papakainga; • Any Residential activity; • Residential Care activity; or • Visitor accommodation.
National Grid Subdivision Corridor	<p>Means the area measured either side of the centreline of an above ground National Grid line as follows:</p> <ul style="list-style-type: none"> • 16m for the 110kV lines on pi poles • 32m for 110kV lines on towers • 37m for the 220kV transmission lines. <p>Note: The National Grid Subdivision Corridor does not apply to Excludes underground cables or any transmission lines (or sections of line) that are designated.</p>
National Grid Yard	<p>Means:</p> <ul style="list-style-type: none"> • the area located 12 metres in any direction from the outer edge of a National Grid support structure; and • the area located 12 metres either side of the centreline of any overhead National Grid line; <p>(as shown in dark grey in diagram below)</p>

Comment [a135]: Copied from the Regulations

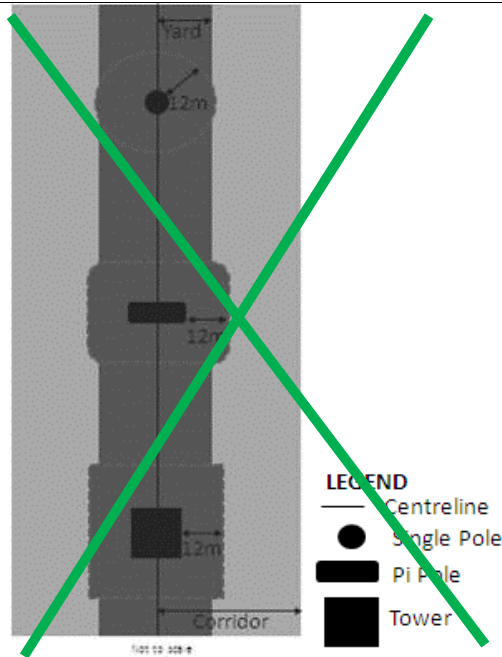
Comment [a136]: Recommended amended definition from National Grid Corridor to National Grid Subdivision Corridor in Chapter 30-Energy and Utilities

Comment [a137]: Recommended amendment in Chapter 30-Energy and Utilities

Comment [a138]: Non substantive amendment

Comment [a139]: Recommended amended definition from National Grid Corridor to National Grid Subdivision Corridor in Chapter 30-Energy and Utilities

DEFINITIONS 2



Comment [a140]: Recommendation of replace the diagram in Chapter 30-Energy and Utilities

Comment [a141]: Replacement diagram in Chapter 30-Energy and Utilities

Note: The National Grid Yard does not apply to Excludes underground

Comment [a142]: Non-substantive amendment

DEFINITIONS 2

	cables or any transmission lines (or sections of line) that are designated.
Nature Conservation Values	Means the preservation and protection of the natural resources of the District having regard to their intrinsic values, and having special regard to of Means the the collective and interconnected indigenous flora and fauna, natural ecosystems, and landscape.
Net Area (In relation to a Site or Lot)	In relation to a site or lot, m Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width.
Net Floor Area	Shall be Means the sum of the floor areas, each measured to the inside of the exterior walls of the building, and shall include the net floor area of any accessory building, but it shall exclude any floor area used for: <ul style="list-style-type: none"> • lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2m; • stairwells; • tank rooms, boiler and heating rooms, machine rooms, bank vaults; • those parts of any basement not used for residential, retail, office or industrial uses; • toilets and bathrooms, provided that in the case of any visitor accommodation the maximum area permitted to be excluded for each visitor unit or room shall be 3m² • 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare; • parking areas required by the Plan for, or accessory to permitted uses in the building.
Night-Time Noise Boundary Wanaka	Means a boundary, as shown in District Plan Map 18a the location of which is based on predicted sound levels of SEL 95 dBA.
Noise	Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise. <p>L_{dn}:</p> <p>Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).</p> <p>L_{Aeq(15 min)}:</p> <p>Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).</p> <p>L_{AFmax}:</p> <p>mMeans the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.</p> <p>Noise Limit:</p> <p>Means a L_{Aeq(15 min)} or L_{AFmax} sound level in decibels that is not to be</p>

Comment [a143]: Recommendation to amend in Chapter 3 – Strategic Direction

Comment [a144]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<p>exceeded.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p>
Noise Event	<p>Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.</p> <p>Where amplified noise ceases during a particular event, the event is not longer considered a noise event.</p>
Non-Contributory Buildings <i>(For the purpose of Chapter 26 only)</i>	<p>Means buildings that have no identifiable historic heritage significance or fabric. Their current impact will either be adverse or neutral. They are identified within a precinct because any future development of the site may impact on the contributory elements.</p>
Non Critical Listening Environment	<p>Means any space that is not regularly used for high quality listening or communication including bathroom, laundry, toilet, pantry, walk-in-wardrobe, corridor, hallway, lobby, cloth-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.</p>
No net loss	<p>Means no overall reduction in biodiversity as measured by the type, amount and condition.</p>
Notional Boundary	<p>Means a line 20m from the façade any side of any residential unit or the legal boundary, whichever is closer to the residential unit.</p>
North Three Parks Area	<p>Means that area of land shown on the Three Parks Structure Plan as North Three Parks Area.</p>
Office	<p>Means any of the following:</p> <ul style="list-style-type: none"> • Aadministrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; • Commercial offices being a place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted; • Professional offices.
Office Furniture, Equipment and Systems Suppliers <i>(Three Parks and Industrial B Zones)</i>	<p>Means a business primarily engaged in selling goods for office type use or consumption and without limiting the generality of this term, includes suppliers of:</p> <ul style="list-style-type: none"> • computers and related equipment; • copiers, printers and facsimile machines; • integrated telephone systems and equipment; and • office furniture, equipment and utensils.
On-Site Workers <i>(Three Parks and Industrial B Zones)</i>	<p>Means the maximum number of workers that the building has been designed to accommodate at any one time. This may include consultants as well as employees.</p>

Comment [a145]: Transferred from Chapter 26

Comment [a146]: Recommended new definition in Chapter 33-Indigenous Vegetation & Biodiversity

Comment [a147]: Recommended amendment in Chapter 36-Noise

Comment [a148]: Unnecessary definition as not included within Stage 1 chapters

Comment [a149]: Unnecessary definition as not included within Stage 1 chapters

Comment [a150]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

Open Space	Means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.
Outdoor Living Space	Means an area of open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated.
Outdoor Recreation Activity	Means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.
Outdoor Storage	Means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products and wastes, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
Outer Control Boundary (OCB) Queenstown	Means a boundary as shown in District Plan Maps, the location of which is based on the predicted day/night sound level of 55 dB Ldn from airport operations in 2037.
Outer Control Boundary (OCB) Wanaka	Means a boundary, as shown on the District Plan Maps, the location of which is based on the <u>future</u> predicted day/night sound levels of 55 dBA Ldn from airport operations <u>in 2036 for Wanaka Airport and 2037 for Queenstown Airport.</u>
Outline Development Plan	Means a plan within a zone or over an area of land or a site which delineates the performance standards and/or activities in the identified areas of the zone, or on the site or area of land.
Park and Ride Facility	Means an area to leave vehicles and transfer to public transport or car pool to complete the rest of a journey into an urban area. Park and Ride Facilities include car parking areas, public transport interchange and associated security measures, fencing, lighting, ticketing systems, shelter and ticketing structures, landscape planting and earthworks.
Parking Area	Means that part of a site within which vehicle parking spaces are accommodated, and includes all parking spaces, manoeuvre areas and required landscape areas.
Parking Space	Means a space on a site available at any time for accommodating one stationary motor vehicle.
Passenger Lift Systems	<u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.</u>
Photovoltaics (PV)	<u>Means A a</u> device that converts the energy in light (photons) into electricity, through the photovoltaic effect. A PV cell is the basic building block of a PV system, and cells are connected together to create a single PV module (sometimes called a 'panel'). PV modules can be connected together to form a larger PV array.
Place of Assembly	Means any land or building used for public and private assembly primarily for worship, recreation, education and discussion and includes churches, church halls, sports clubrooms, pavilions, indoor sports facilities and community centres whether such building has a general ancillary licence or not. It does not include any place of entertainment or licensed premises, other than general ancillary licensed premises.
Place of Entertainment	Means any theatre, amusement parlour, dance hall or other place used principally for any public meeting, performance or amusements whether a

Comment [a151]: Recommended to be deleted in Chapter 17 – Airport Zone

Comment [a152]: Recommended amendment in Chapter 17 – Airport Zone

Comment [a153]: Clarification

Comment [a154]: Unnecessary definition as not included within Stage 1 chapters

Comment [a155]: Unnecessary definition as not included within Stage 1 chapters

Comment [a156]: Recommended new definition in Chapter 21- Rural Zone

Comment [a157]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	charge is made for admission or not.
Potable Water Supply	Means a water supply that meets the criteria of the Ministry of Health 'Drinking Water Standards for New Zealand 2005 (revised 2008)' Ministry of Health or later editions or amendments of the standards.
Principal Building	Means a building, buildings or part of a building accommodating the activity for which the site is primarily used.
Private Way	Shall have the same meaning as defined in Section 315 of the Local Government Act 1974. Means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district.
Projected Annual Aircraft Noise Contour (AANC)	Means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 14 13 .
Prospecting	Means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes: <ul style="list-style-type: none"> • Geological, geochemical, and geophysical surveys; • The taking of samples by hand or hand held methods; • Aerial surveys.
Protected Feature (For the purpose of Chapter 26 only)	Means the collective terms used to explain all buildings, features, and structures listed in the Inventory of Protected Features (26.9).
Public Area	Means any part(s) of a building open to the public, but excluding any service or access areas of the building.
Public Place	Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any trail as defined in this Plan.
Radio Communication Facility	Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings, and as defined in the Radio Communications Act 1989.
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, and includes sites which have no frontage to a road or private road of 6m or more.
Recession Lines/Recession Plane	Means the lines constructed from points or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. See interpretive diagrams below.

Comment [a158]: Unnecessary definition as not included within Stage 1 chapters

Comment [a159]: Removal of ultra vires term and clarification

Comment [a160]: Copied from S315 of the LGA 1974

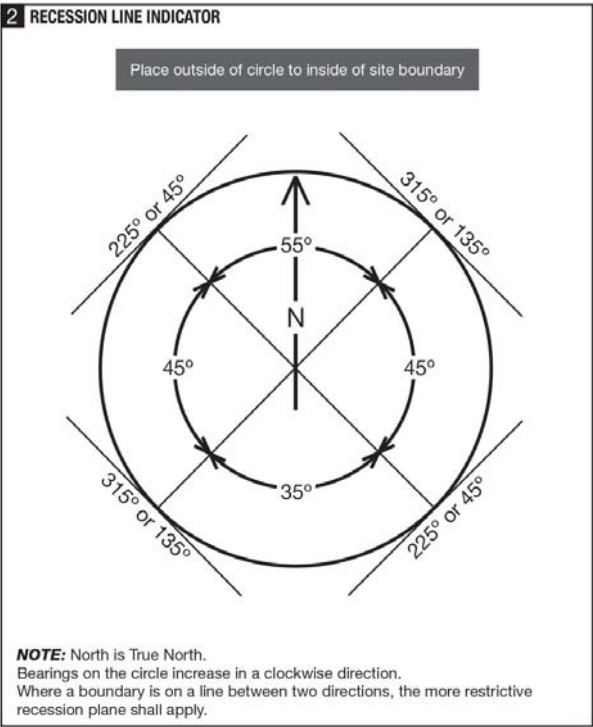
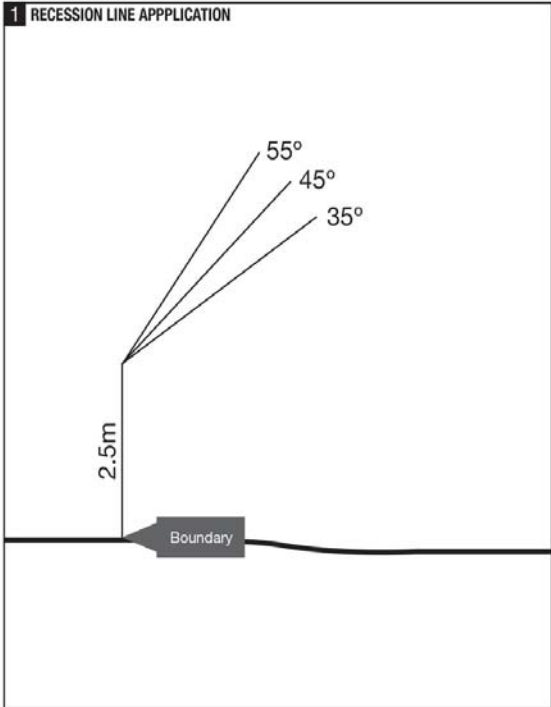
Comment [a161]: Recommended amendment in Chapter 17 – Airport Zone

Comment [a162]: Recommended that definition be amended from Prospecting to Mineral Prospecting in Chapter 21-Rural Zone

Comment [a163]: Transferred from Chapter 26

Comment [a164]: 566

DEFINITIONS 2



DEFINITIONS 2

Recreation	Means activities which give personal enjoyment, satisfaction and a sense of well being.
Recreational Activity	Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.
Regionally Significant Infrastructure	<p>Regionally significant infrastructure Means:</p> <ul style="list-style-type: none"> • Rrenewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by an electricity operator; and • Electricity transmission infrastructure forming the National Grid • Electricity Distribution Lines identified on the Planning Maps; and • Telecommunication and radio communication facilities*; and • Kkey centralised Council infrastructure, including water reservoirs, and wastewater treatment plants; and • Roads classified as being of national or regional importance; and • Queenstown and Wanaka airports.] <p>* As defined by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008-2016</p>
Registered Holiday Home	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> • Aa stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; • Aa duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; • Wwhere the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <p>Advice Notes:</p> <p>(i) A formal application must be made to the Council for a property to become a Registered Holiday Home.</p> <p>(ii) There is no requirement to obtain registration for Excludes the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge).</p>
Registered Homestay	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p>Advice Note:</p> <p>(i) A formal application must be made to the Council for a property to become a Registered Homestay.</p>
Relocatable	Means not constructed for permanent location on any particular site and readily capable of removal to another site.
Relocated/Relocatable Building	Means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site. This definition excludes Removal and Re-siting.

Comment [a165]: New definition recommended in Chapter 3 – Strategic Direction

Comment [a166]: Further changes to definition recommended in Chapter 30- Energy and Utilities

Comment [a167]: Reflects updated legislation

Comment [a168]: Non-substantive amendment

Comment [a169]: Non-substantive amendment

Comment [a170]: Unnecessary definition as not included within Stage 1 chapters

Comment [a171]: Recommended amendment in Chapter 35-Temporary Activities & Relocated Buildings

DEFINITIONS 2

Relocation (For the purpose of Chapter 26 only)	Means the relocation of protected features, including protected buildings, both within and beyond the site.
Relocation (Building)	In relation to a building, means the removal and resiting of any building from any site to another site.
Remotely piloted Aircraft	Means an unmanned aircraft that is piloted from a remote station.
Removal of a Building	Removal of a Building means the shifting of a building off a site and excludes demolition of a building.
Renewable Electricity Generation (REG)	Means generation of electricity from solar, wind, hydro-electricity, geothermal and biomass energy sources.
Renewable Electricity Generation Activities	Means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes S small and C community-scale D distributed R renewable G eneration A ctivities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. Includes research and exploratory-scale investigations into technologies, methods and sites, such as masts, drilling and water monitoring. This definition includes R renewable E lectricity G eneration (REG), S solar W ater H eating, W ind E lectricity G eneration, and M ini and M icro H ydro E lectricity G eneration (as separately defined).
Renewable Energy	Means energy that comes from a resource that is naturally replenished, including solar, hydro, wind, and biomass energy.
Reserve	Means a reserve in terms of the Reserves Act 1977.
Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include C community H ousing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation.
Residential Flat	<p>Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:</p> <ul style="list-style-type: none"> • Has a total floor area not exceeding 70m², <u>and 150m² in the Rural Zone and Rural Lifestyle Zone,</u> not including the floor area of any garage or carport; • contains no more than one kitchen facility; • is limited to one residential flat per residential unit; and • is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party. <p>Notes:</p> <p>A proposal that fails to meet any of the above criteria will be considered as a residential unit.</p> <ul style="list-style-type: none"> • Development contributions and additional rates apply.
Residential Unit	Means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and

Comment [a172]: Transferred from Chapter 26

Comment [a173]: Recommended new definition in Chapter 17 – Airport Zone

Comment [a174]: Recommended new definition in Chapter 35-Temporary Activities & Relocated Buildings

Comment [a175]: Clarification

Comment [a176]: Recommended amendment in Chapter 21-Rural Zone

Comment [a177]: Recommended amendment in Chapter 7 – Low Density Residential Zone

Comment [a178]: Non-substantive amendments

Comment [a179]: Recommended amendment in Chapter 7-Low Density Residential.

DEFINITIONS 2

	includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.
Re-siting of a Building	Re-siting of a Building means shifting a building within a site.
Restaurant	Means any land and/or buildings, or part of a building, in which meals are supplied for sale to the general public for consumption on the premises, including such premises which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012.
Retail Sales / Retail / Retailing	Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.
Retention Mechanism	Means those binding agreements which ensure the long term affordability of Community Housing for existing and future generations, such as Stakeholder Deeds, or the use of covenants, encumbrances or similar legal instruments.
Retirement Village	Means the development of residential units (either detached or attached) and associated facilities for the purpose of accommodating retired persons. This use includes as accessory to the principal use, any services or amenities provided on the site such as shops, restaurants, medical facilities, swimming pools and recreational facilities and the like which are to be used exclusively by the retired persons using such accommodation.
Reverse Sensitivity	Means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.
Right of Way	Means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.
River	Includes a stream, and shall have the same meaning as in the Resource Management Act 1991. Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).
Road	Means a road as defined in section 315 of the Local Government Act 1974.
Road Boundary	Means any boundary of a site abutting a legal road (other than an accessway or service land) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary. Note: also see definitions of BOUNDARY and INTERNAL BOUNDARY
Rural Industrial Activity	Means the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone.
Rural Selling Place	Means any land, building or part of a building located in a rural or rural living zone, on or in which farm or garden produce, wine or handcrafts are offered

Comment [a180]: Clarification

Comment [a181]: Clarification

Comment [a182]: New definition recommended in Chapter 35- Temporary Activities & Relocated Buildings

Comment [a183]: Unnecessary definition as not included within Stage 1 chapters

Comment [a184]: 768

Comment [a185]: Copied from the RMA.

Comment [a186]: Non-substantive amendment

DEFINITIONS 2

	for sale by wholesale and/or retail.
Sandwich Board	Means a self-supporting and portable sign.
Secondary Rear Access Lane	In the Mount Cardrona Station Special Zone means any road, access lane or access lot established at the time of subdivision for the purpose of providing side or rear access for vehicular traffic to any site or sites.
Secondary Unit	In the Mount Cardrona Station Special Zone means a residential activity that: <ul style="list-style-type: none"> • Consists of no more than one unit in the same ownership as the residential unit; and • Has a gross floor area of between 35m² and 60m² (excluding accessory buildings); and • Contains no more than one kitchen and one laundry; and • Is within the same certificate of title as the residential unit.
Secondhand Goods Outlet (Three Parks and Industrial B Zones)	Means a business primarily engaged in selling pre-used merchandise and without limiting the generality of this term, includes: <ul style="list-style-type: none"> • antique dealers; • auctioneers; • charity shops; • pawnbrokers; • secondhand shops; and • suppliers of <ul style="list-style-type: none"> • demolition goods and materials; and • trade-in goods.
Sense of Place (For the purpose of Chapter 12 only)	<u>Means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown Town Centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever-present mountainous landscape.</u>
Sensitive Activities-Transmission Corridor	Means those activities within an Electricity Transmission Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk of the vulnerability of the equipment or population that is exposed to the risk. Such activities include any residential activity, visitor accommodation, educational facility, healthcare facility and day care facility.
Service Activity	Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.
Service Lane	Means service lane as defined in Section 315 of the Local Government Act

Comment [a187]: Unnecessary definition as not included within Stage 1 chapters

Comment [a188]: Unnecessary definition as not included within Stage 1 chapters

Comment [a189]: Unnecessary definition as not included within Stage 1 chapters

Comment [a190]: Unnecessary definition as not included within Stage 1 chapters

Comment [a191]: Unnecessary definition as not included within Stage 1 chapters

Comment [a192]: Transferred from Chapter 12

Comment [a193]: Recommendation to delete definition in Chapter 30- Energy and Utilities

DEFINITIONS 2

	<p>1974.</p> <p><u>Means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.</u></p>
Service Station	<p>Means any site where the dominant activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel, and may also include any one or more of the following:</p> <ul style="list-style-type: none"> • the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; • Mmechanical repair and servicing of motor vehicles, including motor cycles, caravans, boat motors, trailers, except that in any Residential, Town Centre or Township Zone; the mechanical repairs of motor vehicles and domestic garden equipment shall not include panel beating, spray painting and heavy engineering such as engine re-boring and crankshaft grinding; • inspection and/or certification of vehicles; • The sale of other merchandise where this is an ancillary activity to the main use of the site. <p><u>Excludes:</u></p> <ul style="list-style-type: none"> • <u>the mechanical repairs of motor vehicles and domestic garden equipment shall not include panel beating, spray painting and heavy engineering such as engine re-boring and crankshaft grinding.</u>
Setback	<p>Means the distance between a building and the boundary of its site. Where any building is required to be set back from any site boundary, no part of that building shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary. The setback distance shall only apply to buildings at ground, or above ground level.</p>
Setting <u>(For the purpose of Chapter 26 only)</u>	<p><u>Means the area around and/or adjacent to a heritage feature listed in 26.9, which is integral to its function, meaning, and relationships and which is contained within the same legal title as the feature listed in the Inventory.</u></p>
SH6 Roundabout Works	<p>Means the construction of a roundabout at the intersection of Stalker Road, Lower Shotover Road and State Highway 6 being generally in accord with the indicative roundabout intersection design in Appendix 7 Diagram 5, including:</p> <ul style="list-style-type: none"> (a) Two lane entry and exits on the State Highway 6 legs; (b) The relocation of the northern end of Stalker Road where it joins State Highway 6 approximately 80 metres eastwards in order to provide the fourth leg to the roundabout; and (c) All works to be implemented as part of the construction of the roundabout including earthworks, vegetation removal and planting, standard of construction, lighting, road markings, provision for cyclists, and any roading and other works incidental to the

Comment [a194]: Copied from s315 of the LGA

Comment [a195]: Non-substantive amendment to separate the exclusion

Comment [a196]: Transferred from Chapter 26

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	<p>construction of that roundabout.</p>
Showroom	<p>Means any defined area of land or a building given over solely to the display of goods. No retailing is permitted unless otherwise specifically provided for in the zone in which the land or building is located.</p>
Sign and Signage	<p>Means:</p> <ul style="list-style-type: none"> • any external name, figure, character, outline, display, delineation, announcement, design, logo, mural or other artwork, poster, handbill, banner, captive balloon, flag, flashing sign, flatboard, free-standing sign, illuminated sign, moving signs, roof sign, sandwich board, streamer, hoarding or any other thing of a similar nature which is: i) intended to attract attention; and ii) visible from a road or any public place; and • all material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing; • includes any sign written vehicle/trailer or any advertising media attached to a vehicle/trailer. <p>Notes: (i) This definition does include excludes corporate colour schemes. (ii) See definitions of SIGN AREA and SIGN TYPES.</p>
Sign Area	<p>The area of a sign means the surface area of a sign and the area of a sign includes all the area actually or normally enclosed, as the case may be, by the outside of a line drawn around the sign and enclosing the sign.</p>
Sign Types	<p>Above Ground Floor Sign:</p> <p>means a sign attached to a building above the verandah or above 3 metres in height from the ground.</p> <p>Arcade Directory Sign:</p> <p>means an externally located sign which identifies commercial activities that are accessed internally within a building or arcade.</p> <p>Banner:</p> <p>means any sign made of flexible material, suspended in the air and supported on more than one side by poles or cables.</p> <p>Flag:</p> <p>means any sign made of flexible material attached by one edge to a staff or halyard and includes a flagpole.</p> <p>Flashing Sign:</p> <p>means an intermittently illuminated sign.</p> <p>Flat Board Sign:</p> <p>means a portable flat board sign which is not self-supporting.</p> <p>Free Standing Sign:</p> <p>means any sign which has a structural support or frame that is directly connected to the ground and which is independent of any other building or structure for its support; and includes a sign on a fence.</p>

Comment [a197]: 719

Comment [a198]: Non-substantive amendment

Comment [a199]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<p>Hoarding:</p> <p>means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site.</p> <p>Moving Sign:</p> <p>means a sign other than a flag or a banner that is intended to move or change whether by reflection or otherwise.</p> <p>Off-Site Sign:</p> <p>means a sign which does not relate to goods or services available at the site where the sign is located and excludes a Hoarding.</p> <p>Roof Sign:</p> <p>means any sign painted on or attached to a roof and any sign projecting above the roof line of the building to which it is attached.</p> <p>Sandwich Board:</p> <p>means a self-supporting and portable sign.</p> <p>Signage Platform:</p> <p>means a physical area identified for the purpose of signage.</p> <p>Temporary Event Sign:</p> <p>means any sign established for the purpose of advertising or announcing a single forthcoming temporary event, function or occurrence including carnivals, fairs, galas, market days, meetings exhibitions, parades, rallies, filming, sporting and cultural events, concerts, shows, musical and theatrical festivals and entertainment; but does not include Electioneering Signs, Real Estate Signs, Construction Signs, a Land Development Sign, Off-Site Sign or Temporary Sale Sign.</p> <p>Temporary Sale Sign:</p> <p>means any sign established for the purpose of advertising or announcing the sale of products at special prices.</p> <p>Under Verandah Sign:</p> <p>means a sign attached to the underside of a verandah.</p> <p>Upstairs Entrance Sign:</p> <p>means a sign which identifies commercial activities that are located upstairs within a building.</p> <p>Wall Sign:</p> <p>means a sign attached to the wall of a building.</p>
Site	<p>Means:</p> <ol style="list-style-type: none"> 1. An area of land which is: <ol style="list-style-type: none"> i comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or ii comprised in a single lot or legally defined parcel of land for

Comment [a200]: Unnecessary definition as not included within Stage 1 chapters

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	<p>which a separate certificate of title could be issued without further consent of the Council.</p> <p>Being in any case the smaller land area of i or ii, or</p> <ol style="list-style-type: none"> 2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or 3. an area of land which is comprised in two or more adjoining certificates of title where such titles are: <ol style="list-style-type: none"> i subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or ii held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or 4. In the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ol style="list-style-type: none"> i in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: <ol style="list-style-type: none"> a) a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; or b) 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; and ii in the case of land subdivided under Unit Titles Act 1972 and 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 and an equal share of common property; and iii in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision. <p>In addition to the above.</p> <ol style="list-style-type: none"> a) A site includes the airspace above the land. b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c) Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.
<p>Ski Area Activities</p>	<p>Means the use of natural and physical resources for the purpose of providing for establishing, operating and maintaining the following activities and structures:</p> <ul style="list-style-type: none"> • recreational activities either commercial or non-commercial; • chairlifts, t bars and rope tows to facilitate commercial recreational

Comment [a201]: Clarification

Comment [a202]: Clarification

Comment [a203]: 370

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	<p>activities passenger lift systems:</p> <ul style="list-style-type: none"> use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities-; activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain-; Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers-; and in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
Sloping Site	<p>Means a sloping site is where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e greater than 1 in 9.5), rules applicable to sloping sites will apply.</p>
Small and Community-Scale Distributed Electricity Generation	<p>Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p>
Small Cells	<p>Means a low-powered radio access node that provides improved cellular coverage or capacity and is operated by a telecommunications operator.</p> <p>Means a device –</p> <ul style="list-style-type: none"> That receives or transmits radiocommunication or telecommunication signals; and The volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³.
Solar Electricity Generation	<p>Means the conversion of the sun's energy directly into electrical energy. The most common device used to generate electricity from the sun is Pphotovoltaics (PV). This may include free standing arrays, solar arrays attached to buildings or building integrated panels.</p>
Solar Water Heating	<p>Solar water heating mMeans devices that heat water by capturing the sun's energy as heat and transferring it directly to the water or indirectly using an intermediate heat transfer fluid. Solar water heaters may include a solar thermal collector, a water storage tank or cylinder, pipes, and a transfer system to move the heat from the collector to the tank.</p>
Sound	<p>Sound shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental Noise.</p>
Specialty Retail (Three Parks Zone)	<p>Any single retail tenancy which occupies less than or equal to 400m² of GFA. Refer definition of GFA.</p>
Stakeholder Deed	<p>Means a legal instrument between a developer or landowner and the Council that runs with the land, setting out those matters which may be achieved or delivered outside of the District Plan.</p>
Stand-Alone Power Systems (SAPS)	<p>Means Off-grid generation for activities including residential, visitor and farming activities, on remote sites that do not have connection to the local distribution network. SAP's will usually include battery storage, a backup generator, an inverter and controllers etc, as well as generation technologies such as Ssolar, Mmini or Mmicro Hhydro, Wwind Eelectricity</p>

Comment [a204]: Recommendation to amend in Chapter 21-Rural Zone

Comment [a205]: New definition recommended in Chapter 9-High Density Residential

Comment [a206]: New definition recommended in Chapter 30 – Energy & Utilities

Comment [a207]: 781, 179, 191

Comment [a208]: Unnecessary definition as not included within Stage 1 chapters

Comment [a209]: Unnecessary definition as not included within Stage 1 chapters

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	Generation or a combination thereof.
Step-In Plan	Means a break in the continuity of an exterior wall of any building or block of line of residential units, whether of one or more storeys, by stepping the wall of the building or any unit or units a minimum specified distance measured at right angles to the long axis of the building on block or line of units.
Storey (Three Parks Zone)	<p>Means a habitable floor level and includes mezzanine levels, garages, bathrooms, and semi-basements. The following are not deemed to be a separate 'storey':</p> <ul style="list-style-type: none"> • Full basements/ cellars of no more than 40% of the total floor plate of the residential unit (excluding accessory buildings) and which have no external access; • A change in level of up to 0.75m within a storey (as in the case of split level dwellings); • Wholly underground carparks in the Commercial Core Subzone where the only visible frontage when viewed from ground level is the vehicle access.
Structure	Means any building, equipment device or other facility made by people and which is fixed to land and includes any raft.
Subdivision	<p>Shall have the same meaning as in the Resource Management Act 1991.</p> <p><u>Means:</u></p> <p><u>(a) the division of an allotment—</u></p> <p><u>(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</u></p> <p><u>(ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</u></p> <p><u>(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</u></p> <p><u>(iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or</u></p> <p><u>(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</u></p> <p><u>(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.</u></p>
Support Structure	Means a utility pole or tower that forms part of the electricity distribution or transmission network or telecommunication lines that supports conductors as part of a line. This includes any ancillary equipment, such as communication equipment or transformers.
Tavern	Means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments but does not include an airport bar.
Telecommunication Facility	Means devices, such as aerials, dishes, antennae, wires, cables, casings, tunnels and associated equipment and support structures, and equipment shelters, such as towers, masts and poles, and equipment buildings and telephone boxes, used for the transmitting, emission or receiving of communications.

Comment [a210]: Unnecessary definition as not included within Stage 1 chapters

Comment [a211]: Unnecessary definition as not included within Stage 1 chapters

Comment [a212]: Copied from the RMA

Comment [a213]: 781, 179, 191

Comment [a214]: New definition recommended in Chapter 30-Energy and Utilities

Comment [a215]: Deletion recommended in Chapter 30-Energy and Utilities

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Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for <u>the following listed</u> activities of short duration, <u>limited frequency</u>, and <u>are</u> outside the <u>usual regular day-to-day</u> use of a site, that include the following:</p> <ul style="list-style-type: none"> • Temporary events • Temporary filming • Temporary activities related to building and construction • Temporary military training • Temporary storage • Temporary utilities • Temporary use of a site as an <u>informal</u> airport <u>for certain community events</u> <p>A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.</p>
Temporary Events	<p>Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:</p> <ul style="list-style-type: none"> • carnivals • fairs • festivals • fundraisers • galas • market days • meetings • exhibitions • parades • rallies • cultural and sporting events • concerts • shows • weddings • funerals • musical and theatrical entertainment, and • uses similar in character. <p><u>Note - The following activities associated with Temporary Events are not regulated by the PDP:</u></p> <p><u>(a) Food and Beverage</u></p>

Comment [a216]: Recommended amendment in Chapter 35-Temporary Activities & Relocated Buildings

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	(b) Sale of Alcohol
Temporary Filming Activity	Means the temporary use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets, and associated facilities for staff.
Temporary Military Training Activity (TMTA)	Temporary Military Training Activity Means a temporary military activity undertaken for defence purposes. The term 'defence purpose' is as described in the Defence Act 1990.
Temporary Worker Household – In The Three Parks Zone	Means a household whose members are employed in the District but maintain a primary residence outside of the District.
Tenancy (Three Parks Zone)	Means one retail activity occupancy created by freehold, leasehold, licence, or any other arrangement to occupy.
Tino Rangatiranga	Means authority, chieftainship.
Trade Supplier	<p>Means a business engaged in sales to businesses and institutional customers and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following categories:</p> <ul style="list-style-type: none"> • <u>automotive and marine suppliers;</u> • <u>building suppliers;</u> • <u>catering equipment suppliers;</u> • <u>farming and agricultural suppliers;</u> • <u>garden and patio suppliers</u> • <u>hire services (except hire or loan of books, video, DVD and other similar home entertainment items);</u> • <u>industrial clothing and safety equipment suppliers; and</u> • <u>office furniture, equipment and systems suppliers.</u>
Trade Wastes	Means any water that is used in a commercial or industrial process, and is then discharged to the Council's waste water system.
Trail	Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.
Under Verandah Sign	Means a sign attached to the under side of a verandah.
Unit	Means any residential unit, or visitor accommodation unit of any type.
Urban Development	<p>Means any development/activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any activity within an urban boundary as shown on the District Planning Maps.</p> <p>Means ddevelopment that by its scale, intensity, visual character, trip generation and/or design and appearance of structures, is of an urban character typically associated with urban areas. Development in particular Special Zones (namely Millbrook and Waterfall Park) is excluded from the</p>

Comment [a217]: Amendment recommended in Chapter 35- Temporary Activities & Relocated Buildings

Comment [a218]: New definition recommended in Chapter 35- Temporary Activities & Relocated Buildings

Comment [a219]: Unnecessary definition as not included within Stage 1 chapters

Comment [a220]: Unnecessary definition as not included within Stage 1 chapters

Comment [a221]: 383

Comment [a222]: New definition recommended in Chapter 16 – Business Mixed Use zone

Comment [a223]: Unnecessary definition as not included within Stage 1 chapters

DEFINITIONS 2

	<u>definition:</u>
Urban Growth Boundary	Means a boundary shown on the Planning Maps identified as a boundary which provides for and contains existing and future urban development within an urban area.
Utility	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:</p> <ul style="list-style-type: none"> • <u>substations</u>, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; • pipes and necessary incidental structures and equipment for transmitting and distributing gas; • storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; • water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); • structures, facilities, plant and equipment for the treatment of water; • structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities); • structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; • structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; • structures, facilities, plant and equipment necessary for navigation by water or air; • waste management facilities; • <u>flood protection works</u>; and • Anything described as a network utility operation in s166 of the Resource Management act 1991 <p>Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.</p>
Vehicle Crossing	Means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.
Verandah	Means a roof of any kind which extends out from a face of a building and continues along the whole of that face of the building.
Visitor Accommodation	<p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <p>i. Includes such accommodation as camping grounds, motor parks,</p>

Comment [a224]: Amendment recommended in Chapter 3 – Strategic Direction

Comment [a225]: Non-substantive change

Comment [a226]: Amendment recommended in Chapter 30-Energy and Utilities

Comment [a227]: Amendment recommended in Chapter 30-Energy and Utilities

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	<p>hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and</p> <p>ii. (May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar scale and nature, if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they centralised services or facilities can be used by persons not staying overnight on the site, provided that the primary role is to service the overnight guests of the accommodation.)</p> <p>For the purpose of this definition:</p> <p>a. The commercial letting of a residential unit in (i) excludes:</p> <ul style="list-style-type: none"> • A <u>a</u> single annual let for one or two nights. • <u>H</u>omestay accommodation for up to 5 guests in a <u>R</u>egistered <u>H</u>omestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a <u>R</u>egistered <u>H</u>oliday <u>H</u>ome. <p>(Refer to respective definitions).</p> <p>b. "Commercial letting" means fee paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c. Where the provisions above are otherwise altered by <u>Z</u>one <u>R</u>ules, the <u>Z</u>one <u>R</u>ules shall apply.</p>
<p>Visually Opaque Fence</p>	<p>Means a fence located within the front setback of a property that is composed primarily of solid materials through which little or no view or light can be gained when seen from an elevation drawn parallel to the fence line. Brick, solid panel or overlapping boards are examples of opaque materials while live landscape planting is not considered opaque.</p>
<p>Wall Sign</p>	<p>Means a sign attached to a wall within the ground floor area.</p>
<p>Waste</p>	<p>Means any contaminant, whether liquid solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment, and which includes all unwanted and economically unusable by-products at any given place and time, and any other matters which may be discharged accidentally or otherwise, to the environment. <u>Excludes cleanfill.</u></p>
<p>Waste Management Facility</p>	<p>Means a site used for the deposit of solid wastes onto or into land, but excludes:</p> <ul style="list-style-type: none"> • sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive <u>land</u>, and; • sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of

Comment [a228]: Clarification

Comment [a229]: 552, 591, 679

Comment [a230]: Sentence re-ordered

Comment [a231]: Non-substantive deletion

Comment [a232]: Unnecessary definition as not included within Stage 1 chapters

Comment [a233]: Unnecessary definition as not included within Stage 1 chapters

Comment [a234]: 252

DEFINITIONS 2

	<p>hazardous substances and wastes; and</p> <ul style="list-style-type: none"> • sites for the disposal of clean fill.
Waterbody	<p>Shall have the same meaning as in the Resource Management Act 1991.</p> <p>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.</p>
Wetland	<p>Shall have the same meaning as in the Resource Management Act 1991 being, 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..</p>
Wholesaling	Means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers
Wind Electricity Generation	Means the conversion of the energy from wind into electricity, through the use of the rotational motion. A wind turbine may be attached to a building or freestanding. Wind turbine components may include blades, nacelle, tower and foundation. This definition shall include masts for wind monitoring.
Yard Based Industrial Activity	Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, where no more than 40% of the site is covered by built form.
Yard Based Service Activity	Means the use of land and buildings for the primary purpose of the transport, storage, maintenance and repair of goods, where no more than 40% of the site is covered by built form.
Yard Based Supplier (Three Parks and Industrial B Zones)	Means any retail activity 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 weatherproofed building. For the purpose of this definition, 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 not to be included in the extent of yard area devoted to sales or display. Drive in or drive through covered areas devoted to storage and display of construction materials (including covered vehicle lanes) will be deemed yardspace for the purpose of this definition.
Zone Standards	For an explanation of this term, refer to Part 1.4 of the Operative District Plan.
2037 Noise Contours	Means the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive. Note: These contours shall be available from the Council and included in the Airport Noise Management Plan.
2037 60 dB Noise Contours	Means the predicted 60 dB Ldn noise contour for Queenstown Airport for 2037 based on the 2037 Noise Contours.

Comment [a235]: Copied from the RMA

Comment [a236]: Unnecessary

Comment [a237]: Unnecessary definition as not included within Stage 1 chapters

Comment [a238]: Unnecessary definition as not included within Stage 1 chapters

Comment [a239]: Unnecessary definition as not included within Stage 1 chapters

Comment [a240]: Unnecessary definition as not included within Stage 1 chapters

2.2 Acronyms Used in this Plan

Listed below are acronyms used within the plan. They do not include the acronyms of names of activity areas identified within structure plans adopted under the PDP.

Comment [a241]: Clarification

DEFINITIONS 2

<u>AANC</u>	<u>Projected Annual Aircraft Noise Contour</u>
<u>AMI</u>	<u>Area median income</u>
<u>ANB</u>	<u>Air noise boundary</u>
<u>ASAN</u>	<u>Activity sensitive to aircraft noise / Activity sensitive to road noise</u>
<u>C</u>	<u>Controlled</u>
<u>CPI</u>	<u>Consumer price index</u>
<u>CPTED</u>	<u>Crime prevention through environmental design</u>
<u>dB</u>	<u>Decibels</u>
<u>D</u>	<u>Discretionary</u>
<u>GFA</u>	<u>Gross floor area</u>
<u>GHL</u>	<u>Glenorchy Heritage Landscape</u>
<u>HD</u>	<u>Hanley Downs</u>
<u>LAR</u>	<u>Limited access roads</u>
<u>LENZ</u>	<u>Land Environments New Zealand</u>
<u>MASL</u>	<u>Metres above sea level</u>
<u>MHL</u>	<u>Macetown Heritage Landscape</u>
<u>NC</u>	<u>Non-complying</u>
<u>NES</u>	<u>National Environmental Standard</u>
<u>NESETA</u>	<u>Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009</u>
<u>NOR</u>	<u>Notice of Requirement</u>
<u>NZTA</u>	<u>New Zealand Transport Agency</u>
<u>OCB</u>	<u>Outer control boundary</u>
ODP	Operative District Plan
<u>ONF</u>	<u>Outstanding natural feature</u>
<u>ONL</u>	<u>Outstanding natural landscape</u>
<u>P</u>	<u>Permitted</u>
PDP	Proposed District Plan
<u>PR</u>	<u>Prohibited</u>
<u>PV</u>	<u>Photovoltaics</u>
<u>R</u>	<u>Residential activity areas</u>
<u>RCL</u>	<u>Rural landscape classification</u>
<u>RD</u>	<u>Restricted discretionary</u>
<u>REG</u>	<u>Renewable electricity generation</u>

Comment [a242]: Unnecessary

Comment [a243]: Unnecessary

DEFINITIONS 2

<u>RMA</u>	<u>Resource Management Act 1991</u>
<u>SAPS</u>	<u>Stand-alone power systems</u>
<u>SEL</u>	<u>Sound exposure level</u>
<u>SHL</u>	<u>Skippers Heritage Landscape</u>
<u>SMLHL</u>	<u>Sefferton and Moke Lake Heritage Landscapes</u>
<u>SNA</u>	<u>Significant Natural Areas</u>
<u>UGB</u>	<u>Urban growth boundary</u>

Comment [a244]: Clarification

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike through~~ text from the s42A report. The font colours and their source, is the same as used in the recommended chapter in Appendix 1 to this right of reply.

The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended New Notes

- Unless the context otherwise requires, ~~T~~ the definitions in this chapter apply throughout the Plan whenever the defined term is used with the exception of Chapter 37 – Designations, unless the designation specifically states that a Chapter 2 definition applies.
- In this Plan where a word or phrase has been expressly defined, the definition has primacy over other definitions elsewhere. However, where a term is not defined within the Plan, reliance will be placed upon the Resource Management Act 1991 definition where there is such a definition. ~~o~~ Otherwise, the ordinary dictionary meaning shall apply taking into account the purpose of the Resource Management Act 1991 and any relevant objectives and policies in the Plan.
- Where a definition includes reference to another defined term in this chapter, this definition should be relied upon in the interpretation of the first definition.
- Where a word or phrase is defined in this chapter, its definition includes any ~~variations of the word or phrase that are singular or plural~~ or singular version of the word.
- Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition.
- Definitions are also provided within Chapter 5: Tangata Whenua (glossary). These defined terms are to be applied across the entire Plan and supplement the definitions within this Chapter.
- ~~Further definitions are provided within Chapter 26: Historic Heritage (terms used in this chapter). These definitions apply only to Chapter 26.~~
- Where a definition title is followed by a zone or specific notation, the application of the definition shall only be limited to the specific zone or scenario described.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The flexibility that will be provided by the inclusion of '<i>unless the context otherwise requires.</i>' into the first note will ensure that unanticipated outcomes from the application of definitions in objectives, policies and rules are avoided. • The inclusion of the RMA context within which a dictionary definition should be 	<ul style="list-style-type: none"> • The addition of the chapter specific definitions from Chapters 12, 13 and 26 into Chapter 2 will be more effective and efficient as it will be consistent with the remainder of the PDP format. • The specific exclusion of the application of the definitions in Chapter 2 to Chapter 37 will avoid confusion.

	considered will ensure that a fitting definition is utilised that will ensure that any unusual definitions are not considered.	<ul style="list-style-type: none"> • The changes to the notes as a whole improve the consistent application of the definitions in the interpretation of the PDP provisions and are therefore more effective and efficient.
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Recommended amended definitions incorporating definitions referenced to in other Acts

Below are the definitions that are recommended to be amended to insert the definition from the referenced Act rather than simply referring to the Act.

Accessway	<p>Means pedestrian access as defined in section 315 of the Local Government Act 1974.</p> <p><u>Means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve.</u></p>
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Amenity Or Amenity Values	<p>Has the same meaning as defined in section 2 of the Act for amenity values.</p> <p><u>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.</u></p>
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Camping Ground	<p>Means camping ground as defined in the Camping Ground Regulations 1985.</p> <p><u>Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.</u></p>
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Lake	<p>Shall have the same meaning as in the Resource Management Act 1991.</p> <p><u>Means a body of fresh water which is entirely or nearly surrounded by land.</u></p>
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Liquor	<p>Shall have the same meaning as alcohol as defined in the Sale and Supply of Alcohol Act 2012.</p> <p><u>Means a substance:</u></p> <p><u>(a) that:</u></p> <p><u>(i) is or contains a fermented, distilled, or spirituous liquor; and</u></p> <p><u>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</u></p>
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	<p><u>(b) that:</u></p> <p><u>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</u></p> <p><u>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</u></p> <p><u>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people</u></p>
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<u>National Grid</u>	<p>Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</p> <p><u>Means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned and operated by Transpower New Zealand Limited, including—</u></p> <p><u>(a) transmission lines; and</u></p> <p><u>(b) electricity substations</u></p>
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Private Way	<p>Shall have the same meaning as defined in Section 315 of the Local Government Act 1974.</p> <p><u>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.</u></p>
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<u>Radio Communication Facility</u>	<p><u>Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings, and as defined in the Radio Communications Act 1989.</u></p>
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River	<p>Includes a stream, and shall have the same meaning as in the Resource Management Act 1991.</p> <p><u>Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</u></p>
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Service Lane	<p>Means service lane as defined in Section 315 of the Local Government Act 1974.</p> <p><u>Means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.</u></p>
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Subdivision	<p>Shall have the same meaning as in the Resource Management Act 1991. <u>Means:</u></p> <p>(a) <u>the division of an allotment—</u></p> <p style="padding-left: 20px;">(i) <u>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</u></p> <p style="padding-left: 20px;">(ii) <u>by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</u></p> <p style="padding-left: 20px;">(iii) <u>by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or</u></p> <p style="padding-left: 20px;">(iv) <u>by the grant of a company lease or cross lease in respect of any part of the allotment; or</u></p> <p style="padding-left: 20px;">(v) <u>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</u></p> <p>(b) <u>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.</u></p>
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Waterbody	<p>Shall have the same meaning as in the Resource Management Act 1991. <u>Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.</u></p>
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Wetland	<p>Shall have the same meaning as in the Resource Management Act 1991 being, 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."”.</p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • Reduces the need for plan users to look outside the PDP to other documents in order to interpret the PDP. 	<ul style="list-style-type: none"> • Containing all definitions within the chapter is more user friendly.

Recommended Deleted or Amended Definitions that include reference to Stage 2 chapters or zones

Below are the definitions that are recommended to be deleted or amended due to the term not being included within any of the Stage 1 chapters or amended where the term contains reference to a Stage 2 zone:

Recommended Deleted Definition – Development (Financial Contributions)

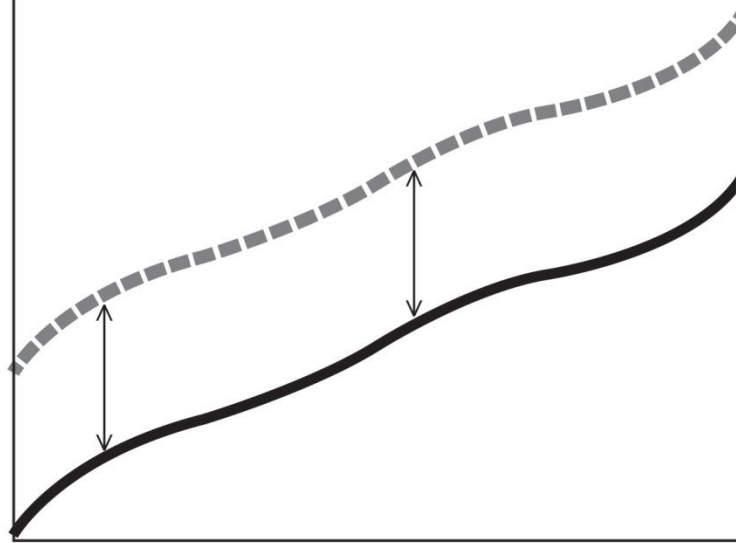
Development (Financial Contributions)	<p>For the purpose of determining financial contributions development m Means development or re-development of the site and includes the construction, erection, establishment or alteration of any building, and the following:</p> <ul style="list-style-type: none"> • Any earthworks, filling or reclamation of land, or the making of any retaining walls or other works relating to that earthworks, filling or reclamation.
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	<ul style="list-style-type: none"> The provision for or installation of any mode of transport including any railway or tramway relating to any such construction or erection, establishment or alteration. <p>Excludes any utility, the construction or alteration of any pipeline or associated works on land that is not otherwise subject to development.</p>
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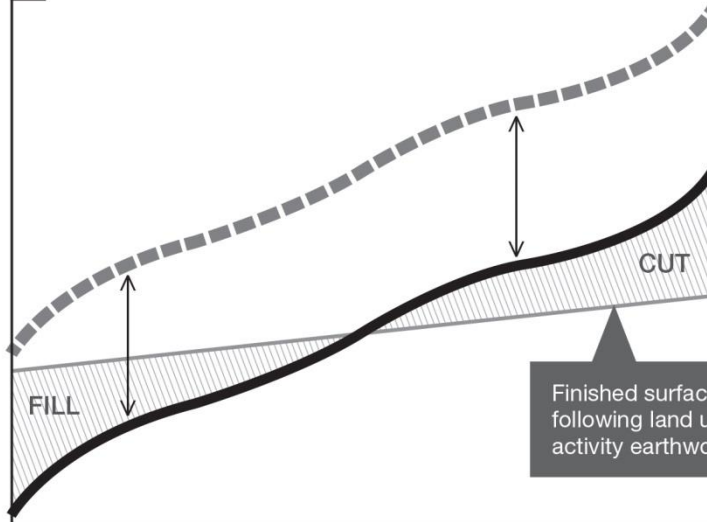
Recommended Amended Definition – Height (Building)

<p>Height (Building)</p>	<p>In relation to a building m Means the vertical distance between ground level (as defined), unless otherwise specified in a District Plan rule, at any point and the highest part of the building immediately above that point, except that this measurement is not relevant when assessing the number of storeys in the Three Parks Zone. For the purpose of calculating height in all zones, other than in relation to assessing the number of storeys in the Three Parks Zone as specified above, account shall be taken of parapets, but not of:</p> <ul style="list-style-type: none"> aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or building, provided that the maximum height normally permitted by the rules is not exceeded by more than 2.5m; and chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m. <p>See interpretive diagrams below and definition of GROUND LEVEL.</p> <div style="margin-top: 20px;"> <p>Legend:</p> <ul style="list-style-type: none"> Max height plane: Dashed grey line Ground level (as per definition): Solid black line Fill or cut: Diagonal hatched area Finished surface of ground: Solid grey line Max building height (as specified by zone) e.g. 8m: Vertical double-headed arrow Surface of ground prior to any earthworks on site: Solid blue line </div>
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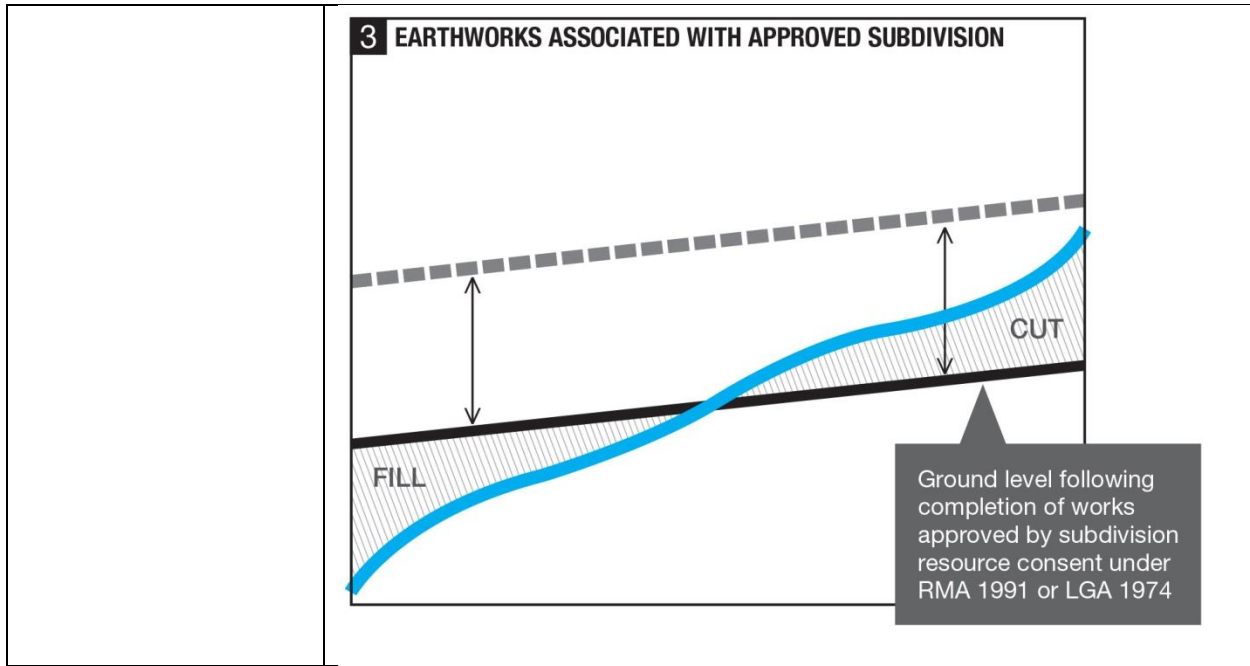
1 NO EARTHWORKS



2 EARTHWORKS ASSOCIATED WITH LAND USE / BUILDING ACTIVITY



*Note earthworks may require resource consent



Home Occupation	Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay. This definition does not apply in the Three Parks Zone.
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • Deletion of redundant definitions or amendment to definitions referencing Stage 2 zones makes the chapter more succinct. As these terms or zones are not in any of the Stage 1 chapters, they have no regulatory effect or purpose in Stage 1 and the deletion reduces any potential confusion. 	<ul style="list-style-type: none"> • Removes unnecessary references to Stage 2 zones that may cause confusion.

Recommended Deleted or Amended Definitions

Below are the other definitions that are recommended to be amended as part of the right of reply to which this s32AA analysis is attached.

Recommended Amended Definition – Access

Access	Means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property as defined in section 2 of the Unit Titles Act 2010.
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Recommended New Definition – Common Property

<u>Common Property</u>	<u>Means:</u> <u>(a) all the land and associated fixtures that are part of the unit title</u>
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	<p><u>development but are not contained in a principal unit, accessory unit, or future development unit; and</u></p> <p>(b) <u>in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit</u></p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • Removal of the reference to the Unit Titles Act 2010 within the definition of 'access' and incorporation of the new definition of 'common property' reduces the need for plan users to access other documents to interpret the PDP. • 'Common property' is commonly identified on unit title subdivision plans, therefore a definition of this term would be of benefit in the assessment of resource consents. 	<ul style="list-style-type: none"> • Containing all definitions within the chapter is more user friendly.

Recommended Amended Definition – Community Activity

Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes <u>schools–day care facilities, education activities,</u> hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police <u>purposes stations,</u> fire stations, courthouses, probation and detention centres, government and local government offices.
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The amendment will result in more certainty in the assessment of potential resource consents for police purposes that are not strictly police stations. 	<ul style="list-style-type: none"> • The amended definition will be more effective and efficient as it provides certainty for the NZ Police and the community as to what is included within the 'community activity' term.

Recommended Amended Definition – Outer Control Boundary

Outer Control Boundary (OCB) Wanaka	Means a boundary, as shown on the District Plan Maps, the location of which is based on the <u>future</u> predicted day/night sound levels of 55 dBA Ldn from airport operations <u>in 2036 for Wanaka Airport and 2037 for Queenstown Airport.</u>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The amended definition provides more explanation as to what dates the future predicted noise levels are based upon for each airport. 	<ul style="list-style-type: none"> • The amendment provides more certainty to plan users.

Recommended Amended Definition – Potable Water Supply

Potable Water Supply	Means a water supply that meets the criteria of the Ministry of Health 'Drinking Water Standards for New Zealand 2005 (revised 2008)' — Ministry of Health or later editions or amendments of the standards.
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The amendment removes <i>ultra vires</i> terms.

Recommended Amended Definition – Visitor Accommodation

Visitor Accommodation	<p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <ol style="list-style-type: none"> i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and ii. (May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar scale and nature. If such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they centralised services or facilities can be used by persons not staying overnight on the site, provided that the primary role is to service the overnight guests of the accommodation. <p>For the purpose of this definition:</p> <ol style="list-style-type: none"> a) The commercial letting of a residential unit in (i) excludes: <ul style="list-style-type: none"> • A <u>a</u> single annual let for one or two nights. • <u>H</u>omestay accommodation for up to 5 guests in a <u>R</u>egistered <u>H</u>omestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a <u>R</u>egistered <u>H</u>oliday <u>H</u>ome. <p>(Refer to respective definitions).</p>
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	<p>b) “Commercial letting” means fee paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c) Where the provisions above are otherwise altered by <u>Z</u>zone <u>R</u>ules, the <u>Z</u>zone <u>R</u>ules shall apply.</p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The removal of the reference to ‘<i>similar scale</i>’ is more efficient as in the context of the overall facilities it provides no real guidance. • The re-ordering of the sentence to bring the intention that the centralised facilities have a primary role for guests of the visitor accommodation to the forefront is more effective.