

ZONES

OVERVIEW

The Conservation Reserves Zone consists of reserve land owned and controlled by Council or the Department of Conservation. The reserve 'Onawe' owned by Ngai Tahu is the only land included in the Zone not owned publicly.

Some of the conservation reserves (shown on the Planning maps) extend into the coastal waters surrounding the District. However, the provisions of the Plan only apply to the landward portion of these areas.

Reserves have been established in the District for a variety of reasons since the middle of last century. Although not all of the reserves have been gazetted under the Reserves Act 1977, the areas have been set aside for the benefit and enjoyment of the public because of their natural character and associated intrinsic, amenity and recreational values. These areas include: wildlife habitats, indigenous flora and fauna, and areas of landscape and geological interest.

ISSUE 1 **Inappropriate activities and development, including earthworks and the removal of vegetation, may compromise the distinctive character and biodiversity of the District's conservation reserves.**

OBJECTIVE 1 **To protect the biological and landform features of conservation reserves from any adverse effect of inappropriate activities and development.**

POLICIES

- 1A** Activities and development in the Conservation Reserves Zone including buildings, structures, earthworks and the clearance of vegetation should not compromise identified ecosystems, vegetation, habitats, and landform.
- 1B** Any building, structure, pathway or other facility within a conservation reserve should be located, designed and if necessary screened with vegetation and coloured in natural tonings to complement the dominant tonings of the surrounding landscape.
- 1C** Opportunities for appropriate public access including any associated development such as the formation of tracks, viewing structures and facilities may be provided where these are consistent with the preservation and enhancement of the identified biological and landform features.

EXPLANATION AND REASONS

The purpose and principles in Part II of the Act and the matters of national importance in Section 6 require the Council, in exercising functions and powers

under the Act, to recognise, provide for and have particular regard to a range of matters. These include the protection of outstanding natural features and landscapes from inappropriate use and development, the protection of significant indigenous vegetation and habitats of indigenous fauna and the maintenance and enhancement of the quality of the environment.

The Department of Conservation has undertaken a detailed survey of the ecology of Banks Peninsula. Features and areas of significance within the District are identified in that report. Those identified conservation reserves, which are on land owned and controlled by the Council, or the Department of Conservation have been included in the Conservation Reserves Zone. These areas are of particular significance to Banks Peninsula and, in some cases, to New Zealand.

Conservation reserves are particularly sensitive to inappropriate activities and development. Accordingly, any activities or development within the Zone should not have adverse effects on the distinctive character and/or biological diversity of these areas. In particular, the provisions of this chapter seek to prevent activities where these would be incongruous with the character of the surrounding natural environment, or where the scale of development would result in a visual dominance (in size and/or number) of buildings and structures in the landscape.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- The inclusion in the Conservation Reserves Zone of identified areas of biological and landscape significance which are owned by Council or the Department of Conservation.
- Plan rules which protect land in the Zone from the adverse effects of inappropriate activities and development.
- Reserve management plans.
- Community planting days.
- Provision of educational material on species and reserves etc.
- Preparation and implementation of a strategic plan for reserves management to be completed within two years of the Plan being operative.

The scope of the plan is to include:

- A walkway network to be identified.
- SRMP to consider an active policy for purchasing and developing reserves for their ecological potential, as well as their suitability for people. In particular, the plan should consider the lower slopes where there is limited habitat for some wildlife species. This approach to include the planting of native plant species that have been sourced locally.

- Community involvement and participation in reserves projects, landscape plans and similar settlement enhancement and landscape programmes under the Local Government Act.

REFERENCE TO THE SUMMIT ROAD (CANTERBURY) PROTECTION ACT

- The provisions of the Summit Road (Canterbury) Protection Act apply to land within the area from the Summit to 30 vertical metres below the Summit Road between Gebbies Pass and Evans Pass (refer to the Act, and any subsequent Acts, and the gazette notice).

RULES**1. Permitted Activities**

The following are permitted activities where they meet the conditions set out in Rule 3 (below):

- a) The establishment of buildings, structures, pathways and other facilities associated with access to and the management, maintenance and enhancement of natural areas.
- b) Conservation activities.

2. Controlled Activities**Relocated Buildings**

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity:

- a) Compliance with all other relevant rules in this Plan.

2.1 Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

3. Conditions for Permitted Activities and Standards for Controlled Activities**3.1 Height**

Maximum height of buildings and structures – 6 metres.

3.2 Yards – Minimum

No building or part of a building shall be erected within the following yards:

Front	-	7.5 metres
Side/rear	-	3 metres
Yards fronting a State Highway	-	20 metres

No erection of any building, structure or earthworks shall be undertaken within 20 metres of any Surface Water Body.

3.3 Site Coverage

Maximum – 10% of net site area or 250m² whichever is the lesser.

3.4 Clearance of Indigenous Vegetation

There shall be no clearance of indigenous vegetation.

3.5 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 50 m³ (volume) or 100 m² (area) per site where a site is 1 hectare or less in area;
- or
- 50 m³ (volume) or 100 m² (area) per hectare where a site is greater than 1 hectare in area;
- and
- shall not have a face height greater than 1.2m.

3.6 Visual Effects

The establishment of buildings, structures, pathways and other facilities shall be located, designed, and if necessary screened with vegetation, and coloured in natural tonings to complement the dominant tones of the surrounding landscape, to minimise the visual effects.

4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the list of permitted and controlled activities which does not comply with the conditions for permitted and standards for controlled activities in Rule 3 (above).

4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to the conditions for permitted activities and the standards for controlled activities with which the proposal fails to comply.

5. Non-Complying Activities

Any activity not otherwise specified as a permitted, controlled, or restricted discretionary activity is a non-complying activity.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Conservation Reserves Zone:

- Protection and enhancement of the District's ecological heritage.
- The conservation and enhancement of ecological, scientific, landscape, botanical cultural, heritage and functional values of these reserves.
- Control of development and impacts of public use in reserves, in a manner, which ensures their character, is enhanced or remains substantially unchanged.

OVERVIEW

Banks Peninsula District encompasses Lake Forsyth/Wairewa and the southern portion of Lake Ellesmere/Te Waihora. Both lakes are part of the coastal environment and are extremely important for ecological and cultural reasons and warrant special provisions in the District Plan.

Both lakes are part of the coastal environment, they are shallow and brackish and have tenuous connections to the sea which are artificially opened from time to time in order to manage water levels. The lakes and their associated alluvial flats support a wide range of fresh water and salt-marsh plant species and are a rich habitat for fish, birds and insects, including some endangered and vulnerable species. Lake Ellesmere/Te Waihora is the largest lake in Canterbury. It is an internationally important wildlife habitat and is an important link in the chain of coastal lagoons and estuaries along the Canterbury Coast.

Lakes Ellesmere and Forsyth are also of national and regional importance, respectively, for their significant fish and game populations. Lake Ellesmere/Te Waihora is used for eeling, floundering and recreational shooting. Lake Forsyth/Wairewa, while used to a more local extent, is used for recreational activities such as boating, fishing and gamebird shooting.

Both lakes are of deep cultural importance to iwi and are important sources of mahinga kai. Lake Forsyth/Wairewa is a Maori Fishing Reserve in terms of the Fishing Regulations 1986. These regulations restrict the right to take eels from the lake to Maori. Under the Crown's Deed of Settlement, Ngai Tahu assumes ownership of the bed of Lake Ellesmere/Te Waihora and part of the lake shore at the mouth of Lake Forsyth/Wairewa. The management of these areas will be carried out jointly by Ngai Tahu and the Department of Conservation.

The Zone boundaries include the wetland margins of both lakes as well as a large portion of Kaitorete Spit containing dunelands which are significant for their ecological and geological characteristics. Kaitorete Spit also has cultural significance to tangata whenua.

Activities which take place upon and within the waters of the lakes are controlled by Acts of Parliament and Regulations, the provisions of the Regional Plan and by Council bylaws. The rules in this Chapter of the Plan are therefore aimed at ensuring that the effects of activities which take place next to the shores of the lakes and their associated wetlands do not compromise ecological and cultural values.

ISSUE 1

Activities taking place on and next to the shores of the lakes and in the adjacent wetlands can compromise the ecological and cultural values of the Lakes.

OBJECTIVE 1 To protect and enhance the natural and cultural values of the lakes and their shores and associated wetlands.

POLICIES

- 1A** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should not impair the ecological functioning of the lakes or compromise habitat values.
- 1B** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should be consistent with the established cultural significance of the lakes to iwi.
- 1C** Activities taking place on and adjacent to the shores of the lakes and their associated wetlands should not reduce the qualities of the lakes as sources of mahinga kai.
- 1D** Development on the Kaitorete Spit dune sequences should respect tangata whenua, geomorphological and ecological values.
- 1E** Lake levels will be managed to prevent flooding in a way that avoids, remedies or mitigates adverse effects on the natural character and the cultural, ecological and amenity values of the lakes.

EXPLANATION AND REASONS

Some activities taking place around the lakes are compromising their ecology. Nutrients and other pollutants are entering the lakes from surrounding catchments. Some land use practices and recreational activities taking place around the shores can also compromise their ecology through the adverse effects of drainage, sand mining, vehicle use, uncontrolled grazing, and the introduction of weeds and other pests.

The use of land around the shores of the lakes for some recreation activities may also be inconsistent with the cultural importance of the lakes to iwi and is also considered by iwi to threaten the viability of the lakes as sources of mahinga kai.

The lakes make an important contribution to the environment of the District. They are important because of the unique natural habitats they provide and they are also culturally significant to tangata whenua. Activities which take place in and around the lakes must therefore respect these ecological and cultural values.

For the purposes of the rules in this chapter, the margin of Lake Ellesmere/Te Waihora is defined as the 1.8 metre above mean sea level contour line, and the margin of Lake Forsyth/Wairewa is defined as Lakes Zone boundary.

The approximate location of these contour lines and boundaries are shown on the planning maps. The margins of the wetland areas, including the areas of saltmarsh ribbonwood, are also shown on the planning maps so that buffer zones to protect these areas can be established.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Standards and Conditions set out in the Plan.
- Bylaws.
- Education and advocacy.
- Acts of Parliament and Regulations, which control the use of the lakes.
- Consultation with Iwi.

RULES

1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 2 (below):

- a) Creation and maintenance of reserves.
- b) Conservation activities.
- c) Land-based farming activity (including the maintenance of existing drains and watercourses) which does not require the erection of any building or structure.
- d) Outdoor recreation, excluding the erection of buildings or commercial boating.
- e) Amenity tree planting outside of the lake buffer zone.
- f) Fishing.
- g) Tangata whenua's customary harvest of natural resources.
- h) Opening and closing of the seaward outlet of Wairewa to maintain lake levels.

2. Conditions for Permitted Activities

2.1 Clearance of Indigenous Vegetation

Clearance of indigenous vegetation undertaken in any continuous period of five years shall not exceed:

- 100 m² per site where a site is less than 1 hectare in area.
- or

- 100 m² per hectare of site area where a site is greater than 1 hectare in area.

2.2 Protection Yards

Stock yards and pens, cattle and goat grazing, or removal of indigenous vegetation, shall not be:

- within 100 metres of the margin of Lake Ellesmere/Te Waihora,
- within 50 metres of the margin of Lake Forsyth/Wairewa,
- within 50 metres of any wetland,
- within 20 metres of any river,
- or up to the State Highway, whichever is the lesser.

2.3 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 10 m³ (volume) or 50 m² (area) per site where a site is 1 hectare or less in area;

or

- 10 m³ (volume) or 50 m² (area) for every hectare of site area where a site is greater than 1 hectare in area.

3. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the list of permitted activities which does not comply with the conditions for permitted activities in Rule 2 (above).

3.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to the conditions for permitted activities with which the proposal fails to comply.

4. Discretionary Activities

The following are discretionary activities:

- a) Outdoor recreation requiring the erection of buildings.
- b) Commercial boating.

5. Non-Complying Activities (Updated November 2010)

- 5.1 Any activity not otherwise specified as a permitted, restricted discretionary or discretionary activity is a non-complying activity.

5.2 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaiainga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.

Except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (b) The flights (movements) do not take place on more than five days in any one month period;
- (c) The flights (movements) do not exceed three in any one week;
- (d) Any movements shall only occur between 8.00am and 6.00pm;
- (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

ASSESSMENT OF APPLICATIONS

6. Restricted Discretionary Activities

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Lakes Zone.
- b) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- c) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In making such assessment, the Council shall require consultation with tangata whenua as it considers appropriate.

7. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Lakes Zone.
- b) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- c) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In making such assessment, the Council shall require consultation with tangata whenua as it considers appropriate. In addition, the conditions for permitted activities and standards for restricted discretionary activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Lakes Zone:

- The enhancement and rehabilitation of the ecological values of water bodies and their margins.
- The retention and improvement of wetland areas as wildlife habitats.
- The retention of the natural character of waterways and their margins.
- Improvement in the water quality of the lakes.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves

OVERVIEW

The Recreational Reserves Zone consists of a large proportion of the Council's reserve land and includes a variety of different reserves, ranging from beach and esplanade reserves, playing fields and other sports grounds and facilities to areas for passive recreation. Reserves which contain significant ecosystems and habitats are included in the Conservation Reserves Zone.

Some of the land in the Recreational Reserves Zone is controlled by reserve management plans in terms of the Reserves Act 1977. Management plans set out the use and management of the reserves in accordance with their purpose under the Reserves Act. Most reserves, however, do not have a management plan and activities are carried out under the direct control of the Council.

As well as the contribution which land in the Recreational Reserves Zone makes to the overall amenity of the Peninsula, the Council's reserves are used for a range of leisure activities. The availability of open space land on which residents of and visitors to Banks Peninsula can enjoy active and passive leisure and recreation activities also makes a contribution to public health and welfare and the amenity of the District. At the same time, activities and their generated effects, such as noise, traffic and development such as buildings, facilities and car parking areas have the potential to have an adverse effect on adjacent activities and amenity.

In addition, certain types of development and facilities may be inappropriate for some reserves. Land in the Zone which consists of particular natural amenity and value can be compromised by development and other activities which do not recognise the fragility and sensitivity of such areas.

ISSUE 1 **The contribution which recreational reserve land makes to the health and welfare of residents and visitors to Banks Peninsula can be compromised by inappropriate activities and development.**

OBJECTIVE 1 **To ensure that activities and development on reserves do not compromise the contribution which land in the Recreational Reserves Zone makes to the health and welfare of residents and visitors.**

POLICIES

- 1A** Activities in the Zone should not unduly compromise the existing use, enjoyment and amenity of reserves.
- 1B** Development on recreational reserve land such as buildings, facilities and car parking areas should not be located or be of a design, size or intensity which detracts from any recognised use or amenity of the land.

EXPLANATION AND REASONS

Land in the Recreational Reserves-Zone is valued both for the contribution it makes to the overall amenity of the District and the health and welfare of residents and visitors in pursuit of leisure activities.

Activities and development on open space land may have an adverse effect on this contribution. It is not desirable for activities and development on land in the Recreational Reserves-Zone to have adverse effects on the contribution to health and welfare of reserves offering active and passive leisure opportunities.

ISSUE 2	Inappropriate development and activities can detract from the contribution of land of recognised natural amenity and value within the Recreational Reserves Zone.
OBJECTIVE 2	To ensure that activities and development do not detract from the contribution which land of recognised natural amenity and value makes to the amenity of Banks Peninsula.

POLICIES

- 2A** Activities within the Recreational Reserves Zone should not adversely affect land of recognised natural amenity and value.
- 2B** Developments such as buildings, facilities and car parking areas should only be undertaken where they do not adversely affect land with recognised natural amenity and value within the Recreational Reserves Zone.

EXPLANATION AND REASONS

The benefits generated by all reserve land and, in particular, by land with natural amenity and value can be adversely affected by inappropriate activities, development and facilities. Similarly, the contribution of open space land to the health and welfare of residents and visitors in pursuit of leisure can be impaired by inappropriate or over-intensive activity and development. Reserve management plans prepared under the Reserves Act 1977 provide direction and control of the use and development of certain reserves. However, much of the land in the Zone is not subject to such control.

Land of natural amenity and value, including areas of vegetation in the Zone, makes a significant contribution to the amenity of the Peninsula. However, activities and development on land can adversely impact on these natural features. Accordingly, activities and development should be undertaken in a way

or at a rate, which does not compromise the contribution these areas make to the amenity of the District.

ISSUE 3	The effects of development and activities on land in the Zone can have a detrimental impact on land and activities in other areas.
OBJECTIVE 3	To ensure that the effects of development and activities on recreational reserve land are not detrimental to land and activities in other areas.

POLICIES

- 3A** The design, appearance, location, size and intensity of activities and development including buildings, facilities and car parking areas should not have an adverse effect on the amenity of surrounding land nor other activities.
- 3B** The generated effects of activities such as noise and traffic and of development such as shadowing, and visual domination by buildings should not adversely affect the amenity of surrounding land or other activities.
- 3C** To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities. (Updated April 2007)

EXPLANATION AND REASONS (Updated April 2007)

The generated effects of activities and development on land in the Recreational Reserves Zone can impact adversely on the use and enjoyment of surrounding land and activities. Activities and development should be carried out in a manner and at a rate, which does not detract from the amenity of surrounding land and activities.

The efficient functioning of Lyttelton Port is a significant resource management issue. Part of the Port Environs Overlay Area covers the eastern side up to the ridgeline of the land commonly referred to as 'Reserve 68', which overlooks the Cashin Quay berths to the south and the coal operations to the east. The Council considers that it would not be prudent for activities, which are sensitive to existing and future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the port.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Plan rules to protect both the amenity of the land in the Zone and surrounding land and activities.
- Preparation of reserve management plans in terms of the Reserves Act 1977 to direct the use and development of reserves land.
- Preparation and implementation of a strategic plan for reserves management to be completed within two years of the Plan being operative. The scope of the plan is to include:
 - ú A walkway network to be identified.
 - ú SRMP to consider an active policy for purchasing and developing reserves for their ecological potential, as well as their suitability for people. In particular, the plan should consider the lower slopes where there is limited habitat for some wildlife species. This approach to include the planting of native plant species that have been sourced locally.
 - ú Community involvement and participation in reserves projects, landscape plans and similar settlement enhancement and landscape programmes under the Local Government Act. (Ch 7, Muir and Heremia).

REFERENCE TO THE SUMMIT ROAD (CANTERBURY) PROTECTION ACT

The provisions of the Summit Road (Canterbury) Protection Act apply to land within the area from the Summit to 30 vertical metres below the Summit Road between Gebbies Pass and Evans Pass (refer to the Act, and any subsequent Acts, and the gazette notice).

RULES**1. Permitted Activities**

The following are permitted activities where they meet the conditions set out in Rule 3 (below) except where they involve the erection or replacement of any building within the Coastal Protection Area:

- a) Any activity, development or facility provided for in a reserve management plan prepared under the Reserves Act 1977, subject to any restrictions or requirements in the management plan, unless the activity, development or facility is provided for as a restricted discretionary activity (below).
- b) Farming.
- c) Outdoor recreation.
- d) Amenity tree planting.
- e) Provision of walking paths and tracks.
- f) Conservation activities.

2. Controlled Activities

The following are controlled activities where they meet the standards set out in Rule 3 (below):

- a) Community facilities.
- b) Provision of public car parking areas.
- c) Relocated buildings

2.1 Matters Over Which Control May Be Exercised

In considering an application for a controlled activity for community facilities or the provision of public car parking areas the Council may exercise its discretion over the following matters:

- The cladding, scale, form, colour and location of any building on a site.
- The location and extent of tree planting and/or landscaping.
- The location of vehicle accessways.
- The placement of reticulated services.
- The fencing of land to secure protection or enhancement of areas of indigenous vegetation.
- Disposal of stormwater.

In considering an application for a controlled activity for a relocated building the Council may exercise its discretion and impose conditions in relation to the following matters:

- The cladding, scale, form, colour and location of any building on a site building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.
- The location of vehicle accessways.
- The placement of reticulated services.
- The fencing of land to secure protection or enhancement of areas of indigenous vegetation.
- Disposal of stormwater.

3. Conditions for Permitted Activities and Standards for Controlled Activities**3.1 Height**

Maximum height of buildings and structures – 6 metres.

3.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2 metres above the nearest boundary abutting any site within a Residential Zone, Residential Conservation Zone, Small Settlement Zone or Papakaianga Zone.

3.3 Yards – Minimum

No building or part of a building shall be erected within the following yards:

Front	- 7.5 metres
Side/rear	- 3 metres
Yards fronting a State Highway	- 20 metres

No erection of any building or structure, earthworks, removal of indigenous vegetation, or woodlot forestry shall be permitted within 20 metres of any Surface Water Body.

3.4 Site Coverage

Maximum – 10% of net site area or 250m² whichever is the lesser.

3.5 Clearance of Indigenous Vegetation

Clearance of indigenous vegetation undertaken in any continuous period of five years shall not exceed:

- 100 m² per site where a site is 1 hectare or less in area;
- or
- 100 m² per hectare of site area where a site is greater than 1 hectare in area.

There shall be no clearance of indigenous vegetation within an Outstanding Natural Feature and Landscape Area identified on the Planning Maps.

3.6 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 20 m³ (volume) or 100 m² (area) per site where a site is 1 hectare or less in area;
- or
- 20 m³ (volume) or 100 m² (area) per hectare where a site is greater than 1 hectare in area;
- and
- shall not have a face height greater than 1.2m.

4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted or controlled activities which does not comply with one or more of the conditions for permitted and standards for controlled activities in Rule 3 (above).

4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

5. Non-Complying Activities

Any activity not otherwise specified as a permitted, controlled, or restricted discretionary activity is a non-complying activity.

ASSESSMENT OF APPLICATIONS

6. Controlled Activities

Applications for controlled activities will be assessed against the following:

- a) The relevant objectives and policies of the Recreational Reserves Zone.
- b) The objectives and policies of any relevant Protection Area.
- c) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- d) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

7. Restricted Discretionary Activities

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Recreational Reserves Zone.
- b) The objectives and policies of any relevant Protection Area.
- c) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- d) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Recreational Reserves Zone:

- The maintenance and enhancement of the recreational and natural amenity values of these reserves.
- Control of development and impacts of public use in reserves, in a manner which ensures their character is enhanced or remains substantially unchanged.

- Development and activities in recreational reserves do not create significant adverse effects on the amenity values of adjoining sites in other Zones.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading

OVERVIEW (Updated November 2010)

The Rural Zone covers most of the peninsula. It extends from the elevated and deeply dissected inland parts of the District to the coastline. Much of it is also part of the coastal environment. The natural resources of soils, landform, climate, drainage and vegetation have largely provided the basis for the land uses carried out in the Rural Zone. Although some 1000 years ago forests covered the whole peninsula, much of it had disappeared by the mid 1800s. Timber extraction and land clearance played an early part in determining the rural landscape but now agriculture is the dominant land use and with some exceptions, it is one of the most significant determinants of the current rural landscape. Remnant areas of native forest had diminished to less than 1% of the original cover by 1920. Since then however, there has been significant regeneration to bolster the small original cover remaining. The importance of pastoral farming is reflected in the fact that over 70% of the zone is in pasture and pastoral farming is a valued part of the rural landscape character in many areas. Remnants of the indigenous forest and scrubland are scattered throughout the area and are largely confined to gullies and more inaccessible terrain. These provide shelter for stock, habitats for native species and also contribute to the landscape and biological diversity of the area. Agricultural productive land has more recently become the most visually dominant aesthetic component of the Banks Peninsula landscape, and is a key element of the landscape as we know it today. This is a major contributor to its outstanding character. As such, it is a significant resource which must be managed sustainably.

While pastoral farming remains the dominant land use, economic, social and technological changes have encouraged diversification into other activities. From the earliest days of human occupation the landscape has reflected the changing use of the Peninsula's natural resources. The current pattern of pastoral sheep and beef farming and intensive horticulture is part of this continuing evolution. In time these activities may be succeeded by others. A variety of horticultural activities are carried out where climatic and other natural factors are favourable. Land use is not static and will fluctuate as management techniques and economic conditions change. It is essential that such changes are accommodated and facilitated so that the agricultural resource can be managed sustainably. The Council will undertake plan changes to facilitate such change if necessary.

Forestry has increased in the last 10 years, mostly as an adjunct to pastoral farming but also as a stand-alone land use investment in suitable areas. As with any vegetation, particularly larger more deep-rooted species, exotic forests bring a number of benefits including economic opportunity, generally improved water quality, CO² absorption, soil stability, shelter and visual buffering, and help provide ecological corridors. Forestry can also have adverse effects on indigenous vegetation (if clearance or over-planting is involved), naturalness, views from roads, and the availability of water in the catchment. During and after harvesting there can be adverse effects on soil conservation, water quality, traffic, roads and bridges. Large trees can also shade roads and properties. The Council supports the use of forestry industry approved practices.

There is also increasing pressure from non-farming activities to locate within the Rural Zone. Provision of visitor facilities is increasingly seen as a means of supplementing rural income. In addition, there is a demand for low-density residential opportunities within the Rural Zone. The intensification of residential development in rural areas has the potential to degrade the low density character and landscape values of the rural environment, create pressure on infrastructure services and lead to conflict with other rural uses. Such impacts inhibit the efficient use and development of the rural land resource. Limited provision has been made for the residential use of rural land through the provisions of the Rural-Residential Zone. Because demand for such use can never be fully met in a manner consistent with the sustainable management of the rural land resource, control through the District Plan is necessary. The Council does not wish to discourage people from living in the Rural Zone, provided the sustainable management of the natural land resource is not compromised.

Other non-farming activities that are becoming increasingly reliant on the rural resource include passive recreation and eco-tourism activities, as well as conservation activities. Such uses need to be managed in a way to ensure any adverse effects on the character and quality of the Rural Zone are no more than minor.

The range of resources and activities occurring in the Rural Zone raises a number of resource management issues. Part III of the Plan outlines the significant resource management issues confronting the District. Most of those are applicable to the Rural Zone. This part of the Plan focuses on those resource management issues which are particular to the Rural Zone. It seeks to minimise any adverse effects that may arise.

In addition, the Plan seeks to foster the protection of the landscape character and amenity values of the Rural Zone by promoting sustainable management and positive conservation actions through both regulatory and non-regulatory means.

In 2007 the Council completed a Landscape Study of the Rural Zone. The purpose of this study was to identify Outstanding Natural, Coastal, Natural Character and Visual Amenity Landscapes within the Rural Zone of Banks Peninsula (Coastal Natural Character Landscapes and Outstanding Natural Landscapes area referred to in Chapters 12 and 13 respectively). The Study was based on a comprehensive description of the existing landscape and described the landscape at three scales – peninsula-wide, by landscape character areas and by landscape features and elements. The study considered legibility, natural science, aesthetic, transient, shared and recognised, cultural and heritage values.

The Study concluded that the legibility of the Akaroa and Lyttelton Crater Rims was exceptional along with volcanic layering of the summits and upper slopes of Mt Bradley, Mt Herbert and Mt Evans and the volcanic dip slope of Diamond Harbour, Kaitorete Spit is also an important landform. Along with landform and sites of geological interest the Study considered the relevance of marine reserves. Recommended Areas of Protection, QEII covenants, Department of

CHAPTER 19 THE RURAL ZONE

Conservation Protected Areas and other areas of significant natural value and their contribution to the landscape.

Key features contributing to landscape quality were found to include prominent ridgelines, areas free of development, rugged and exposed coastlines, areas of openness, natural vegetation patterns and historic settlement. Much of the Peninsula is considered within a working environment. Natural landscapes were those displaying a strong predominance of natural features, patterns and processes with lesser evidence of human activity.

Tangata Whenua has identified the whole of the Peninsula as outstanding with native flora, fauna and waterways all contributing to cultural appreciation of the landscape.

The Outstanding Natural, Coastal Natural Character and Visual Amenity Landscapes identified by the Study have been incorporated into the District Plan, although the latter was renamed the Rural Amenity Landscape.

As a result of early settlement patterns and the continued use of the land today some development including homesteads, accessory buildings and structures are established within the Outstanding natural and Coastal Natural Character Landscapes.

Users of the Rural Zone need to be able to respond to future opportunities for a range of land uses, which may include different forms of development. These types of activities can be complementary to farming activities and in the case of tourist, ecologically based or accommodation activities of a scale consistent with objectives and policies. These can have the added benefit of enabling the community and visitors access to the coast and outstanding landscapes.

The Landscape Study which has identified the Outstanding Natural and Coastal Natural Character Landscapes and Main Ridgelines has been undertaken at a district wide level, in identifying these landscapes it is recognised that there is the potential for areas to exist within sites which have the potential to absorb some change. The nature of that change must be appropriate having regard to the landscape values identified and relevant objectives and policies.

The Rural Amenity Landscape applies to the balance of the Rural Zone which are not included within the Outstanding Natural Landscapes or the Coastal Natural Character Landscapes. The Rural Amenity Landscape is considered to be of high aesthetic quality where there is a general absence of large scale or concentrated development. A reduced level of control is anticipated in the Rural Amenity Landscape compared with the Outstanding Natural and Coastal Natural Character Landscapes. It is predominantly a working landscape reflecting the domination of agricultural and pastoral activities on the Peninsula.

Within the Rural Amenity Landscape ridgelines that make a significant contribution are to be identified on the Planning Maps as Main Ridgelines. Ridgelines that are currently free of built development are subject to a rule that seeks to maintain that environment.

(Updated November 2010)

ISSUE 1	Structures, development and activities can adversely affect the landscape character and amenity values of the Rural Zone.
OBJECTIVE 1	To maintain the landscape values, natural character and amenity values of each of the Landscape Categories identified within the Rural Zone.

POLICIES

- 1A** The following qualities or elements contribute to the landscape character and amenity values of the rural environment and are to be maintained and enhanced:
- A generally small scale low density of buildings and residential development in those areas of the District where landscape character and amenity values are vulnerable to degradation. (See also Chapters 12, 13 and 31.)
 - Absence of highly visible structures and development on prominent ridges and skylines. (See also Chapters 12, 13 and 31.)
 - Prominent rocky outcrops.
 - Areas of indigenous vegetation and habitat.
 - The quality and clarity of water in rivers and streams.
 - Indigenous streamside (riparian) and coastal vegetation.
 - The ability to sustainably provide for the evolving nature of land based activities.
- 1B** Sustainable management and positive conservation is to be encouraged through non-regulatory means, including a Banks Peninsula Conservation Trust or other independent organisations.

EXPLANATION AND REASONS

The landscape qualities of the Rural Zone of the District are highly valued by the community of Banks Peninsula and visitors. These landscape qualities have resulted from a variety of natural and human events and processes. Important components of the landscape include the distinctive landforms of the area resulting from the natural processes of volcanic activity, erosion and deposition, and the vegetative pattern of open grasslands interspersed with stands of exotic plantings, remnant and regenerating indigenous forest and secondary growth. These landforms patterns of vegetation and agricultural activities help define the landscape character of the Rural Zone.

Typically buildings and structures are relatively minor elements of the rural landscape. However, when located on prominent high points and ridgelines, or parts of the coastline, or when large or in a dense pattern, they can visually

detract from the existing landscape character, resulting in adverse effects on rural amenity and landscape values. Similarly, when poorly sited or designed, exotic tree planting and other development can result in adverse effects on the landscape regardless of scale. Adverse visual effects on the landscape character of the Rural Zone are to be avoided or mitigated. The outstanding natural features in the landscape are also afforded protection from inappropriate development through the provisions of Chapters 12 The Coastal Environment and 13 Outstanding Natural Features and Landscapes.

These policies therefore seek to recognise and provide for the relevant section 6 and 7 matters, while at the same time remaining consistent with section 5 of the Act in that people and communities will still be able to provide for their social, economic and cultural wellbeing. The policies are intended to ensure that future development in the Rural Zone is carried out in a sustainable manner that respects the existing landscape character and amenity values which are highly valued by the community and visitors to the area. The density, siting and appearance of buildings and other structures shall be managed in a way that ensures the landscape character of the rural area is not compromised. While it is considered important to allow for a range of living and working opportunities in the Rural Zone, it is commonly recognised that a valued element of the landscape is its open and uncluttered character. If this landscape character is to be maintained and enhanced, it is necessary to respect those highly visible and sensitive features such as ridgelines, the most significant parts of the coastal environment and areas of significant indigenous vegetation. It must also be recognised that the most significant ridgelines, peaks and coastal landscape features are highly visible and it may not be appropriate for buildings to be established in such locations.

Forestry plantings in the Rural Zone are to be sympathetic towards maintaining rural landscape values through the application of sound siting and design principles. It is envisaged that there could be some sites or areas within sites that will be unsuitable for exotic plantings. Where planting is appropriate steps will generally be needed to deal with the spread of wilding trees.

(Updated January 2008)

ISSUE 2	Land use activities involving the removal or modification of indigenous vegetation and habitats of indigenous fauna can lead to adverse effects on the ecosystems, habitat functions and cultural values.
OBJECTIVE 2	To identify, protect and enhance significant indigenous vegetation and significant habitats of indigenous fauna, wetlands and ecosystems; and encourage the retention and enhancement of indigenous vegetation and habitats of indigenous fauna.

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POLICIES (Updated January 2008)

- 2A** Areas of significant indigenous vegetation and significant habitats of indigenous fauna referred to in Method 1, Chapter 19 are to be protected and adverse effects on such areas are to be avoided.
- 2B** Where land use activities, buildings or earthworks result in the removal of significant indigenous vegetation, new areas of equivalent environmental value are to be established or other areas enlarged in compensation.
- 2C** Plantings of exotic forestry are to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 2D** The control of pests and weeds, which can damage indigenous vegetation, or habitats of indigenous fauna, is to be encouraged in line with the Canterbury Regional Pest Management Strategy.
- 2E** The Council, in the consideration of any resource consent application is to be able to take into account whether or not the community benefits by the applicant taking effective and appropriate steps to preserve indigenous vegetation and habitats of indigenous fauna closely related to the application site.
- 2F** Exotic tree plantings shall be sited, designed, of a species and managed to prevent wilding tree spread.
- 2G** The planting of indigenous tree species is to be encouraged.
- 2H** To encourage the retention and enhancement of remaining areas of indigenous vegetation and habitats of indigenous fauna.

EXPLANATION AND REASONS (Updated January 2008)

The Rural Zone contains some areas of significant remnant and regenerating indigenous vegetation and significant habitats of indigenous fauna. These have an important ecological function supporting populations of native plants and wildlife and are also important as living reminders of the original natural heritage of the District. It is the Council's intention to protect and enhance these areas through a combination of regulatory and non-regulatory measures.

It is acknowledged that significant habitats of indigenous fauna have not been specifically addressed in the methods of this Plan. However, it is recognised that the interim definition of significant indigenous vegetation encompasses some significant habitats of indigenous fauna, and Appendix XX lists threatened animal species. The effects on these shall be assessed where activities require resource consent under this plan.

The removal or modification of indigenous vegetation and habitats of indigenous fauna can have adverse effects on ecosystems, habitat functioning, cultural values, and soil erosion. The areas are fragmented and at risk from invasion of pests and weeds. The current land occupiers in most cases have shown that with appropriate land management practices these areas can be increased in extent and their quality enhanced. The Council wishes to support and encourage this trend.

Significant areas of indigenous vegetation make an important contribution to the landscape and habitat values of the District. In particular the Council recognises that there are areas within the District which could contain unique, special or rare natural features or are representative examples of biological or geological features that were once more common or extensive within the District.

ISSUE 3	Some activities can adversely affect the amenity values and health and safety in the rural environment.
OBJECTIVE 3	To maintain and enhance the amenity values and conditions required for health and safety within the Rural Zone.

POLICIES

- 3A** Activities must not generate continuous or persistent nuisance, sufficient to have more than minor adverse effects on the amenity values and the health and safety of adjoining land users.
- 3B** Levels, duration and character of noise and odour are to be consistent with those normally generated by rural activities.
- 3C** Any adverse effects on amenity values, health and safety from increased density of development, vehicle movements or changes to the level of intensity or character of road usage on district roads, are to be avoided remedied or mitigated.
- 3D** Adverse effects from any activity affecting the rural outlook and privacy of adjoining properties are to be avoided, remedied or mitigated.

EXPLANATION AND REASONS

The Rural Zone is valued for its landscape character, amenity values and productive land use activities. Important amenity values include the open and uncluttered character of the landscape, tranquillity, the rural outlook and privacy. However, it is to be noted that the land tenure is characterised by a pattern of subdivision with a number of small sites of less than four hectares scattered throughout the District. If it were permissible to establish a dwelling on each of

those sites as-of-right, this intensification of residential activity has the potential to lead to adverse effects on the character and rural amenity values of the rural zones that are highly regarded by the community and visitors to the area. It may also generate adverse effects such as contamination and human health problems associated with on-site disposal of effluent.

Increases in the scale and intensity of development in the Rural Zone can result in increases in noise and vehicle movements associated with some new activities. There may also be visual impacts from an increase in the number, density and scale of buildings. Changes in the type of land use activity (to factory farming for instance) can also result in adverse effects caused by odour. Although increased development in rural zones can bring economic and social benefits to the community, such as improved infrastructural services and maintaining schools and community facilities, these must be balanced against the actual and potential adverse effects on the environment.

The scale and location of activities must be such that they do not cause more than minor adverse effects on the existing amenity values and landscape character of the Rural Zone. Careful design and siting of buildings and amenity planting can assist in mitigating any adverse effects and maintaining the visual amenity of the Rural Zone. This is of particular importance in visually prominent parts of the Zone. Other valued characteristics of the amenity of the Rural Zone can include privacy, a spacious rural outlook, peacefulness, clean air and low traffic volumes. It is acknowledged that the operation of some activities associated with farming and forestry sometimes generates severe levels of noise, dust and odour by urban standards, and those who live in rural zones must expect these. However activities are to be managed so that these effects do not exceed levels which are normally expected in rural zones and do not endanger the health and safety of the community.

ISSUE 4	Land use activities can have adverse effects on water quality and quantity and the natural character of streams and water bodies.
OBJECTIVE 4	To maintain and enhance the quality and quantity of natural water bodies and potable water sources and protect their natural character.

POLICIES

- 4A** Buildings are to be sited and other activities carried out so as to allow retention and establishment of riparian and wetland vegetation and ensure the water quality and quantity of water bodies and potable water sources is maintained or enhanced.
- 4B** Stormwater is to be disposed of so that it does not create erosion, inundation, and siltation or reduce the water quality of any water body.

- 4C** Effluent and stormwater from any new development is to be safely and effectively disposed of to avoid any adverse effects on ground or surface water quality.
- 4D** Riparian areas are to be managed to maintain and enhance their vegetation and natural character while, at the same time not unduly restricting the capacity of the channel to convey maximum flows.

EXPLANATION AND REASONS

This is an area where the Council’s responsibilities complement those of the Regional Council. The Canterbury Regional Council has a central role but it is recognised that policies relating to land use activities, which can affect such issues, are not inconsistent with regional policies.

Some activities and buildings, if inappropriately located, have the potential to adversely affect water quality. This can occur through run-off of pesticides and nutrients into water bodies and sedimentation resulting from earthworks and erosion. Water flows and quality can also be altered through drainage, removal of riparian vegetation and through livestock entering waterways. An increase in the density of dwellings and other activities which rely on the disposal of effluent to the ground can also cause potential adverse effects on human health and has the potential to degrade water quality and reduce available sources of potable ground water.

Water is an essential resource in the Rural Zone. The location of riparian vegetation can act as a buffer and reduce the amount of sediments and other contaminants entering streams and other bodies of water. Similarly, locating buildings and activities at a distance from water bodies will reduce the risk of contaminants entering the water. There are no reticulated waste disposal systems within the Rural Zone. On-site methods of effluent disposal are used with septic tanks being most common. Other waste and storm water is generally disposed of to the ground. It is important that on-site methods of disposal do not compromise ground or surface water quality. Some activities, such as large-scale forestry throughout a catchment, although generally having a beneficial effect on water quality, can have the potential to deplete ground and surface water resources. It will be necessary for those activities not to reduce the water resource to the extent that there will be adverse effects on the natural environment or on existing activities and indigenous vegetation.

ISSUE 5	Some activities and land uses can have adverse effects on the life-supporting capacity of soils.
OBJECTIVE 5	To safeguard and maintain the life-supporting capacity of the soil resource.

POLICIES

- 5A** Activities are to avoid contamination of soils.
- 5B** Land management practices are to include measures to avoid loss of soils through erosion, the long-term depletion of soil organic matter, soil nutrients or natural fertility and degradation of water quality.
- 5C** Earthworks are not to lead to erosion or the siltation of any water body including coastal water and are to be protected by appropriate stabilisation planting and drainage.

EXPLANATION AND REASONS

Again, this is an area that complements the role of the Canterbury Regional Council. To the extent that the District Council's role is required to be not inconsistent with the regional role these policies are appropriate.

While the implementation of soil conservation measures is the primary responsibility of the Regional Council, the District Plan may also include measures to ensure the life-supporting capacity of soil is not compromised.

The soil's life-supporting capacity can be sustained by ensuring that as far as practicable land use activities do not result in erosion, breakdown of soil structure or contamination of soils.

ISSUE 6	New occupiers and land-use activities can bring expectations of standards of amenity infrastructure and services which are not realistic alongside established activities and existing conditions in the rural working environment.
OBJECTIVE 6	To ensure new use activities are compatible with existing standards of amenity, infrastructure and services.

POLICY

- 6A** Existing lawfully established rural activities are expected to improve their environmental performance but generally are not to be required to modify their lawfully established current operations and associated environmental effects to satisfy the needs of new land-use activities.

EXPLANATION AND REASONS

The concept of reverse sensitivity has been recognised by the Environment Court as a legitimate concern for district plans. The concept relates to the effects of the existence of sensitive activities on other existing activities in their vicinity, particularly by leading to restraints in the carrying out of those existing activities.

Existing lawfully established activities, and the effects that they create, are component parts of the natural and physical environment. It is reasonable to restrict or refuse consent for proposed activities in close proximity to an existing activity on the grounds that the existing activity, although legitimately established, may give rise to adverse effects likely to be detrimental to the operation of the proposed activity.

Rural activities that have been lawfully established are still under an obligation to avoid, remedy or mitigate adverse effects. The reverse sensitivity principle does not enable activities to offend against the overriding duties expressed in sections 16 and 17 of the RMA.

ISSUE 7	New land-use activities can raise expectations of, or require, levels of service which realistically cannot be achieved by existing infrastructure and services in the rural environment unless the appropriate levels of financial and physical resources are available.
OBJECTIVE 7	To ensure that future development does not exceed available servicing and infrastructure capacities at the cost of the community.

POLICIES (Updated 2 July 2011)

- 7A** Where any new activity requires a significant extension of public reserves, network infrastructure or community infrastructure it is to generally be provided by the person carrying out the activity or an appropriate financial contribution may be required. The level of financial contribution required is to take into account the impacts of the proposed activity and whether other contributions are being made, including rates, development contributions or road user charges or other indirect forms of contributions.
- 7B** Any traffic generated by a proposal is not to compromise road safety or efficiency.
- 7C** Activities located within the Rural Zone are to dispose of all wastes generated, including chemical waste, sewage and stormwater, to ensure any adverse effects are avoided, remedied or mitigated.

EXPLANATION AND REASONS

Increasing development in the Rural Zone also may generate demand for additional infrastructure and services. Existing facilities are developed to a level which is sufficient to service an economy largely centred on extensive farming and dispersed rural settlement. There are no reticulated systems of effluent or waste disposal and all activities must rely on site specific systems. To ensure the efficient use of the resources of the District, future development may sometimes be better concentrated in areas of existing facilities. Most activities located in the Rural Zone are directly dependent on the resources of the land and soil. Others provide services and social and cultural facilities to the rural community or process the resources of the zone.

Further development within the Rural Zone may result in a need to expand or upgrade elements of the existing infrastructure. One example would be an activity generating increased vehicle movements therefore making it necessary to widen or upgrade roads. The road network is a significant physical resource in the Rural Zone, providing for access throughout the District. It is important that the traffic generated by land-use activities does not compromise the level of service of the roading network and that any adverse effects on traffic safety are avoided, remedied or mitigated. In addition to the methods contained in this chapter, Chapter 35 "Access, Parking and Loading" of the Plan includes methods to achieve the safe and efficient functioning of the road network. Where roads are expected to serve other users to the Rural Zone, costs must not necessarily fall upon existing rural dwellers. Other activities may generate effluent or other wastes which require specialised disposal systems to be installed. It is expected that these costs will be met or shared to a commensurate level by the developer so that unsustainable demands are not placed upon existing rural infrastructure.

It is also important to ensure that the provision of any necessary additional infrastructure in the Rural Zone avoids, remedies or mitigates any potential adverse effects on the environment including any potential adverse effects on amenity values. All activities located within the Rural Zone must be capable of adequately disposing of wastes so that any adverse effects are contained within the site.

ISSUE 8	Conservation and environmental enhancement may in some cases be effectively achieved by non-regulatory methods.
OBJECTIVE 8	To encourage the development of non-regulatory methods of achieving the conservation and enhancement of the valued landscapes, vegetation and wildlife of the Banks Peninsula.

POLICIES (Updated November 2010)

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8A The Council is to foster the development of non-regulatory measures including education, advocacy and assistance, which involve land managers and the community in the conservation of the valued qualities of the rural environment.

EXPLANATION AND REASONS

It is unusual to have objectives and policies relating to types of methods but in this case the successful outcome of this Plan is dependent on the methods adopted.

For the most part, the rural landowners of Banks Peninsula have managed the rural resource responsibly. This has been achieved cooperatively with most rural dwellers sharing similar environmental values. It is important to maintain and nurture this spirit. The Council recognises the wealth of knowledge that is held by rural dwellers and landowners and it does not seek to impose its methods where this would damage the cooperative spirit.

The Council must administer its District Plan over a relatively large and quite complex Rural Zone. It has limited resources with which to do so and it is aware that it could not administer rural policies successfully without the very full support and involvement of the rural community, particularly the landowners who are the first line managers of the resources. For this reason the Council's intention is to concentrate on methods designed to cultivate a climate of cooperation where there is a high degree of local involvement and "ownership". The Council intends to give every opportunity for such non-regulatory methods to work and undertakes to support them throughout the life of the plan. In taking this path the Council is aware there is a need to engender the support of the community and that this is more likely with the adoption of cooperative methods. Having said that, the Council will be monitoring the success of the methods and, if necessary, will undertake changes to the Plan to introduce new methods including possible rules. Rules are the method chosen to deal with elements requiring controls where the Council believes non-regulatory methods would be unlikely to be effective. Some rules have been selected and put in place to control adverse effects until non-regulatory methods can be put in place. The methods to implement the objectives and policies are set out below.

ISSUE 9 The efficient functioning of Lyttelton Port may be compromised by nearby sensitive activities being established in that part of the Rural zone identified as Port Environs Overlay Area on Planning Maps S0 and S1.

OBJECTIVE 9 To enable the efficient operation, use and development of the Port of Lyttelton as a major sea link for New Zealand.

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POLICIES (Updated April 2007)

- 9A** To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities.
- 9B** To recognise that any future landward expansion of the Port would involve land in the coastal environment between Te Awaparahi Bay and Gollans Bay.

EXPLANATION AND REASONS (Updated November 2010)

The efficient functioning of Lyttelton Port is a significant resource management issue. To this end a Port Environs Overlay Area has been identified within the Rural zone and the Council considers that it would not be prudent for activities, that are sensitive to existing or future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the Cashin Quay berths, the existing coal stockpile or the Gollans Bay Quarry, or would be sensitive to the future development of the Lyttelton Port into Te Awaparahi Bay and Gollans Bay.

Extension of the Port into Gollans Bay would result in substantial changes to the rural character and rural amenity of this area. However, the area is part of the coastal environment and is therefore included under Chapter 12 (The Coastal Environment). The land is also identified as a 'Rural Amenity Landscape' under this Chapter (the Rural Zone). This means there is a potential tension between Objective 9 and Policy 9B and these more general provisions. Objective 9 and Policy 9B must have priority however because:

- The Port cannot expand westwards due to existing residential settlement; and
- Gollans Bay is contiguous with the existing Port and has been subject to long established, periodic quarrying.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

Method 1: Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna (Updated January 2008)

Part A

To use the definition of significant indigenous vegetation and associated rule as an interim regulatory method for addressing the significant indigenous vegetation and significant habitats of indigenous fauna requirements of the Resource Management Act.

(Updated January 2008)

Part B:

To identify (in consultation with landowners and other interested parties) sites of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with a set of criteria below.

Council is committed to undertaking a study to identify significant indigenous vegetation and significant habitats of indigenous fauna. The details of the process by which the sites of significance will be identified will involve:

- Establishment of a broad based community steering group to oversee the study and assist the Council with input and advice. This is intended to ensure, among other things, that the process of identification is well understood and has wide community acceptance.
- Identification of potential sites with S6c values using the criteria included below;
- On the ground assessment of the values of these sites;
- Discussions with landowners on appropriate management mechanisms;
- Evaluation and review of the application of the criteria listed below;

Council intends to complete the study and carry out a section 32 analysis to determine whether any of the areas should be included in the Plan within 5 years of this provision being approved by the Environment Court.

Before deciding on whether any identified area should be included in the District Plan, Council will have regard to all of the following matters as part of its s32 of the RMA analysis:

- Threats or risks to the identified values;
- Other options for ensuring the identified values and their needs are recognised and protected;
- Economic effects on the landowner (e.g. management costs, lost development potential);
- Resources required to implement effective protection;
- Ecological functioning¹³
- The potential benefits of including the site in the Plan (including ecological benefits and benefits for the landowner, such as its use for environmental merit)
- Any other relevant factor;

The criteria will be applied at the Ecological District scale in a way that recognises that the majority of ecosystems on the Banks Peninsula are secondary and/or induced. The importance of the 'commonplace' is central to recognising the full range of biodiversity values.¹⁴

¹³ This matter provides for consideration of the long-term ecological management needs for any site that might be included in the Plan, including the need for a buffer zone.

¹⁴ The focus of the District Plan is on "typical" and not necessarily "original" or "best" vegetation cover or habitats, recognizing that the common/ widespread secondary ecosystems on the Banks Peninsula have ecological values. The commonplace (synonym for common) is a key concept within the criterion of representativeness. The character of an Ecological District is broadly defined by the presence of common ecological features, e.g. second growth forest remnants, silver tussock grasslands and volcanic rock outcrops. The inclusion of common communities and features within

The criteria should include but not necessarily be limited to:

1. The ecological values of an area or group of areas- the values of the places themselves
 - Representativeness - Supporting indigenous vegetation, habitats, physical features¹⁵ or ecological processes which are typical of their ecological district, including the commonplace.
 - Rarity. - Supporting, or important for the recovery of, an indigenous species, habitat, physical feature, or community of species which is threatened nationally or is rare at a local level (i.e. within the Ecological District).
 - Distinctiveness¹⁶. - The type and range of unusual features of the area itself including:
 - presence of indigenous species at their distribution limit
 - levels of endemism (eg the presence of endemic species)
 - the type locality for a plant or animal
 - the occurrence of relict distributions
 - physical features (which provide atypical habitat)
2. The ecological context of the area or a group of areas including the relationship with their surroundings. This recognises that ecological processes affecting indigenous ecosystems extend beyond their obvious physical boundaries, e.g. hydrology, pollination and dispersal.
 - Size, shape, buffering connectivity and linkages. The extent to which an area has ecological value due to its configuration, location and ecological functioning in relation to its surroundings.¹⁷

Note: The application of some ecological criteria such as representativeness, rarity and connectivity may not be able to be confirmed until a number of properties have been surveyed in a particular locality and the overall pattern of remnant indigenous vegetation and habitats can be assessed.

significant areas is the main way in which most biodiversity is recognised. This approach is important as it caters for the needs of smaller and inconspicuous biota that are not normally seen. To complement the commonplace, unusual or rare features are catered for by other criteria to ensure that the full range of ecosystems and ecological features are recognised.

¹⁵ "Physical features" provide habitat structure for a number of plants and animals.

¹⁶ Distinctiveness focuses on truly "unusual" features rather than things that are rare or representative.

¹⁷ The combination of size, shape, buffering, and connections to its surroundings all contribute to the ecological value of an area of vegetation or habitat (sometimes called a "patch"). The ecological functioning of an area may be adversely affected by activities in its surroundings (sometimes called the "matrix"). Examples include:

- Large areas often have greater natural diversity, but small areas collectively can have increased value or may be important for invertebrates.
- Compact areas are normally less affected by edge effects.
- Buffers help to reduce external influences such as wind effects on a forest edge, weed invasion, grazing impacts and nutrient pollution.
- Isolated remnants can act as stepping stones between larger remnants.

Method 2: Non-Regulatory Methods (Updated January 2008)

It is not intended that these tasks be the exclusive preserve of any individual or group. However, it is the Council's intention to assist local organisations, including the Banks Peninsula Conservation Trust, in achieving the objectives and policies of this Plan.

In performing the following tasks, Council will consult with people, associations or trusts having objectives which include the following activities:

- Encouraging landholders to adopt good management practices, Land Management Plans, property agreements, QEII covenants, and the like.
- Furthering conservation by raising funds to facilitate the independent purchase of land and promoting other techniques such as private agreements and seeking sources of public funding.
- Recommending examples of good practice worthy of awards.
- Initiating and facilitating community projects relevant to good resource management.
- Recommending new areas for environmental protection.
- Developing land use management practices and encouraging landowners to abide by these practices.
- Recommending changes to the Landscape Plan to include new areas for protection.
- Serving as a source of goods and services whereby land managers can access resources for environmental enhancement.
- Providing positive incentives, where appropriate, as a means of encouraging conservation and environmental enhancement.

Method 3: Guidelines

- The Council is committed to continuing education and advocacy and will play a pro-active role in initiating consultation with landowners and organisations concerned with land and environment.

- Work with the Banks Peninsula Conservation Trust and the local community to develop guidelines, within or outside the Plan for buildings, earthworks and forestry. Such guidelines are also to be continuously available in pamphlet form and distributed to applicants for building consent with correspondence answering enquiries PIMs and LIMs and with Council newsletters.
- Work with the Banks Peninsula Conservation Trust and the local community to develop guidelines and advice on the management of areas of significant indigenous vegetation.
- The Council is committed to support Landcare Groups and may extend such support to other similar groups, including Coastcare groups.

Method 4: Taking Into Account Environmental Merit When Considering Resource Consents (Updated November 2010)

This is achieved by including in the assessment matters for any application for resource consent whether, and to what extent, the community benefits by landowners taking effective steps to preserve in perpetuity significant indigenous vegetation, outstanding natural features and landscapes, coastal natural character landscapes or sites of natural, scientific or cultural significance. The Council would take that benefit into account and whether or not such preservation took place on the land subject to the application or other closely related land under the control of the applicant at that time.

Method 5: The Summit Road (Canterbury) Protection Act

The provisions of the Summit Road (Canterbury) Protection Act apply to land within the area from the Summit to 30 vertical metres below the Summit Road between Gebbies Pass and Evans Pass (refer to the Act, and any subsequent Acts, and the gazette notice).

Method 6: Rules

The provision of rules to control activities in the Rural Zone, and the provision of controls and performance standards including assessment matters for resource consents, regarding the actual or potential effects of activities on the landscape character and amenity values of the rural environment.

Method 7: Inclusion of areas identified in the Landscape Study (2007) (Updated November 2010)

The Council intends to carry out a section 32 analysis to determine whether to include areas identified in the Landscape Study as Outstanding Natural Landscapes and Coastal Natural Landscapes which have not been included within the provisions of the Plan.

RULES (Updated November 2010)

Non-Notification of Applications

Any application for a resource consent for a controlled activity may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

1. Permitted Activities (Updated November 2010)

The following are permitted activities where they meet the standards set out in Rule 2 and 3 (below), unless otherwise specified as a controlled, restricted discretionary, discretionary or non-complying activity.

- a) Farming.
- b) Farm accessory buildings and structures.
- c) Creation and maintenance of Reserves.
- d) Outdoor recreation, which does not involve the commercial use of, motorised vehicles.
- e) Conservation activities.
- f) Home enterprises.
- g) The creation of dwellings and accessory buildings within those areas shown as Rural Amenity Landscape on the Planning Maps.
- h) Forestry not exceeding an area of 1ha per site or at a ratio of 1ha for every 20ha contained in a site, within those areas shown as Rural Amenity Landscape on the Planning Maps (for the purpose of administering this rule no such contiguous area of planting shall exceed 1ha).
- i) Existing Forestry.
- j) Earthworks undertaken within those areas shown as Rural Amenity Landscape on the Planning Maps.
- k) The maintenance and repair of roading infrastructure.

2. Standards for Permitted Activities (Updated November 2010)

2.1 Dwelling Density

Dwellings within those areas shown as Rural Amenity Landscape on the Planning Maps shall not exceed a density of:

- For dwellings located below the 160m contour line, 1 dwelling per 40 hectares of contiguous land area within a site;
- For dwellings located above the 160m contour line, 1 dwelling per 100 hectares of contiguous land area located fully above the 160m contour line within a site;

The maximum number of dwellings per site shall be two.

3. Standards for Permitted, Controlled, Restricted Discretionary and Discretionary Activities (Updated January 2008)

3.1 Height

Maximum height of buildings and structures 7.5 metres

3.2 Yards – Minimum

3.2.1 All buildings or part of a building are to be setback the following minimum distances from boundaries: (Updated November 2010)

Front boundary	7.5 metres
Side/Rear boundary	7.5 metres
Boundary fronting a state highway	20 metres
For sites within those areas shown as Rural Amenity Landscapes on the Planning Maps - Boundary fronting the coast (MHWS)	40 metres

3.2.2 In relation to any permanent natural surface water body: (Updated May 2009)

- (i) no erection of any building or structure; earthworks; dwellings; removal of indigenous vegetation; or planting of forestry or woodlot forestry shall be undertaken within 10m of any stream or river; or within 20m of a wetland or lake, except for those wetlands or lakes identified in the Lakes Zone;
- (ii) no forestry or woodlot forestry; dwellings and accessory buildings; removal of indigenous vegetation; or any activity set out in rule 6.2.d-I shall be undertaken within 20m of a stream or river with an average channel width over 3m.

The following are exemptions from rules 3.2.2(i)-(ii):

- the maintenance, refurbishment or replacement of existing lawfully established buildings and structures;
- roofing of existing stockyards;
- minor bridges or culverts which are permitted by the Regional Council;
- the maintenance of existing tracks;
- fencing;
- water storage tanks up to 30,000 litres, water troughs, pumps, pump sheds (under 10m²), power poles (associated with a pump or pump shed) and pipes;
- earthworks required for the above exemptions subject to compliance with Rule 3.5 and where permitted by the Canterbury Regional Council.

3.2.3 The nearest trees in any area of forestry or woodlot forestry shall be situated at least:

- 50m from any dwelling or a dwelling site approved by the Council on an adjoining property, or land zoned Rural-Residential, Akaroa Hillslopes, Papakaianga, Residential, Small Settlement or Town Centre where it adjoins the Rural Zone.
- 10m from the boundary of any adjoining property under separate ownership unless the adjoining owner provides written agreement to a lesser distance and such consent is entered on the Council's property file for PIM and LIM purposes.

3.2.4 Location of planting (Updated November 2010)

No vegetation such as trees, shelter-belts, vegetation or forestry shall be planted in any position which will result in shading of the State Highway carriageway between 10:00am and 2:00pm on the shortest day of any calendar year.

3.3 Site Coverage

Maximum – 10% of net site area or 2000m² whichever is the lesser with the maximum size of any separate building being 300m².

3.4 Building Platforms

Any building located on sites created by subdivision occurring after 30 January 1997 must be located on a building platform identified on an approved plan of subdivision. For the purpose of this rule 'building' excludes those less than 50m² in area and 6m in height provided the structure is not used for sleeping accommodation.

3.5 Earthworks (Updated November 2010)

The maximum uphill cut depth is 2 metres (except for the construction of the proposed road serving land between Cass Bay and Corsair Bay shown on Planning Maps S3 and S4).

The maximum downhill vertical spill of side castings is to be 2.4 metres (except for the construction of the proposed road serving land between Cass Bay and Corsair Bay shown on Planning Maps S3 and S4).

The maximum volume of earth moved shall not exceed 100m³ per site within any one consecutive 12 month period except that for farm access tracks, the following standards apply:

- (i) no restriction on maximum volume of earth moved;
- (ii) no part of any farm access track shall be located within 30m of a State Highway boundary;
- (iii) the farm access track shall be no more than 250m in length.

The maximum width of any vehicle track is to be five metres.

There shall be no disturbance of a known waahi tapu site.

3.6 Forestry (Updated November 2010)

3.6.1 No forestry is to be planted within:

- an area of significant indigenous vegetation,
- within 100m of MHWS.

3.7 Access

Any dwellings are to have legal access to a formed public road (note that the formation of any unformed legal road on the coast is not acceptable for this purpose).

3.8 Location Below Ridgeline – Rural Amenity Landscape (Updated November 2010)

Where new buildings are not to be located on a main ridgeline as identified on the planning maps but not within 100m of an existing building cluster in a Rural Amenity Landscape, they shall have a building platform at an elevation at least 20 vertical metres below that of the adjacent main ridgeline.

3.9 Reflectivity (Updated November 2010)

The reflectivity of buildings and structure shall be no greater than 40% except for building located within an Existing Building Cluster.

4. Controlled Activities (Updated November 2010)

The following are controlled activities:

4.1 Buildings

- a) All buildings within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape, or on a Main Ridgeline within the Rural Amenity Landscape, which do not exceed a floor area of 75m² and are located within 100m of an Existing Building Cluster.
- b) Any permitted building located within a Landscape Buffer shall be a Controlled Activity. For the purpose of this rule, the Landscape Buffer is an area within a Rural Amenity Landscape measured from the boundary of either an Outstanding Natural Landscape or a Coastal Natural Character Landscape as shown on the Planning Maps for a distance of 150m horizontal distance or 50m vertical distance from the boundary, whichever is the lesser.
- c) Dwellings within an area shown on the Planning Maps as Rural Amenity Landscape where the following criteria are met:
 - The dwelling is located on a separate certificate of title no less than 1ha in area and;
 - A balance which in combination with the title created for the dwelling complies with the dwelling density standard 2.1, has been legally defined and is subject to a covenant preventing the erection of any further dwelling on the total land area in perpetuity.

- d) The creation of one dwelling on Lot 1 DP 12401.
In granting a resource consent for a controlled activity, the Council shall restrict the exercise of its discretion to conditions on the following:
- Scale and design of buildings and additions to buildings.
 - External colour of buildings and structures.
 - The location of buildings, structures and earthworks on a site specifically in relation to their impact on:
 - ú Any natural landform features, including ridgelines and skylines;
 - ú Maintaining a backdrop of landform or vegetation behind the building;
 - ú Proximity to other building and structures in the rural environment.
 - Landscaping of the site.
 - The location of site access and vehicle parking spaces.
 - The effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
 - Land stability.
 - Impact on water quality and quantity.

Where a resource consent is required for a controlled activity under Rule 4(1a) above, the additional matters to which Council's control is limited to include:

- Height, size, scale, and reflectivity of buildings
- Site coverage
- External finish, design and colour of buildings
- Visibility from publicly accessible viewing points
- Effects on natural character
- Effects on landscape values identified in the Banks Peninsula Landscape Study 2007

4.2 a) Forestry above 1.0ha and up to a maximum of 10ha within those areas shown as Rural Amenity Landscape on the Planning Maps.

The matters to which Council's control is limited include:

- Location in relation to existing landforms and natural features, including ridgelines and headlands
- Location in relation to sites of cultural and/or archaeological significance
- Effects on – landscape and amenity values
- The effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
- Land stability
- Effects of harvesting
- Matters set out in the Forestry Guidelines in Appendix IX
- Wilding plan prevention, minimisation and management measures

5. Restricted Discretionary Activities (Updated November 2010)

An application must be made for a restricted discretionary activity for the following:

5.1 Earthworks

- a) Any earthworks within an area shown on the Planning Maps as Rural Amenity Landscape which do not comply with one or more of the standards for a Permitted Activity in Rule 3.5.
- b) Earthworks, excluding quarrying, undertaken within those areas shown on the Planning Maps as Outstanding Natural Landscape or Coastal Natural Character Landscape.

In considering any application for resource consent under Rule 5.1, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant assessment matters listed in Rule 8:

- location of earthworks
- extent or volume of earthworks
- depth and length of cuts
- siting, design and methods for implementing earthworks
- impact on natural contours and alteration of the natural form of the land
- impact on any geological features
- impact on the legibility of the landscape
- visibility of the area subject to earthworks from public viewing points
- loss of native vegetation
- impact on amenity and aesthetic values of the locality
- impact on known cultural sites
- rehabilitation, revegetating and reshaping
- location and shaping of any fill
- effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
- Any impacts on riparian margins
- Control of run-off during excavation and prior to implementation of rehabilitation
- Requirement for an accidental discovery protocol and/or monitoring of earthworks within identified cultural and heritage landscapes

5.2 Buildings

- a) Any buildings for Permitted Activities within an area shown on the Planning Maps as Rural Amenity Landscape which do not comply with one or more of the standards for a Permitted Activity in Rule 2 or 3, provided they are not listed as a Non-Complying Activity.
- b) All buildings within an area shown on the Planning Maps as a main ridgeline in a Rural Amenity Landscape, Outstanding Natural or Coastal Natural Character Landscape which exceed a floor area of 75m² and are located within 100m of an Existing Building Cluster.

- c) All farm accessory buildings within an area shown as Coastal Natural Character or Outstanding Natural Landscape which are located more than 100m from an Existing Building Cluster.

In considering any application for resource consent under Rule 5.2, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant assessment matters listed in Rule 8:

- Height
- Size/scale
- External finish, design and colour of building
- Reflectivity
- Location, anywhere within the property
- Visibility from public viewing points
- Effects on landscape values
- Effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.

5.3 Forestry over 10ha within an area shown on the Planning Maps as Rural Amenity Landscape.

In considering any application for resource consent under Rule 5.3, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant Assessment Matters in Rule 8:

- (i) The matters set out in the Forestry Guidelines in Appendix IX
- (ii) The location and management, including revegetation of cuts and fills;
- (iii) The effects on the stability and life-supporting capacity of soil;
- (iv) Any benefits generated by the forestry in relation to carbon sequestration or reduction of greenhouse gases.
- (v) Any effects arising from harvesting
- (vi) Any effects, positive or negative, on water quantity and quality
- (vii) The mix of species
- (viii) The relationship of the activity with existing landforms and natural features including the methods necessary to maintain values associated with natural character, amenity and landscape including ridgelines and in particular Main Ridgelines identified on the Planning Maps.
- (ix) The extent to which the scale and extent of the proposed forestry may dominate the landscape, and in particular adversely affect the openness of the landscape or visually dominate an area of high natural values.
- (x) The extent to which the scale and extent of the proposed forestry may adversely affect amenity values, including any cumulative impact taking into consideration existing or consented tree planting on an adjoining site;
- (xi) The potential for planting to block views from formed legal roads and other public spaces.
- (xii) The effect of any tracking or roading required for forestry on landscape and amenity values, including visibility, scarring, the extent

- to which existing contours are followed and any measures that would assist in remedying or mitigating any adverse landscape effects;
- (xiii) Effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992;
 - (xiv) Effects on ancestral lands of tangata whenua, water, sites, wahi tapu and other taonga;
 - (xv) Whether the site contains a recorded archaeological site, and whether the NZ Historic Places Trust are notified;
 - (xvi) Wilding plant prevention, minimisation and management measures;
 - (xvii) Setbacks from wetlands, rivers and waterbodies; and
 - (xviii) Setbacks from formed legal roads, existing residential dwellings and areas zoned for residential purposes to avoid, remedy or mitigate adverse effects arising from loss of sunlight.

6. Discretionary Activities (Updated November 2010)

6.1 An application must be made for a discretionary activity for:

- any activity included in the lists of permitted activities, controlled activities or restricted discretionary activities which does not comply with one or more of the standards for such activities, except where otherwise stated.

6.2 An application must be made for a discretionary activity for the following where the proposal meets the standards set out in Rules 3 and 7.

- (a) Rural industries and services.
- (b) Factory farming.
- (c) Service stations.
- (d) Package sewage treatment plant.
- (e) Healthcare facilities and veterinary practices.
- (f) Relocated buildings.
- (g) Places of assembly.
- (h) Visitor facilities.
- (i) Community facilities.
- (j) Dwellings within an area shown on the Planning Maps as Rural Amenity Landscape where the following criteria are met:
 - The dwelling is located on a separate certificate of title no less than 1ha in area; and
 - A balance area which, in combination with the title created for the dwelling, does not comply with dwelling density standard 2.1, but is at least 4ha is legally defined, and subject to a covenant preventing the erection of any further dwellings on the total land area in perpetuity.

6.3 Quarrying

7. Additional Standards for all Restricted Discretionary and Discretionary Activities (Updated November 2010)

- 7.1 All associated vehicle parking is to be contained on the site.
- 7.2 All buildings, pens and other structures used to contain animals or birds for factory farming purposes, any associated composting area and any associated effluent disposal system (including any area upon which effluent is disposed) are to be situated at least:
- 1200 metres from the boundary of any site located in the adjoining Residential, Rural-Residential, Akaroa Hill Slopes, Small Settlement, Papakaianga, Recreation or Scenic Reserves, Open Space or Conservation Zones.
 - 250 metres from a Lakes Zone.
 - 250 metres from any existing dwelling on any adjoining property.
 - 20 metres from any boundary of the property on which they are sited.
- 7.3 Any areas for keeping animals or birds outdoors for factory farming purposes are to be fenced so that it is kept a minimum of 20 metres from any adjacent surface water body and all run off is to be prevented from entering such a water body.
- 7.4 Any package sewage treatment plant, including any effluent ponds, are to be established at least 300 metres from any Residential, Rural-Residential, Akaroa Hill Slopes, Small Settlement, Papakaianga, Lakes or Recreational Reserve Zone or at least 150 metres from any existing dwelling.
- 7.5 Buildings used for retail sales are to be set back a minimum distance of:
- 7.5.1 30 metres from any state highway; and
 - 7.5.2 15 metres from any other road boundary.
- 7.6 Any buildings located on sites created by subdivision occurring after 30 January 1997 must be located on a building platform identified on an approved plan of subdivision.

8. Assessment of Applications (Updated November 2010)

The consideration of Applications for Restricted Discretionary activities shall be limited to those following criteria which are concerned with the matters specified under Rules 5.1, 5.2 and 5.3.

Applications for Discretionary Activities shall be assessed but not exclusively against the following criteria as relevant to the proposal concerned.

- a) Openness of the Landscape
- i. The extent to which a proposal may dominate or detract from a landscape characterised by open space, when viewed from a public road or public place. Consideration should be given to the ease of accessibility to that place and the significance of the viewing point.
- b) Visibility and Natural Character
- i. The visibility of a proposal from a public road (including legal unformed road) or public place. Consideration should be given to the ease of accessibility to that place and the significance of that viewing point.
The extent to which:
 - ii. natural elements within a site such a topography, ridges or terraces, and/or vegetation may assist in mitigation or containment of any adverse impacts created by a proposal on natural character and visibility.
 - iii. screening in the form of earthworks or new planting may assist in mitigation of adverse effects on natural character.
 - iv. a proposed building or structure may break the line and form of any ridges, hills or prominent slopes. Profile poles may assist to demonstrate the potential effect on the skyline.
 - v. any vegetation may act as a backdrop to mitigate the effect of any building against the sky line, and if that vegetation is protected from removal.
 - vi. a proposal may adversely affect the visual coherence, legibility and integrity of the landscape, taking into account existing and consented development, including zoning.
 - vii. the proposal will be visually prominent within an area which is characterised by high natural values.
 - viii. a proposal may adversely affect natural character through the creation of artificial or unnatural lines and structures or the introduction of new elements into the landscape which contrast with the natural character.
 - ix. the proposal may conform or detract from existing patterns in the landscape.
 - x. the capacity of the landscape to absorb further change, having regard to any existing development or land use within the landscape.
 - xi. where development has already occurred, the extent to which further development is likely to lead to further degradation of natural values or domestication of the landscape.
- c) Amenity Values
- The extent to which the proposal:
- i. may adversely affect the amenity values of neighbouring properties
 - ii. may detract from the pleasantness, coherence, openness and attractiveness of a site.
 - iii. would be compatible with the appearance, layout and scale of other buildings in the surrounding locality.
 - iv. maintains or conforms with the mosaic character of the Rural Amenity Landscape, and in particular the existing pattern and scale of land use activities.
- d) Cumulative Effects

- i. The potential for the proposed activity and/or structure to create cumulative effects on the natural form of the landscape and landscape values.
 - ii. The significance of those effects over time on the landscape values and natural character of the locality and the District.
 - iii. The proximity of the proposed structure to other existing structures in the locality and the extent to which the proposed structure, when considered in combination, may contribute to a loss of rural amenity values.
- e) Cultural Values
- i. The extent to which the activity modifies or damages Waahi Tapu, Waahi Taoka, and whether Tangata Whenua have been consulted.
 - ii. The extent to which the proposal may affect Ngai Tahu's cultural and traditional association with a Statutory Acknowledgement Area.
 - iii. Whether the site contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- f) Removal of Indigenous Vegetation
- i. The extent to which the loss of indigenous vegetation will adversely affect:
 - the overall natural character of an area;
 - landscape values of an area;
 - indigenous ecosystem integrity and function;
 - cultural values;
 - natural character associated with a water body.
- g) Buildings and Structures
- i. Consideration of the scale, form, location and external finish, design and colour of any structure and the impact on coherence of landscape character or pattern of natural features such as indigenous vegetation, coastal escarpments, ridges etc.
 - ii. The nature and extent of existing development within the vicinity or locality.
 - iii. Whether or not the proposal is likely to lead to the introduction of elements into the landscape, inconsistent with rural amenity values.
 - iv. The extent to which the number of dwelling or the building coverage on a site would visually dominate or contrast with existing character and amenity values.
 - v. The need for any increased building height in order to undertake the proposed activity.
 - vi. The extent to which increased building height may detract from views and outlook from adjoining properties or from public roads and places.
 - vii. The benefits that may be obtained from clustering of buildings within the landscape.
 - viii. Consideration of and the extent to which any buildings or structures conform with design guidelines for the Banks Peninsula landscape.
- h) Opportunities for Benefits
- i. The extent to which the proposal may protect, maintain or enhance any ecosystems or outstanding natural features.
 - ii. The extent to which the proposal may create opportunities to protect open space from further development.
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- iii. The extent to which the proposal may provide an opportunity to remedy or mitigate an existing adverse effect by modifying, mitigating or removing existing structures or developments.
 - iv. The extent to which the proposal creates opportunity to protect the natural character and nature conservation values of any lake, river, wetland or stream.
 - v. The use of any restrictive covenants, easements or other legal instrument to realise any positive effects of protection or enhancement and/or to ensure potential future effects, including cumulative effects are avoided.
 - vi. The extent to which the proposal avoids fragmentation of the landscape and allows for the physical and visual connections between natural features and elements.
 - vii. Whether the proposal is necessary or desirable to achieve a permitted or appropriate use of maintenance of the land.
 - viii. The extent to which opportunity has been taken to cluster built development in areas of existing built development with a higher potential to absorb development while retaining areas which are more sensitive to change.
- i) Other
- i. Design and location of site access and parking (if required).
 - ii. The relevant objectives and policies of the Rural Zone (Chapter 19), Outstanding Natural Features and Landscape (Chapter 13) and Coastal Environment (Chapter 12).
 - iii. The degree to which any proposed building is consistent with the matters set out in the building guidelines in Appendix VIII.
 - iv. The location, extent and species of tree planting.
 - v. The location of vehicle accessways.
 - vi. The fencing of land and other methods to secure environmental protection or enhancement of any area.
 - vii. Hydrological effects (availability of water, seasonal variations and water quality).
 - viii. The potential for shading and icing of roads and neighbouring property.
 - ix. The location and the routing of any vehicle track.
 - x. Any other objectives and Policies of the Plan which are relevant to consideration of the application.
 - xi. The guidelines in the Plan.
 - xii. Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
 - xiii. The environmental benefits of clustering buildings as opposed to separation.
 - xiv. Whether, and to what extent the community benefits by the applicant taking effective and appropriate steps to preserve in perpetuity significant indigenous vegetation, outstanding natural features and landscapes, coastal natural character landscapes, or sites of natural, scientific or cultural significance, and in which case that benefit is to be taken into account by the Council whether or not such preservation took place on the land the subject of the application or

any other closely related land under the control of the applicant at that time. The degree of benefit (environmental merit) can be influenced (but not determined) by the extent to which the new site is in the same locality or community of interest as the site on which the significant indigenous vegetation, outstanding natural feature and landscape, or site of natural, scientific or cultural significance has been preserved.

- xv. The degree to which they are detrimental to any Area of Significant Natural Value or Area of High Natural, Physical, Heritage or Cultural Value shown in the Regional Coastal Environment Plan.
- xvi. The effects on indigenous vegetation, and indigenous habitats of fauna, wetlands, ecological corridors and linkages including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992
- xvii. For forestry, the management methods proposed, and any potential impact on infrastructure resources and public safety by relevant transport arrangements at times of harvesting of any forestry plantation.
- xviii. For forestry, the potential effects of afforestation or harvesting activity on the ancestral lands of the tangata whenua, water, sites, wahi tapu and other taonga.
- xix. The effect on habitats which are significant for the survival of threatened animal species in Appendix XX.

9. Non-Complying Activities (Updated November 2010)

9.1 Clearance of significant indigenous vegetation except

- Minor trimming or disturbance (i.e. the removal of branches from trees/shrubs and removal of seedlings/saplings) of significant indigenous vegetation within 2 metres of existing fences, existing vehicles tracks, existing buildings, and existing utilities; within the legal formed roads; and in the course of removing declared weed pests.
- Where the clearance is carried out on an area of improved pasture for pastoral farming purposes.
- for conservation activities.

9.2 Where properties adjoin the foreshore road between Governors Bay Jetty and Church Lane and also join another legal road, any vehicle access from the foreshore road is a non-complying activity.

9.3 Dwellings within those areas shown as Rural Amenity Landscape on the Planning Maps on a separate certificate of title less than 4ha unless provided for as a controlled or discretionary activity in respect to Rules 4.1(c) or 6.2(i) above.

9.4 All buildings within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape and not provided for as a Controlled or a Restricted Discretionary Activity.

- 9.5 Forestry within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape.
- 9.6 Any activity contained in Rule 6.2 which does not comply with the standards set out in Rules 3 and 7.
- 9.7 Within the area identified as the Port Environs Overlay Area, the erection of any dwellings, residential units, visitor accommodation, or healthcare facilities shall be a non-complying activity.
- 9.8 The construction of any dwelling or the establishment of any forestry within 25 metres (measured horizontally) either side of the ridgeline of land between Cass and Corsair Bay, the location and extent of that ridgeline being as shown on Planning Map S3.
- 9.9 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaianga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.
Except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (b) The flights (movements) do not take place on more than five days in any one month period;
 - (c) The flights (movements) do not exceed three in any one week;
 - (d) Any movements shall only occur between 8.00am and 6.00pm;
 - (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 9.10 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

ANTICIPATED ENVIRONMENTAL RESULTS (Updated April 2007)

Anticipated Environmental Result	Monitoring Indicator	Information
Protection of natural character of the coastal environment by the confinement of urban and other development to within the present boundaries of the existing settlements or to areas where similar types of development exist already	Extent of settlements and other developments. Subdivision within the coastal environment	BPDC resource consent records
Sites of significant indigenous vegetation and significant habitats of indigenous fauna within the Banks Peninsula environment are protected or restored and rehabilitated	Loss of or changes to sites of significant indigenous vegetation and indigenous fauna	CCC monitoring
Maintained or enhanced access to the Coastal Marine Area	Access provision Changes to the vegetation cover wildlife soil stability	Public survey BPDC Resource records
Use and development of the coastal environment that avoids or mitigates degradation of its natural character	Vegetation cover soil stability Recreational use	BPDC monitoring surveys Aerial photos BPDC resource records
A standard of water quality in the coastal environment that allows continued access to the sustained social, cultural, recreational and economic values of the Zone	Water quality	Canterbury Regional Council Survey Runanga
Natural character is maintained as the dominant element in the Areas of Outstanding Natural Features and Landscape	Resident's perceptions of naturalness Area of indigenous vegetation	Survey Consents Aerial photographs
No buildings or structures are conspicuous on prominent features of the Areas of Outstanding Landscape	No structures on or near prominent ridges that can be seen from the Akaroa and Lyttelton harbour basins	Landscape photographs from defined points Consents
The life-supporting capacity of land, water and air is maintained and enhanced	Soil health Water quality Ambient air quality	Canterbury Regional Council monitoring BPDC water quality testing Crown Research Institutes
Rural character is retained	Population density by area Land use change Noise levels Traffic counts	Community perception Land use analysis Noise surveys Traffic count surveys Complaints register
Avoidance of dwellings or other activities within the Port Environs Overlay Area, which may be sensitive to the operation, use or development of Lyttelton Port.	Extent of development within the Port Environs Overlay Area.	Resource consent records.

REFERENCE TO OTHER PROVISIONS

- 12 The Coastal Environment
- 13 Outstanding Natural Features and Landscapes
- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserve Zone
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 36 Utilities
- 38 Natural Hazards

OVERVIEW

It is intended to apply the Zone to appropriate locations within the Rural Zone. These locations will be capable of sustaining more intensive residential development, provided such development does not generate the adverse effects on the environment which can result from the establishment of residential activities in rural areas. Reduction of habitat values, earthworks and clearance of vegetation are examples of these adverse effects. Site specific standards to guide development will need to be addressed in any plan change application.

The Rural-Residential Zone will be normally be applied by way of a change to the Plan if it is demonstrated that the objectives and policies of the Plan and the Zone can be met. This approach allows a comprehensive set of controls be added to the Plan that takes into account the specific characteristics of the local environment

A small number of Rural-Residential Zones have been added to the Plan though the submission process. These areas have incorporated specific controls, including in some cases, concept plans that allow for a controlled development that is sensitive to the local topography and other constraints that exist in these localities.

It is considered that there is limited scope in the District to apply the Rural-Residential Zone. Much of the District is characterised by steep topography, unstable soils, and landscapes, which are inappropriate for such development. However, the Council will consider applying the Zone to locations where the protection of significant environmental features can be achieved and where the adverse effects of residential development can be avoided, remedied or mitigated.

Rural-residential development has the potential to have both positive and adverse effects on elements of the natural and physical environment.

The effect of residential development located on prominent landscape features and landforms such as ridgelines and hills, or an increased density of buildings which has a general impact on the open nature of the landscapes, can detract from rural amenity values. Similarly, the landscape qualities of the District can be affected by development which compromises the clearly defined extent of existing urbanised areas. Steep or unstable land can also be physically unsuitable for rural-residential development, which may require the construction of building platforms, access and associated earthworks.

Any area of rural-residential development must be able to meet servicing and infrastructure demands such as roading, water supply and sewage. Increased traffic flows from development can have adverse effects on the safety and convenience of the rural traffic environment. Accordingly, strict standards shall be applied to the land identified for the Zone.

ISSUE 1	The potential for areas of rural-residential development to detract from landscape values.
OBJECTIVE 1	To protect significant features such as ridgelines, hills and skylines and the open space qualities of the District.

POLICIES

- 1A** The scale and form of buildings and structures should be integrated with, and complement the form of, surrounding landform features and patterns of vegetation.
- 1B** The colour of buildings should complement colours which predominate in the surrounding landscape.

EXPLANATION AND REASONS

The unique landscape qualities of the rural area of the District are highly valued by the community of Banks Peninsula and visitors. Important components of the landscape include the distinctive landforms and the vegetative pattern of open grasslands interspersed with stands of remnant indigenous forest and regenerating secondary growth which define the landscape character.

Inappropriate patterns of rural-residential development can degrade these landscape values as a result of the visual impact of an increase in the number, density and scale of buildings.

These policies are intended to ensure that future development in the Rural-Residential Zone is carried out in a manner which respects those open qualities of the landscape which are highly valued by the community.

In particular the density, siting and design of buildings and other structures in the Rural-Residential Zone must respect those highly visible and sensitive elements of the landscape such as ridgelines and significant stands of indigenous vegetation.

Any increase in the density of dwellings and other buildings in the Rural-Residential Zone must be carefully managed to avoid compromising the open qualities of the rural landscape. Similarly, bulky and poorly-sited buildings and other structures have the potential to reduce landscape qualities and must be carefully sited to avoid or remedy any potential adverse effect.

ISSUE 2 Rural-residential development adjacent to existing settlements can lead to unconsolidated urban sprawl.

OBJECTIVE 2 To maintain the existing extent of urban areas, including small settlements.

POLICY

2A Rural-residential development should not be sited so that it leads to the physical extension of existing development in a Residential Zone, Small Settlement Zone, or Papakaianga Zone.

EXPLANATION AND REASONS

Rural-residential subdivision located adjacent to existing urban areas, including small settlements, can result in such areas appearing to unduly increase in size or the clearly defined boundaries of such areas being distorted.

The objective and policy seek to preserve the integrity of the form of urban areas and to avoid ad-hoc expansion of existing settlements through rural-residential development.

ISSUE 3 Increased traffic volumes in rural areas resulting from rural-residential development can result in a loss of amenity.

OBJECTIVE 3 To manage the intensity of traffic flows to ensure that future development does not exceed servicing and infrastructure capabilities.

POLICY

3A The extent and location of rural-residential development should ensure that traffic on surrounding rural roads does not unduly compromise the amenity derived from low traffic volumes.

EXPLANATION AND REASONS

Increases in the scale and intensity of development in the Rural-Residential Zone can result in additional vehicle movements which can detract from the safety and convenience of roads.

Low levels of vehicle movements on the roads of the Rural Zone contribute to the amenity of the Area. This aspect of rural amenity is easily compromised by

intensive rural-residential activity, which can generate increased use of rural roads.

ISSUE 4	Intensive residential development can exceed existing servicing and infrastructure capabilities in rural areas.
OBJECTIVE 4	To ensure that rural-residential development provides for appropriate servicing and infrastructure without having adverse effects on the environment or a financial cost to the community.

POLICIES (Updated 2 July 2011)

- 4A** Where any development requires new or upgraded roads, services, water supply, sewage or stormwater infrastructure it shall be provided by the developer or an appropriate financial contribution made in circumstances where no development contribution is being recovered under the Local Government Act 2002.
- 4B** Potable water supply, sewage and stormwater infrastructure provided for rural-residential development should be designed, established and maintained to ensure financial and operational sustainability without creating a financial cost for the community.
- 4C** Activities located within the Rural-Residential Zone should ensure that all wastes are disposed of in a manner that avoids or mitigates adverse effects on the natural and physical resources.

EXPLANATION AND REASONS

Increased development in the Rural-Residential Zone will generate demand for additional infrastructure and services which may exceed the capacity of existing facilities. Existing water supplies and sewage facilities are developed to a level which is appropriate to service an economy largely centred around extensive farming and dispersed rural settlement, whilst avoiding, remedying or mitigating adverse effects. The local roading network is developed to a standard which is capable of accommodating the relatively small traffic volumes associated with extensive farming and rural services.

Further rural-residential development may result in a need to expand or upgrade elements of the existing infrastructure or to establish new infrastructure or services. For example, increased vehicle movements may be generated which require road upgrading. The need to dispose of effluent or other wastes may require specialised disposal systems to be installed. In such circumstances it is expected that the costs, in whole or in part, will be born by the developer so that

excessive financial demands are not faced by users of existing rural infrastructure.

It is also important to ensure that the provision of any necessary additional infrastructure in the Rural-Residential Zone avoids, remedies or mitigates any potential adverse effects on the environment.

Services and infrastructure within the Rural Zone are adequate for the existing level of development. New development in the area must be of a scale which can be accommodated by those services or meet the cost of any necessary improvements or provide for its own servicing needs. In addition, new services and infrastructure for rural-residential development should be designed to accommodate the long-term demand of the development and should be established so they can be maintained by the owners of the development.

Further, all development in the Rural-Residential Zone must be capable of adequately disposing of wastes so that any adverse effects are contained within the site and do not impact on water courses or ground water.

ISSUE 5	The creation or exacerbation of slope instability and soil erosion in areas with steep topography or unstable soils by rural-residential development.
OBJECTIVE 5	To avoid the creation or exacerbation of soil erosion and slope instability as a result of the construction of access and building platforms.

POLICY

5A Rural-residential development should not take place in areas with steep topography or with unstable soils.

EXPLANATION AND REASONS

Activities associated with residential development such as the forming of access and building platforms and other construction involving earthworks can create or exacerbate soil erosion or slope instability. Such activities are an unavoidable aspect of residential development and for this reason, rural-residential activity is not appropriate in areas of steep topography or with unstable soils.

ISSUE 6	Reduction of habitat values through the removal of stands of remnant and regenerating indigenous vegetation.
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OBJECTIVE 6 To recognise and provide for the protection and enhancement of indigenous vegetation.

POLICIES

- 6A** Existing remnant and regenerating indigenous vegetation which contribute to the natural qualities of the landscape should be retained, except where it is necessary to remove trees to create building platforms for dwellings.
- 6B** Development should not compromise any habitat of indigenous species or the effectiveness of any ecological corridor.

EXPLANATION AND REASONS

Rural-Residential development has the potential to occur within stands of remnant and regenerating indigenous vegetation. These have an important ecological function by supporting populations of a number of native plants and wildlife and are also important as living reminders of the original vegetative cover of the District.

The remaining stands of significant indigenous vegetation are fragmented and limited in extent and can be under threat from clearance, inappropriate land use and invasion of weeds and exotic species.

Any development in the Rural-Residential Zone, or any proposal for this zoning on land must be sensitive to this issue.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Allowing, by way of variation or Plan change, land currently in the Rural Zone to form part of the Rural-Residential Zone where it can be demonstrated that the objectives and policies of the Plan and the Rural-Residential Zone can be met.
- Requiring variations or Plan changes identifying land to form part of the Rural-Residential Zone to be accompanied by appropriate rules which will achieve the objectives and policies.

RULES

- 1. Samarang and Allandale Rural-Residential Zone on Planning Maps R1 and R3**

1.1 Concept Plan

Any development in the Samarang Bay and Allandale R-R Zones shall be in general accordance with the layout (and in the case of Samarang Bay conditions) shown on the respective concept plans in Appendix XVI.

1.2 Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 2 (below):

- The erection of dwellings;
- Home Enterprises;
- Farming;
- Reserves;
- Outdoor recreation, which does not involve the use of motorised vehicles other than service vehicles; and,
- Conservation activities.

1.3 Controlled Activities**Relocated Buildings**

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity

- Compliance with all other relevant rules in this Plan.

1.4 Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

2. Conditions for Permitted Activities and Standards for Controlled Activities**2.1 Dwelling Density**

No more than one dwelling on any site.

2.2 Height

Maximum height of buildings and structures – 6.0 metres.

2.3 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane from any point 2.0 metres above any adjoining site boundary.

2.4 Yards – Minimum

No building or part of a building shall be erected within the following yards:

- Front, side and rear - 15m
- All buildings shall be at least 30 metres from the Mean High Water Spring Tide Mark.

2.5 Site Coverage

For Samarang Bay Rural-Residential Zone:

- Maximum - 10% of net site area or 250m² whichever is the lesser.

For Allandale Rural-Residential Zone:

- Maximum – 10% of net site area or 500m² whichever is the lesser.

2.6 Earthworks

Earthworks which extend outside the eaves of buildings shall not exceed the following dimensions:

- 10m³ (volume), except that earthworks for access shall be permitted up to 50m³ (volume)

and

- shall not have a face height greater than 2.0m.

2.7 Vehicle Parking

All new dwelling sites shall be provided with two spaces for vehicle parking each with the following minimum internal dimensions:

- Width – 3 metres.
- Depth – 5.5 metres.

2.8 Light

Maximum lux spill from artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining site.

2.9 Building Colours Samarang Bay and Allandale Rural-Residential Zones

All buildings within the Samarang Bay and Allandale Rural-Residential Zones, as shown on Planning Maps R1 and R3 and the Concept Plans in Appendix XVI shall be finished in colours complying with the colour palette described in Appendix XVI.

2.10 Open Space Samarang Bay Rural-Residential Zone

No building shall be permitted within the areas indicated on the Samarang Bay Concept Plan in Appendix XVI as “Areas to remain free of buildings”.

2.11 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

3. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted activities and controlled activities which does not comply with one or more of the conditions for permitted activities and standards for controlled activities.

3.1 Assessment of Applications

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities and standards for controlled activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Rural-Residential Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Guidelines for buildings in Appendix VIII.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

3.2 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities and standards for controlled activities with which the proposal fails to comply.

4. Discretionary Activities

The following are discretionary activities where they meet the standards set out in Rule 5 (below):

- a) Places of assembly.
- b) Visitor facilities.
- c) Health care services.
- d) Retailing.

4.1 Assessment of Application

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Rural-Residential Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.

- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities will be used as a guide.

5. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of assembly – 5.1, 5.2, 5.3, 5.5,
- b) Visitor facilities – 5.1, 5.2, 5.5,
- c) Health care services – 5.3, 5.4(a), 5.5,
- d) Retail premises – 5.2, 5.3, 5.4(b), 5.5.

5.1 Intensity Ratio

Minimum 50m² of site area per person the activity is designed to accommodate.

5.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

5.3 Hours of Operation

0700 to 2200 hours.

5.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m².
- Maximum floor area used for **Retailing** activities on any site shall not exceed 50m².

5.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

6. Non-Complying Activities

6.1 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (b) The flights (movements) do not take place on more than five days in any one month period;
- (c) The flights (movements) do not exceed three in any one week;

- (d) Any movements shall only occur between 8.00am and 6.00pm;
- (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

6.2 Activities listed in Rule 4 which do not comply with the relevant standards in Rule 5.

6.3 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Rural-Residential Zone:

- Retention of landscape values.
- Avoid unconsolidated urban sprawl.
- Development that does not exceed servicing and infrastructural capabilities.
- Avoid soil erosion and slope instability.
- All wastes are disposed of in a manner that avoids or mitigates adverse effects on the natural and physical resources.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Areas
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 38 Natural Hazards

OVERVIEW

The Small Settlement Zone includes all those settlements in the District other than Akaroa, Cass Bay, Corsair Bay, Duvauchelle, Diamond Harbour and Lyttelton, all of which included in the Residential Zone. The small settlements are different in scale and character from those areas within the Residential Zone and, therefore, a different emphasis in planning controls is required. The small settlement areas are predominantly devoted to residential activities. However, in the past many of these areas were characterised by farming, market gardening and orcharding. The number of dwellings which are used as holiday homes only is a distinctive feature of the Zone.

In the outer bays, recent residential development has predominantly been for holiday accommodation. These settlements are isolated by topography and access to them is often limited. However, they are all served by formed roads of varying standards.

The resource management issues for the Small Settlement Zone relate to the impact of residential and other development on the surrounding environment and the ability to service future development. The majority of the small settlements are in coastal environments, both in the outer bays and the inner harbour areas, where there are a number of natural landscape features worthy of protection. With the exception of Governors and Tikao Bays, there is lack of general urban infrastructure in the small settlement areas. However, properties at Governors Bay, although serviced by sewerage and high pressure water reticulations, are more akin in size and intensity of development to those in other small settlements.

When providing for future development, it will be necessary to protect the valued environmental and amenity standards of the settlement areas and their surrounds. Thus the future development of the small settlements will be influenced by the services available, and improvements on sewage disposal systems, both reticulated or on site. Other factors influencing their development are the potential impact on natural landscapes and the existing amenity and character of the areas. Areas of significant landscape value and significant coastal landscapes have been identified during the preparation of the District Plan. These areas are shown as Interim Outstanding Natural Features and Landscapes Protection Areas and shown as Interim Outstanding Coastal Protection Areas on the Planning Maps. Expansion of settlement areas of the District should ensure that the character of these areas is maintained.

ISSUE 1	Expansion of the small settlement areas can adversely affect Interim Outstanding Natural Features and Landscapes Protection Areas and Interim Coastal Protection areas identified within the District.
OBJECTIVE 1	To protect Interim Outstanding Natural Features and Landscapes Protection Areas and Interim Coastal Protection Areas at the fringe of existing settlements from the adverse effects of residential expansion.

POLICY

- 1A** Any new residential development at the edge of the settlement areas should not be established in Interim Outstanding Natural Features and Landscape Protection Areas or Interim Coastal Protection Areas.

EXPLANATION AND REASONS

Banks Peninsula possesses distinctive landscapes and coastal environments. These contribute greatly to the amenity of the Peninsula. In some locations, outward growth of small settlement areas has the potential to adversely affect these landscapes and the coastal environment.

The objective and policy are intended to ensure that areas identified which contain distinctive landscapes and coastal environments are not adversely affected by residential expansion.

ISSUE 2	Activities on steep slopes can have adverse effects on water bodies and on soil and slope stability.
OBJECTIVE 2	To avoid, remedy or mitigate adverse effects on water quality and soil and slope instability.

POLICIES

- 2A** Activities requiring earthworks, such as site preparation for construction of new residential buildings and associated access, should not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 2B** Earthworks and stormwater disposal shall be managed so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.

EXPLANATION AND REASONS

Residential expansion and associated activities may have physical impacts on the natural environment such as pollution of water bodies resulting from the on-site disposal of sewage and soil and slope instability as a result of earthworks and increased stormwater run-off. Many of the settlements are located in the coastal environment which is particularly sensitive to such effects of residential development.

Steeper land both within and at the fringe of the settlements is prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. In these areas it is intended that earthworks should be controlled in order to avoid, remedy or mitigate any adverse effects on stability and water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

ISSUE 3	The unavailability of effective sewage and stormwater disposal systems may constrain future expansion.
OBJECTIVE 3	To ensure that additional residential buildings and activity occurs only where adequate provision can be made for stormwater disposal and sewage treatment and disposal.

POLICIES

3A All sites within the unserviced settlements must be able to accommodate the effects of on-site sewage.

3B That the 'plume of influence' be retained on the property.

NOTE: Plume of influence is a technical term describing an area affected by seepage from a septic tank.

EXPLANATION AND REASONS

The settlements are generally not served by reticulated sewage systems and have to employ on-site treatment and disposal systems. This is a limiting factor on the density and quantity of development that can take place.

Where the environment is not capable of accommodating the sewage generated by additional buildings and activity, the environment and health and safety of people may suffer. All effluent from sites within unserviced settlements must be disposed of so that any adverse effects on the environment are avoided, remedied or mitigated.

ISSUE 4	The scale, intensity and location of buildings and other residential activities can have an adverse effect on the character and amenity values of the settlements.
OBJECTIVE 4	To ensure that buildings are of a size, intensity and character which maintains residential amenity values, and, for hillside locations, which enables views to be protected as far as is practicable.

POLICIES

- 4A** In order to preserve the character and amenity values of the settlements, buildings should be of a scale-which complements surrounding buildings.
- 4B** The height, bulk and location of buildings should not visually dominate surrounding views or properties or prevent adjacent properties having access to daylight and sunlight.
- 4C** Buildings in hillside locations should particularly recognise and maintain the existing scale of development and be sited to avoid visual domination of the hillside landscape and, where practicable, to protect views from other properties.
- 4D** That development within the Takamatua Comprehensive Development Area and the Robinsons Bay Comprehensive Development Area shall be subject to particular controls to ensure that the amenity of the Takamatua Bay, and Robinsons Bay and existing small settlement area is maintained and enhanced.

EXPLANATION AND REASONS

The small settlement areas are distinct from the other residential areas of the District in that they have lower density of development and few non-residential activities have been established. This distinctive character could be compromised if appropriate performance standards are not in place.

The objective and polices are intended to ensure that buildings and activities in the settlement areas are compatible with and do not detract from the character and amenity values which are currently enjoyed in these areas.

The views enjoyed by many residents are one of the amenity values of this Zone. The objective and policies recognise this amenity value, but also recognise that views cannot be completely protected because of the need to consider competing wants and needs, such as being able to have more living space, and the need for housing. Many factors contribute to whether views can reasonably be protected, in particular, the gradient of the land plays a large part in

determining whether any degree of view sharing can occur. On a flat site where one dwelling is built in front of another, the zero gradient means that views cannot be protected at all. Property owners can only reasonably expect views to be protected to some extent when certain circumstances are favourable, for example, by virtue of a steep gradient or a low dwelling density.

The Takamatua and Robinsons Bay Comprehensive Development Sites are to be developed in such a manner so as to create an attractive living environment for future residents and to maintain and enhance the environment for future residents and to maintain and enhance the environment in relation to existing residents of Takamatua Bay and Robinsons Bay respectively.

ISSUE 5	The greater intensity and scale of some non-residential activities can have an adverse effect on amenity values in the small settlement areas.
OBJECTIVE 5	To ensure that non-residential activities are compatible with the amenity of small settlement areas and the health and safety of residents.

POLICIES

- 5A** Any adverse effects of non-residential activities should be controlled in order to protect those general amenity values of the areas which result from the majority of properties being used for residential purposes.
- 5B** Buildings intended for non-residential purposes should be of a scale, size, height, density and intensity, which complements residential buildings in the locality.
- 5C** Non-residential activities should make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 5D** On site parking for non-residential activities should not produce adverse aural and visual effects on adjacent properties.
- 5E** The Council may require a financial contribution where traffic generated by activities has an adverse effect on the capacity of the existing roading network.

EXPLANATION AND REASONS

An important amenity value of the Zone arises from the expectation of residents that the majority of surrounding properties will be used mainly for residential purposes. Specifically, the small settlements enjoy a level of amenity, which is

based on the low intensity, and scale of buildings and a general absence of non-residential activity. This low intensity of activity and size of buildings and activities creates a particular environment and high level of amenity in terms of visual character and appearance, background noise, and traffic.

Non-residential activities, such as heli-landing areas, can have an adverse effect on the character and amenity values of the settlements. The objective and policies intend to ensure that there is limited ability to establish non-residential activities and that where those activities are established they are consistent with the existing character and amenity values of the settlement within which they are located.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Identifying areas of distinctive landscape and rural character at the fringe of the small settlement areas and imposing rules which restrict buildings and activities in these areas.
- Identifying areas prone to soil and slope instability and imposing rules which restrict buildings and activities in these areas.
- Plan rules relating to the density, intensity, size, bulk and location of buildings.
- Controls over non-residential activities which have the potential to result in adverse effects on residential amenity values.

RULES

1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 3 (below):

- a) The erection of dwellings.
- b) Home Enterprises.
- c) Creation and maintenance of reserves.

2. Controlled Activities

2.1 Relocated Buildings

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity

- Compliance with all other relevant rules in this Plan.

Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

- 2.2 The erection of buildings on sites within the Takamatua Comprehensive Development Area or the Robinsons Bay Comprehensive Development Area is a controlled activity.

Matters Over Which Control May be Exercised

In considering any application for a controlled activity for the creation of buildings within the Takamatua Comprehensive Development Area or the Robinsons Bay Comprehensive Development Area, the Council may exercise control over the form, design, siting and appearance of buildings in relation to impacts on areas of indigenous vegetation, ridgelines and other features in the natural landscape, and existing development. Development shall generally take place in accordance with the design, site controls and comprehensive Development Plans for the respective areas, as set out in Appendix XVII for the Takamatua Comprehensive Development Area and the Robinsons Bay Comprehensive Development Area.

3. Conditions for Permitted and Controlled Activities

3.1 Dwelling Density

No more than one dwelling on any site 1000m² or less in area.

or

One dwelling per 1000m² on sites greater than 1000m² in area.

For that part of the Small Settlement Zone identified as SS Takamatua CDA on Planning Map S13

No more than one dwelling on any site

3.2 Height

Maximum height of buildings and structures – 7.0 metres.

Maximum height of accessory buildings and structures – 4.5 metres.

3.3 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane from any point 2.0m above any adjoining site boundary.

3.4 Yards – Minimum

No building or part of a building shall be erected within the following yards:

- Front – 4.5 metres. Where a garage contains a vehicle entrance which generally faces the road, the garage shall be setback 6 metres.
- Side – 3.0 metres. (Except that accessory buildings may be located within any of the side setbacks provided that no wall within the required setback facing the boundary is longer than 6 metres).
- Rear – 3.0 metres.
- All buildings shall be at least 25 metres from the Mean High Water Spring Tide Mark.

3.5 Site Coverage

Maximum – 25% of net site area, or 250m² whichever is the lesser.

3.6 Earthworks

Earthworks, which extend outside the eaves of buildings, shall not exceed the following dimensions:

- 50m³ (volume)
- and
- shall not have a face height greater than 1.5m.

3.7 Outdoor Amenity Space

An outdoor space of not less than 35m² in area with a minimum dimension of 5 metres shall be provided for each residential unit on a site.

3.8 Light

Maximum lux spill from any artificial sources of light shall not exceed 10-lux spill (horizontal and vertical) at or within any adjoining property.

3.9 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted or controlled activities which does not comply with one or more of the conditions for permitted activities and standards for controlled activities.

4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities and standards for controlled activities with which the proposal fails to comply.

5. Discretionary Activities

The following are discretionary activities where they meet the standards set out in Rule 6 (below):

- a) Places of assembly.
- b) Visitor facilities.
- c) Health care services.
- d) Retailing.
- e) Emergency Service Facilities.

6. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of assembly – 6.1, 6.2, 6.3, 6.5
- b) Visitor facilities – 6.1, 6.2, 6.5
- c) Health Care Services – 6.3, 6.4(a), 6.5,
- d) Retailing – 6.2, 6.3, 6.4(b), 6.5,
- e) Emergency Service Facilities – 6.2

6.1 Intensity Ratio

Minimum 50m² of site area per person the activity is designed to accommodate.

6.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

6.3 Hours of Operation

0700 to 2200 hours.

6.4 Floor Area

- Maximum floor area used for Health Care Services activities on any site shall not exceed 100m².
- Maximum floor area used for Retailing activities on any site shall not exceed 50m².

6.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

7. Non-Complying Activities

7.1 Where properties adjoin the foreshore road between Governors Bay Jetty and Church Lane and also join another legal road, any vehicle access from the foreshore road is a non-complying activity.

7.2 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (g) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (h) The flights (movements) do not take place on more than five days in any one month period;
- (i) The flights (movements) do not exceed three in any one week;
- (j) Any movements shall only occur between 8.00am and 6.00pm;
- (k) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (l) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

7.3 Activities listed in Rule 5 which do not comply with the relevant standards in Rule 6 are non-complying activities.

7.4 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

ASSESSMENT OF APPLICATIONS**8. Restricted Discretionary Activities**

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Small Settlement Zone.

- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breach of the building height, dwelling density, site coverage, or setback standards would have an adverse effect on views from properties in the vicinity.

9. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Small Settlement Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities will be used as a guide.

- The extent to which any breach of the building height, dwelling density, site coverage, or setback standards would have an adverse effect on views from properties in the vicinity.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Small Settlement Zone:

- Protection of distinctive landscapes and the rural character of the areas.
- Buildings (both residential and non residential) of compatible scale, intensity and location.
- Effective management of adverse effects such as earthworks, stormwater and effluent disposal.
- New buildings and extensions to buildings are of a form, size and location which allows private views to be maintained as much as possible.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserve
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading

OVERVIEW

The Papakaianga Zone provides particular recognition and provision for the relationship of tangata whenua of Banks Peninsula with their ancestral lands. The term ‘Papakaianga’ can mean original home and is sometimes used to describe a village settlement. The concept of papakaianga has a deeper meaning expressing the strong relationship the Maori community has with ancestral land. Ancestral and traditional papakaianga give Turangawaewae, or a place of belonging to tangata whenua, who have a Whakapapa or genealogical connection with ancestral land.

The Resource Management Act requires in Section 6(e) of Part II that Councils shall recognise and provide for “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”.

The area provides for a wide range of activities in order to meet the cultural and traditional needs of the tangata whenua. At the same time some of the activities which may be undertaken in the Zone have the potential to generate adverse effects on the environment, particularly on adjoining properties. Accordingly, standards are applied to some activities and others are controlled or discretionary depending on their potential impact on the environment.

The provisions of the Papakaianga Zone are intended to be applied to ancestral lands of the runanga of Banks Peninsula. At the time of notification of the proposed District Plan the Papakaianga Zone has been applied to two locations in the District, at Rapaki and Port Levy. The Zone may, in future, be applied to other localities. This will occur by way of a change to the Plan, on application from the appropriate runanga. Applications will need to demonstrate that the objectives and policies of the Plan and the Zone can be met.

ISSUE 1	The difficulties Maori can experience in expressing their cultural relationship with ancestral lands.
OBJECTIVE 1	To recognise and provide for the cultural relationship of Maori with ancestral lands in the Papakaianga Zone.

POLICIES

- 1A** The Papakaianga Zone shall be applied to identified areas of ancestral lands which are turangawaewae to the tangata whenua of Banks Peninsula.
- 1B** Activities giving expression to the relationship of Maori, their culture and traditions with ancestral lands shall be recognised and provided for in a manner which avoids, remedies or mitigates adverse effects on the environment.

EXPLANATION AND REASONS

Banks Peninsula contains a number of locations of traditional importance to Maori which provide a place of belonging, a spiritual home and ancestral links to particular areas. The Act requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with these ancestral lands.

The application of the Papakaianga Zone to ancestral lands identified by runanga will foster the relationship of Maori with their ancestral lands.

ISSUE 2 **Planning controls can pose difficulties for tangata whenua establishing and managing facilities on ancestral lands which sustain their culture and traditions.**

OBJECTIVE 2 **To enable the tangata whenua to carry out activities and establish and manage facilities on ancestral lands which sustain their culture and traditions.**

POLICIES

- 2A** A wide range of activities required for the relationship of Maori with their ancestral lands shall be provided for in the Papakaianga Zone.
- 2B** The status of and standards for activities shall be clearly stated in the provisions for the Papakaianga Zone.

EXPLANATION AND REASONS

Section 8 of the Act cites the ability of Maori to exercise customary authority over ancestral lands as one of the principles of the Treaty of Waitangi and a contribution to well-being. Section 6(e) also requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with ancestral lands.

Planning controls can pose constraints on the ability of Maori to maintain their traditional values and practices and relationship with ancestral lands.

Flexibility can be provided by allowing a wide range of activities in the Papakaianga Zone. Certainty can be provided by setting out the status, standards, objectives and policies against which applications for discretionary activities will be assessed.

ISSUE 3	Some activities in the Papakaianga Zone may have an adverse effect on the environment or the amenity of adjoining properties and may require additional controls to avoid, remedy or mitigate any such effects.
OBJECTIVE 3	To protect the natural environment and external amenity values from significant adverse effects of activities in the Papakaianga Zone.

POLICIES

- 3A** Activities requiring earthworks, such as the construction of new residential buildings and associated access, shall not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 3B** Earthworks should be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.
- 3C** The scale and form of buildings should be integrated with and complement the surrounding landforms and vegetation.
- 3D** Buildings and structures should be sited so that they do not detract from important elements in the surrounding rural landscape.
- 3E** The bulk, location, height, scale and appearance of buildings in the Papakaianga Zone should not adversely effect the amenity of adjoining properties which are not within the Zone.
- 3F** The nature, character and intensity of activities in the Papakaianga Zone and any generated effects such as traffic and noise shall not detract from the amenity of adjoining properties which are not within the Zone.
- 3G** The scale and intensity of any proposed activity should be compatible with activities already established in the locality.
- 3H** Building platforms and vehicular access should take into account the topography of sites and visual amenity.
- 3I** Activities should not generate noise, dust or odours to the extent that they compromise the amenity of the rural environment.
- 3J** Any site subject of a proposal should be of sufficient size to substantially contain any potential effects on amenity within the site.
- 3K** Levels of noise should be consistent with those generated by surrounding activities.

EXPLANATION AND REASONS

The standards and controlled, discretionary *and non-complying* activity status for certain activities in the Papakaianga Zone will ensure that any potential adverse effects of those activities on the environment and adjoining properties are avoided, remedied or mitigated.

Some of the activities, which may be undertaken in the Zone, have the potential to generate adverse effects on the environment, particularly on adjoining properties outside the Papakaianga Zone. The objectives and policies seek to control the off-site effects of those activities.

ISSUE 4	Ancestral lands tenure may be in a variety of forms which could require subdivision and the creation of new allotments in response to growth, development or change in the relationship of Maori with their ancestral lands.
OBJECTIVE 4	To allow subdivision of ancestral lands in the Papakaianga Zone in response to growth, development or change in the relationship of Maori with their ancestral lands.

POLICIES

- 4A** Consent to subdivision below the minimum area for controlled activities within the Papakaianga Zone shall be granted where the subdivider is tangata whenua, has the written approval of the runanga and where the subdivision meets the objectives, policies and standards of the Papakaianga Zone.
- 4B** All sites within unserviced settlements must be able to accommodate the effects of on site sewerage.

EXPLANATION AND REASONS

The creation of new allotments by subdivision, cross-lease or unit title may be required for the purposes of meeting changing circumstances in the relationship of Maori with their ancestral lands. However, minimum site sizes for subdivision in other Zones may not be appropriate to runanga in some circumstances. Subdivision by tangata whenua to enable the maintenance of links to ancestral land may be appropriate to provide for the relationship of Maori with their ancestral lands.

All effluent from sites within unserviced settlements must be disposed of so that any adverse effects on the environment are avoided, remedied or mitigated.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Identification of ancestral lands on which Maori seek to exercise their culture and traditions.
- Providing for a range of activities, which are allowed in the Zone as either permitted, controlled, or discretionary activities.
- Plan rules, which control the adverse effects of buildings in the Papakaianga Zone on properties in adjoining Zones.
- Plan rules, which control the adverse effects of activities in the Papakaianga Zone on properties in adjoining Zones.

RULES**1. Permitted Activities**

The following are permitted activities where they meet the conditions for permitted activities set out in Rule 3 (below):

- a) The erection of dwellings.
- b) Marae.
- c) Kohanga reo and Kura Koupapa.
- d) Home Enterprises.
- e) Urupa.
- f) The creation and maintenance of reserves.

2. Controlled Activities

The following are controlled activities where they meet the standards set out in Rule 3 (below):

- a) Papakaianga Housing.
- b) Relocated Buildings

2.1 Matters Over Which Control May be Exercised

In considering an application for a controlled activity for Papakaianga Housing the Council may exercise its discretion in relation to the following matters:

- The scale, form and location of any building on a site.
- The location of vehicle accessways.
- The placement of reticulated services.
- Disposal of stormwater.

In considering an application for a controlled activity for Relocated buildings the Council may exercise its discretion in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

3. Conditions for Permitted Activities and Standards for Controlled Activities

3.1 Dwelling Density

No more than one dwelling on any site 800m² or less in area.

or

One dwelling per 800m² on sites greater than 800m² in area.

3.2 Height

Maximum height of buildings and structures – 7.0 metres.

Maximum height of accessory buildings and structures – 4.5 metres.

3.3 Building height in relation to boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane from any point 2.0m above any adjoining site boundary.

3.4 Yards – Minimum

No building or part of a building shall be erected within the following yards:

- Front – 3.0 metres. Where a garage contains a vehicle entrance which generally faces the road, the garage shall be setback 6 metres.
- Side – 3.0 metres. (Except that accessory buildings may be located within any of the side yards provided that no wall within the required setback facing the boundary is longer than 6 metres).
- Rear – 3.0 metres.
- All buildings shall be at least 25 metres from the Mean High Water Spring Tide Mark.

3.5 Site Coverage

Maximum – 35% of net site area.

3.6 Earthworks

Earthworks which extend outside the eaves of buildings shall not exceed the following dimensions:

- 40m³ (volume)

and

- shall not have a face height greater than 2.0m.

This rule shall not apply to Urupa.

3.7 Outdoor Amenity Space

An outdoor space of not less than 35m² in area with a minimum dimension of 5 metres shall be provided for each residential unit on a site.

3.8 Light

Maximum lux spill from any artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining property outside the Papakaianga Zone.

3.9 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted or controlled activities which does not comply with one or more of the conditions for permitted activities and standards for controlled activities.

4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

5. Discretionary Activities

The following are discretionary activities where they meet the standards set out in Rule 6 (below):

- a) Places of Assembly.
- b) Visitor Facilities.
- c) Health Care Services.
- d) Retailing.

6. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of Assembly – 6.1, 6.2, 6.3, 6.5,

- b) Visitor Facilities – 6.1, 6.2, 6.5,
- c) Health Care Services – 6.4(a), 6.5,
- d) Retailing – 6.2, 6.3, 6.4(b), 6.5,

6.1 Intensity Ratio

Minimum 50m² of site area per person the activity is designed to accommodate.

6.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

6.3 Hours of Operation

0700 to 2200 hours.

6.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m².
- Maximum floor area used for **Retailing** activities on any site shall be 50m².

6.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

7. Non-Complying Activities

7.1 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (m) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (n) The flights (movements) do not take place on more than five days in any one month period;
- (o) The flights (movements) do not exceed three in any one week;
- (p) Any movements shall only occur between 8.00am and 6.00pm;
- (q) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (r) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

7.2 Any activity listed in Rule 5 which does not comply with the relevant standards in Rule 6.

7.3 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

ASSESSMENT OF APPLICATIONS

8. Controlled Activities

Applications for controlled activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

9. Restricted Discretionary Activities

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

10. Discretionary Activities

Applications for Discretionary Activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to Papakaianga Zone:

Provision for tangata whenua to occupy and maintain their relationships with ancestral lands in ways considered appropriate to their culture and traditions.

To ensure that activities within the Zone are carried out so that any adverse effects on adjacent zones are avoided, remedied or mitigated.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading

OVERVIEW

The Akaroa Hill Slopes Zone applies to the hill slopes which embrace the township of Akaroa. These slopes are important in defining the landscape character of Akaroa township and its surroundings. They physically contain the town and provide it with a distinct “edge”.

The shape of the land surrounding the town is characterised by steep spurs which extend towards the town from the elevated hills in the south east. Many of these spurs are clad in regenerating native bush. This bush cover makes an important contribution to the visual amenity of the township and the sense of containment and intimacy provided by the surrounding hills.

There is increasing pressure for residential development on the Akaroa Hill Slopes. Such development has the potential to compromise the valued landscape qualities of the Zone. This may occur through an increase in the density of buildings, removal of the bush cover on ridgelines and by the establishment of vehicle accessways and the provision of utility services such as telephones and power. The highly visible nature of the Zone also makes it important that dwellings and other buildings are sited and designed so that they do not dominate the natural landscape qualities of the hill slopes.

While there is opportunity to accommodate further low density residential development it is important that this be at a scale and density which ensures that it can be absorbed by the natural landscape and does not compromise the recognised and valued visual qualities of the Zone. In particular, it is important that any further development respects and preserves the existing bush cover of the hill slopes.

In addition, the land in the Zone is generally prone to soil and slope instability. This can result in slips and adverse effects on water bodies. The controls on residential development are to ensure an appropriate level of activity, given the soil and slope instability.

ISSUE 1	An increase in the density of buildings on the hill slopes above Akaroa Township may compromise landscape values.
OBJECTIVE 1	To ensure the density of buildings does not reduce the natural landscape values of the Akaroa hill slopes.

POLICIES

- 1A** The density and location of buildings, structures and activities must be such that the built environment does not dominate the natural elements of the landscape.

-
- 1B** Buildings and other structures should be sited so that they have a backdrop of landform or vegetation when viewed from Akaroa Township.
 - 1C** Buildings and structures must not be sited so that they appear on the skyline when viewed from Akaroa township.
 - 1D** Buildings and structures should be sited so that they do not dominate or detract from views of significant landforms or stands of indigenous vegetation.
 - 1E** Buildings shall be limited to locations where the surrounding landscape is capable of absorbing the visual effects of buildings and structures.
 - 1F** Amenity planting should be used around buildings and other structures to integrate them into the surrounding natural landscape.

EXPLANATION AND REASONS

The relatively undeveloped character of the hill slopes is important in defining the landscape character of Akaroa. A dense pattern of dwellings and other buildings on the hill slopes may compromise landscape values.

These policies are intended to ensure that future development in the Zone is carried out in a manner which ensures that the built environment is subservient to natural elements of the landscape. The density and siting of buildings and other structures in the Akaroa Hill Slopes Zone must ensure that the spurs and stands of indigenous vegetation overlooking Akaroa township are the visually dominant element of the landscape when viewed from Akaroa. Any increase in the density of dwellings and other buildings in the Akaroa Hill Slopes Zone must be carefully managed to avoid compromising the undeveloped qualities of the rural landscape. All buildings and other structures have the potential to reduce landscape qualities and must be carefully sited to avoid, remedy, or mitigate any potential adverse visual effects.

ISSUE 2	Inappropriately sited and designed buildings may have adverse effects on the natural character of the Akaroa hill slopes.
OBJECTIVE 2	To ensure that dwellings and other buildings are sited and designed so that they are sympathetic to and do not dominate the natural character of the hill slopes.

POLICIES

- 2A** Dwellings and buildings should be located so that they complement surrounding natural landforms.

- 2B** The bulk, height, scale and appearance of buildings in the Akaroa Hill Slopes Zone should complement existing natural landforms.
- 2C** Buildings located within the Akaroa Hill Slopes Zone should not visually dominate surrounding natural landforms.
- 2D** The colour of buildings located in the Akaroa Hill Slopes Zone should complement colours found in the surrounding natural landscape.

EXPLANATION AND REASONS

Dwellings and other buildings sited within the Akaroa Hill Slopes Zone have the potential to detract from the natural character of the hill slopes. It is therefore important that buildings are designed and sited so that they respect and preserve those natural qualities and complement existing landscape values. It is particularly important that buildings are integrated with the forms and colours found in the natural landscape.

Natural landforms are important in defining the character of the Zone. It is important that future development does not dominate those landforms and that the design and appearance of buildings complements the natural landscape.

ISSUE 3	Landscape values may be reduced through the removal of stands of remnant and regenerating indigenous vegetation.
OBJECTIVE 3	To protect and enhance the existing stands of indigenous trees.

POLICIES

- 3A** Existing indigenous trees should not be removed unless it is necessary in order to establish a usable building platform for a dwelling or where it is necessary to remove diseased or dangerous specimens.
- 3B** Development shall not compromise any habitat of indigenous species or the effectiveness of any ecological corridor.
- 3C** Any planting of exotic species of trees should be blended with existing stands of indigenous trees so that the natural character of existing landscape patterns are maintained.

EXPLANATION AND REASONS

The Akaroa Hill Slopes Zone is characterised by stands of remnant and regenerating indigenous vegetation. These have an important landscape function in providing a sense of containment and intimacy to Akaroa. These stands of indigenous vegetation may be threatened by uncontrolled clearance associated with residential development or the erection of buildings.

The remnant stands of indigenous bush in the area assist in defining the edge of the settlement of Akaroa and also make an important contribution to the landscape and habitat values of the locality. It is important that any development, which takes place, does so in a manner that ensures the protection and enhancement of this bush.

ISSUE 4	Earthworks required for the construction of new buildings and vehicle accessways on steep slopes can have adverse effects on soil stability and on visual amenity.
OBJECTIVE 4	To avoid earthworks which result in soil and slope instability or permanently scar the landscape.

POLICIES

- 4A** Activities requiring earthworks such as site preparation for the construction of new residential buildings and associated access should not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 4B** Earthworks shall be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.
- 4C** Earthworks, which physically alter landform features to adversely affect the visual amenity of the natural landscape, shall be avoided.
- 4D** Earthworks, which will result in visual scarring of the hill slopes when viewed from the Akaroa urban area, shall not be undertaken.

EXPLANATION AND REASONS

Earthworks associated with the establishment of dwellings and other buildings located within the Zone have the potential to lead to erosion of the steep hill slopes. Earthworks undertaken to create driveways and building platforms for houses can also lead to visual scarring of the highly visible hill slopes.

The Akaroa Hill Slopes Zone is generally prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. It is intended that any activities within the Zone requiring earthworks should be controlled in order to avoid, remedy or mitigate any adverse effects on stability and water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Conditions and standards set out in the Plan.
- Economic instruments such as bonds and rate incentives for rural landowners to fence and covenant stands of indigenous vegetation.
- Guidelines for buildings in Appendix VIII.

RULES

In the Akaroa Hill Slope Deferred Zone on Planning maps S10 and S11 the standards applicable in the Rural Zone will apply until there is the ability to connect to an reticulated water supply and to connect to the sewer or otherwise adequately treat and dispose of effluent. From that time the standards applicable to the Akaroa Hill Slope Zone shall apply to the Akaroa Hill Slope Deferred Zone on Planning Maps S10 and S11.

1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 3 (below):

- a) Farming.
- b) Home Enterprises.
- c) Creation and maintenance of reserves.
- d) Conservation Activities.
- e) Outdoor recreation, which does not involve the use of, motorised vehicles other than service vehicles.
- f) The erection of one dwelling on each of Lots 2-4 at 36 Rue Grehan, Akaroa as shown in Appendix XVIII.

2. Restricted Discretionary Activities

The following are restricted discretionary activities where they meet the standards set out in Rule 3 (below):

- a) The erection of dwellings (except for the erection of one dwelling on each of Lots 2-4 at 36 Rue Grehan, Akaroa as shown in Appendix XVIII).

2.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to conditions regarding the following:

- The scale, form, cladding, colour and location of any building on a site.
- Amenity tree planting.
- The location of vehicle accessways.
- The placement of reticulated services.
- The fencing of land to secure protection or enhancement of areas of indigenous vegetation.
- Disposal of stormwater.

3. Conditions for Permitted Activities and Standards for Restricted Discretionary Activities

3.1 Dwelling Density

No more than one dwelling on any site 5000m² or less in area.

or

One dwelling per 5000m² on sites greater than 5000m² in area.

3.2 Height

Maximum height of buildings and structures – 7 metres.

3.3 Building Height in Relation to Boundary

For Lots 2-4 at Rue Grehan, Akaroa as shown in Appendix XVIII, no building or part of a building shall project beyond a building envelope contained by a 45° recession plane measured 2m at any point above the nearest site boundary.

3.4 Yards – Minimum

- No building or part of a building shall be erected within 5 metres of any site boundary.
- No erection of any building or structure, earthworks, removal of indigenous vegetation, or woodlot forestry shall be undertaken within 20 metres of any Surface Water Body.

Except for Lots 2-4 at 36 Rue Grehan, Akaroa shown in Appendix XVIII where no building or part of a building shall be erected within 2m of any site boundary except for a single boundary setback which may be reduced to 1.5m. Accessory buildings may be located within any of the yards provided that no wall within the required setback facing the boundary is longer than 6m.

3.5 Site Coverage

Maximum – 10% of net site area or 250m² whichever is the lesser, except for Lots 2-4 Rue Grehan, Akaroa as shown in Appendix XVIII where the maximum shall be 35% or 250m² whichever is the lesser.

3.6 Clearance of Indigenous Trees

Clearance of indigenous trees undertaken in any continuous period of five years shall not exceed:

- 300m² per site, provided that where a site is already partially cleared, the total amount of land cleared on the site over the period shall not exceed 300m².

or

- 300 m² where a site is greater than 1 hectare in area.

3.7 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 40 m³ (volume) or 100 m² (area) per site
- and
- shall not have a face height greater than 1.5m.

There shall be no earthworks undertaken within an Interim Outstanding Natural Feature and Landscape Protection Area.

3.8 Building Platforms

Any building located on sites created by subdivision occurring after 30 January 1997 must be located on a building platform identified on an approved plan of subdivision.

3.9 Light

Maximum lux spill from artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining site in the Akaroa Hill Slopes or Residential or Residential Conservation Zones.

3.10 Reflectivity

The exterior surfaces of structures including roofs built on Lots 2-4 36 Rue Grehan, Akaroa as shown in Appendix XVIII are to be finished in colours that have a reflectivity value of between 0 and 40%.

4. Discretionary Activities

An application must be made for a discretionary activity where it is proposed to establish any of those activities listed below:

- a) Visitor Facilities.
- b) Health Care Services.

- c) Relocated Buildings.
- d) Any activity included in the lists of permitted or restricted discretionary activities which does not comply with one or more of the conditions for permitted activities or standards for restricted discretionary activities.

5. Standards for Listed Discretionary Activities

Refer to list of standards below.

- a) Visitor facilities – 5.1, 5.3, 5.4,
- b) Health Care Services – 5.2, 5.3, 5.4,
- c) Relocated Buildings – 5.5

5.1 Intensity Ratio

Minimum 50m² of site area per person the activity is designed to accommodate.

5.2 Hours of Operation

0700 to 2200 hours.

5.3 Floor Area

Maximum floor area used on any site shall not exceed 100m².

5.4 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

5.5 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

6. Non-Complying Activities

6.1 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (s) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (t) The flights (movements) do not take place on more than five days in any one month period;
- (u) The flights (movements) do not exceed three in any one week;
- (v) Any movements shall only occur between 8.00am and 6.00pm;

(w) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;

(x) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

6.2 Any activity listed in Rule 4 which does not comply with the relevant standards in Rule 5.

6.3 Any activity not otherwise specified as a permitted, restricted discretionary or discretionary activity is a non-complying activity.

ASSESSMENT OF APPLICATIONS

7. Restricted Discretionary Activities

Assessment of applications for restricted discretionary activities shall be limited to the scale, form, design, siting and appearance of buildings and structures, the location of vehicle accessways and infrastructure, the disposal of stormwater, landscaping and the protection of indigenous vegetation. In making an assessment the Council may seek expert advice and assistance as it considers appropriate.

Applications for restricted discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Akaroa Hill Slopes Zone.
- b) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- c) The guidelines in Appendix VIII.
- d) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

8. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Akaroa Hill Slopes Zone.
- b) The objectives and policies of any relevant Protection Area.
- c) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- d) The guidelines in Appendix VIII.
- e) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities and standards for restricted discretionary activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objective and policies relating to Akaroa Hill Slopes:

- Maintaining the natural landscape character and visual amenity of the area
- Ensure that dwellings and other buildings do not dominate the natural landscape qualities of the hill slopes
- Protect and enhance existing stands of indigenous trees
- To avoid soil and slope instability and scars to the landscape.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances
- 38 Natural Hazards

OVERVIEW

The Residential Zone accommodates the majority of the population of Banks Peninsula District in a range of residential environments. These include urban and suburban living, commuter accommodation and small harbour settlements. The demand for residential living opportunities is expected to increase across the District in the future.

The two major settlements of Lyttelton and Akaroa each have a distinctive urban character. This character is comprised of rural hill backdrops and harbour settings, which contain the settlements and small-scale, predominantly colonial architecture and narrow streets. The residential areas within these settlements are characterised by sites containing detached dwellings and associated private open space and are largely used for domestic purposes. These characteristics are considered by the community to be fundamental elements of the amenity of such residential areas.

Lyttelton has a more urban atmosphere with larger-scale residential and commercial buildings and the industrial buildings and activities associated with the port. It has a distinct urban-rural boundary and is dominated by the built environment. The residential areas are characterised by small lot sizes and narrow streets. It is these aspects that contribute to the amenity of Lyttelton.

Akaroa is a smaller settlement and is characterised by its historic colonial form. Relatively narrow streets, distinctive residential buildings and well-treed properties, complement its colonial architecture. Akaroa is also a focal point for visitors to the region and the District. It is these aspects that contribute to the amenity of Akaroa. The aspects of residential amenity described in the two residential settlements above are highly valued by its residents. Non residential activities that are not compatible with the character of the residential Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.

The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots.

Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services. Any additional residential areas would need to be serviced by appropriate effluent disposal systems in order to avoid the adverse effects on the environment of effluent disposal.

The resource management issues for the Residential Zone relate to both the location and impact of settlements and other residential activities in the natural environment and the effects of buildings and activities on the amenity of residential areas.

The Residential Zone is complemented by the Residential Conservation Area which comprises the inner residential areas of Lyttelton and Akaroa with special historic characteristics. The issues facing those historic areas are distinct from the more general issues of the Residential Zone outlined here.

ISSUE 1	Uncontrolled expansion of residential areas at the outer edge of the Lyttelton and Akaroa residential areas could detract from the distinctive landscape and rural character of the District and compromise the existing compact form and character of those settlements.
OBJECTIVE 1	To protect areas of distinctive landscape and rural character at the fringe of existing residential areas from the adverse effects of residential expansion and to maintain the distinctive form of settlements.

POLICIES

- 1A** Any new residential development at the edge of existing residential areas will not be established in areas of identified distinctive landscape and rural character.
- 1B** The edge of residential areas will be precisely defined and identified in order to maintain the form of settlements.

EXPLANATION AND REASONS

Banks Peninsula has a distinctive landscape and rural character providing a particular amenity value, which should be protected. Continued residential growth at the outer extent of existing settlements and in new areas could have adverse effects on the landscape and rural character of the District.

Both Akaroa and Lyttelton are compact settlements with clear and well-defined 'edges'. It is important to secure the integrity of the form of those settlements by maintaining a distinct boundary between residential and rural land uses.

The objective and policies are intended to ensure that the rural urban boundaries of the settlements are not blurred by unconsolidated residential expansion. Those areas of distinctive landscape and rural character at the edges of settlements are also particularly sensitive to the visual impact of buildings, which can detract from that character. Also refer to policies in Chapters 7, 27 and 33 of the district plan, which recognise that residential expansion can potentially affect the operation and development of Lyttelton Port.

ISSUE 2 The earthworks required for the construction of new residential buildings and associated access on steep slopes can have adverse effects on soil and slope stability.

OBJECTIVE 2 To avoid soil and slope instability resulting from earthworks required for the construction of new residential buildings.

POLICIES

- 2A** Activities requiring earthworks, such as site preparation for the construction of new residential buildings and associated access, should not be undertaken in locations which are identified as being prone to soil and slope instability.
- 2B** Earthworks shall be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.

EXPLANATION AND REASONS

Residential expansion and associated activities can have physical impacts on the natural environment such as soil and slope instability resulting from inappropriate earthworks and increased stormwater run-off. The natural environment around Lyttelton and Akaroa is particularly sensitive to such effects of residential development.

Steeper land both within and at the fringe of existing residential areas is prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. It is intended that any activities within residential areas requiring earthworks should be controlled in order to avoid, remedy or mitigate any adverse effects on stability and water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

ISSUE 3 The inability of some infrastructure and effluent disposal systems to cope with physical expansion of the residential area can result in adverse effects on the environment.

OBJECTIVE 3 To ensure that additional residential development and activity only occurs where infrastructure is able to accommodate servicing needs.

CHAPTER 24 RESIDENTIAL ZONE

POLICIES (Updated 2 July 2011)

- 3A** All sites within the Residential Zone shall be serviced by a reticulated sewage system, including suitable community-based systems.
- 3B** Where any development requires an extension of reserves, network infrastructure or community infrastructure, it shall be provided by the developer or an appropriate financial contribution shall be required, unless a contribution is being recovered for the same reserves or infrastructure through the Development Contributions Policy under the Local Government Act 2002.

EXPLANATION AND REASONS (Updated 2 July 2011)

Residential expansion and associated activities can have physical impacts on the natural environment such as pollution of water bodies resulting from the disposal of sewage where existing systems are unable to cope with the demand created by residential expansion.

Where network infrastructure, community infrastructure or the environment is not capable of sustainably managing the effects of additional demands and loads that result from additional buildings and activity, the environment and health and safety of people may be adversely affected. In order to avoid such adverse effects, additional buildings and activity are restricted from establishing where infrastructure or the environment is not capable of servicing such activity. The Residential Zone will be confined to areas serviced or proposed to be serviced by reticulated sewerage systems.

ISSUE 4	Buildings of inappropriate scale, form and location can have adverse effects on private views and the character and amenity values of residential areas.
OBJECTIVE 4	To ensure that buildings are of a size, form and location which maintains residential amenity values and, for hillside locations, which enables views to be protected as far as is practicable.

POLICIES

- 4A** In order to preserve the character and amenity values of residential areas, buildings should be of a scale which complements, surrounding residential buildings, and have adequate outdoor open space.

- 4B** Buildings in hillside locations should recognise and maintain the existing scale of development and be sited to avoid visual domination of the hillside landscape and, where practicable, to protect views from other properties.
- 4C** The height, bulk and location of buildings should not visually dominate surrounding views or properties or prevent adjacent properties having access to daylight and sunlight.

EXPLANATION AND REASONS

The largely residential scale of buildings and the nature of established activities in the Zone creates a particular environment quality. There is a high level of residential amenity in terms of visual character and appearance, background noise and traffic. Inappropriate buildings and activities not of the same or similar character can have an adverse effect on this amenity. New buildings and extensions to buildings are to be of a form, size and location which allows private views to be maintained where practicable.

The objective and policies are intended to ensure that buildings and activities in residential areas are compatible with and do not detract from the character and amenity values currently enjoyed. New buildings and extensions to buildings are to be of a form, size and location which allows private views to be maintained where practicable.

The views enjoyed by many residents are one of the amenity values of this Zone. The objective and policies recognise this amenity value, but also recognise that views cannot be completely protected because of the need to consider competing wants and needs, such as being able to have more living space, and the need for housing. Many factors contribute to whether views can reasonably be protected, in particular, the gradient of the land plays a large part in determining whether any degree of view sharing can occur. On a flat site where one dwelling is built in front of another, the zero gradient means that views cannot be protected at all. Property owners can only reasonably expect views to be protected to some extent when certain circumstances are favourable, for example, by virtue of a steep gradient or low dwelling density. Due to the small lot sizes in Lyttelton, opportunities for view protection may be very limited.

ISSUE 5 **The intensity, scale and character of some non-residential activities may have adverse effects on the amenity values of residential areas and the health and safety of residents.**

OBJECTIVE 5 **To ensure that non-residential activities are compatible with and will not have adverse effects on the amenity of residential areas or the health and safety of residents.**

POLICIES (Updated 2 July 2011)

- 5A** Non-residential activities should not reduce those general amenity values of residential areas which result from the majority of properties being used for residential purposes.
- 5B** The effects of non-residential activities should be consistent with the maintenance of existing residential amenity values.
- 5C** Buildings intended for non-residential purposes should be of an appearance, scale, size, height, density and intensity which is compatible with residential buildings in the locality.
- 5D** Non-residential activities shall make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 5E** On site parking for non-residential activities shall not produce adverse aural and visual effects on adjacent properties.
- 5F** Where any development requires an extension of reserves, network infrastructure or community infrastructure it shall be provided by the developer or an appropriate financial contribution shall be required, unless a contribution is being recovered for the same reserves or infrastructure through the Development Contributions Policy under the Local Government Act 2002.
- 5G** Traffic generated by activities should not compromise road safety or efficiency.

EXPLANATION AND REASONS

A valued element of the amenity of residential areas is the occupation and use of the majority of sites for domestic purposes. Non-residential activities, such as heli-landing areas, can thus have an adverse effect on the character and amenity values of residential areas. The objective and policies intend to ensure that there is limited ability to establish non-residential activities and that where those activities are established they are consistent with the existing character and amenity values of residential areas.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Identifying areas of distinctive landscape and rural character at the fringe of residential areas and imposing rules which restrict buildings and activities in these areas.

- Identifying areas prone to soil and slope instability within residential areas and imposing controls on buildings and activities in these areas.
- Limiting residential expansion to those areas serviced or proposed to be serviced by reticulated sewage systems.
- Conditions and standards controlling the density, intensity, size, bulk and location of buildings.
- Plan rules limiting non-residential activities so that residential amenity values are maintained.

RULES

In the Residential Deferred Zone on Planning map S11 the standards applicable in the Akaroa Hill Slope Zone will apply until there is the ability to connect to an reticulated water supply and to connect to the sewer or otherwise adequately treat and dispose of effluent. From that time the standards applicable to the Residential Zone shall apply to the Residential Deferred Zone on Planning Map S11.

1. Permitted Activities (Updated April 2007)

The following are permitted activities where they meet the conditions set out in Rule 3 (below):

- a) The erection of dwellings except for new dwellings within the Port Influences Overlay Area shown on Planning Maps S1 and S2.
- b) Within the Port Influences Overlay Area shown on Planning Maps S1 and S2:
 - i) The erection of new habitable or non-habitable rooms associated with an existing dwelling; or,
 - ii) Extensions to existing habitable or non-habitable rooms in existing dwellings; or,
 - iii) The erection of a replacement dwelling.
- c) Home Enterprises.
- d) Creation and maintenance of reserves.

2. Controlled Activities

Relocated Buildings

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity:

- a) Compliance with all of the relevant rules in this Plan.

2.1 Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

3. Conditions for Permitted Activities and Standards for Controlled Activities

3.1 Dwelling Density

All areas except:

- Diamond Harbour Density Overlay Area;
- The property at 10 Harmans Road, Lyttelton described as Lot 1 DP71436;
- The property at 10 Pages Road, Lyttelton, legally described as Lot 2 DP 52500

No more than one dwelling on any site 400m² or less in area;

or

1 dwelling per 400m² on sites greater than 400m² in area.

- Diamond Harbour Density Overlay Area

Within the area shown on planning maps S7 and S8 as Diamond Harbour Density Overlay Area. No more than one dwelling on any site 600m² or less in area or one dwelling per 600m² on sites greater than 600m².

- 10 Harmans Road Lyttelton

In the case of 10 Harmans Rd Lyttelton described as Lot 1 DP 71436, one dwelling per 5000m².

- 10 Pages Road, Lyttelton (Lot 2 DP 52500)

No more than 5 dwellings in total on the property legally described as Lot 2 DP 52500.

3.2 Height

Maximum height of buildings and structures – 7.0 metres.

Maximum height of accessory buildings and structures – 4.5 metres.

3.3 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured 2 metres at any point above the nearest site boundary.

3.4 Yards – Minimum

No building or part of a building shall be erected within the following yards:

- Front – 3.0 metres. Where a garage contains a vehicle entrance which generally faces the road, the garage shall be setback 5 metres.
- Side – one of 1.5 metres and one of 2 metres. (Except that accessory buildings may be located within any of the side yards provided that no wall within the required setback facing the boundary is longer than 6 metres).
- Rear – 2 metres.

3.5 Site Coverage

Maximum: 35% of net site area.

3.6 Earthworks

Earthworks which extend outside the eaves of buildings shall not exceed the following dimensions:

- 20m³ (volume)
- and
- shall not have a face height greater than 1.5 m.

3.7 Light

Maximum lux spill from artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining site.

3.8 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable and of neat appearance within six months of the issuing of a building consent.

3.9 Habitable Rooms within the Port Influences Overlay Area (Updated April 2007)

- a) Within the Port Influences Overlay Area showing on Planning Maps S1 and S2:
 - i) New habitable rooms associated with an existing dwelling, or extensions to existing habitable rooms in an existing dwelling, shall not exceed a combined gross floor area of 40m² within a 10 year continuous period; or;
 - ii) New habitable rooms associated with a replacement dwelling shall not exceed the combined gross floor area of the habitable rooms contained in the previous dwelling by more than 40m² within a 10 year continuous period.
- b) New habitable rooms associated with an existing or replacement dwelling, or extensions to existing habitable rooms in an existing dwelling, within the Port Influences Overlay Area, shall have an internal sound design level of 40 dBA Ldn (5 day) with ventilating windows open or with windows and doors closed and mechanical ventilation installed and operating. Failure to

comply with Condition 3.9 (b) renders the activity a non-complying activity under Rule 7.3.

Note: Refer to Rule 1.8 in Chapter 32: Noise on how to determine the appropriate internal design sound level.

4. Restricted Discretionary Activities and Standards for Restricted Discretionary Activities (Updated April 2007)

4.1 Any permitted or controlled activity which does not comply with one or more of the conditions listed in Rules 3.1 to 3.8 shall be a restricted discretionary activity with the exercise of the Council's discretion being restricted to the matters specified in the condition. (Updated April 2007)

4.2 Any permitted activity which does not comply with Rule 3.9 (a) but does comply with Rule 3.9 (b) shall be a restricted discretionary activity provided that it complies with the standard in Rule 4.3 below with the exercise of the Council's discretion being restricted to the matter of reverse sensitivity effects on port activities located in Lyttelton Port.

For the purpose of Section 94D(2) and (3) of the Resource Management Act 1991 an application arising from non-compliance with Rule 3.9(a) does not need to be notified and need only be served on Lyttelton Port Company Limited as the sole affected party, unless it has given its written approval to the activity. (Updated April 2007)

4.3 No complaints Covenant in favour of the Lyttelton Port Company Limited

The applicant, as part of its resource consent application pursuant to Rule 4.2, is willing to voluntarily offer to enter into a no-complaints covenant in favour of the Lyttelton Port Company Limited and shall include the matters set out below:

- a) the covenant(s) shall be registered against the title(s) of the land upon which the proposal is situated; and
- b) the covenant(s) shall be registered in favour of the Lyttelton Port Company Limited; and
- c) the covenant(s) shall be to the effect that no owner or occupier or successor of land shall object to, complain about, bring or contribute to any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether seeking damages or injunctive or other relief or orders), or otherwise opposing, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established port activities undertaken by the Lyttelton Port Company Limited, or its subcontractors and lessees.

Failure to comply with this standard renders the activity a non-complying activity under Rule 7.4. (Updated April 2007)

5. Discretionary Activities (Updated April 2007)

The following are discretionary activities where they meet the standards set out in Rule 3 (above) and Rule 6 (below):

- a) Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
- b) Visitor Facilities.
- c) Health Care Services, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
- d) Retailing.
- e) Emergency Service Facilities.

6. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of Assembly – 6.1, 6.2, 6.3, 6.5,
- b) Visitor Facilities – 6.1, 6.2, 6.5
- c) Health Care Services – 6.4(a), 6.5,
- d) Retailing – 6.2, 6.3, 6.4(b), 6.5,
- e) Emergency Service Facilities – 6.2.

6.1 Intensity Ratio

Minimum 30m² of site area per person the activity is designed to accommodate.

6.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

6.3 Hours of Operation

0700 to 2200 hours.

6.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m².
- Maximum floor area used for **Retailing** activities on any site shall not exceed 50m².

6.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

7. Non-Complying Activities (Updated April 2007)

The following shall be non-complying activities:

- 7.1 Heli-landing areas, (Updated November 2010)
except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
- (y) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (z) The flights (movements) do not take place on more than five days in any one month period;
 - (aa) The flights (movements) do not exceed three in any one week;
 - (bb) Any movements shall only occur between 8.00am and 6.00pm;
 - (cc) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (dd) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 7.2 Any activity listed in Rule 5 which does not comply with the relevant standards in Rule 6.
- 7.3 Any activity listed under Rule 1 which does not comply with Condition 3.9(b).
- 7.4 Any activity specified in Rule 4.2 which does not comply with the Standard in 4.3.
- 7.5 Establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2 other than:
- a) Activities specified as Permitted Activities in Rule 1b); or,
 - b) Activities specified as a Restricted Discretionary Activity in Rule 4.2.
- 7.6 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity.

ASSESSMENT OF APPLICATIONS

8. Restricted Discretionary Activities (Updated April 2007)

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities and standards for controlled activities with which the proposal fails to comply.

CHAPTER 24 RESIDENTIAL ZONE

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breaching the building height, dwelling density site coverage, or setback standards would have on adverse effect on views from properties in the vicinity.

With respect to any new habitable rooms associated with an existing or replacement dwelling, or extensions to existing habitable rooms in an existing dwelling within the Port Influences Overlay Area, applications will be assessed against the following:

- The relevant objectives and policies contained in the Plan.
- The degree to which any resultant outdoor living could create an increased potential for a complaint against port related activities thus causing a potential reverse sensitivity effect on port activities.
- Whether the applicant has obtained written approval from the Lyttelton Port Company Limited.
- Whether any other methods to reduce the potential for reserve sensitivity effects on the port operator, other than the required acoustic insulation, have been incorporated into the design of the proposal.

9. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breaching the building height, dwelling density site coverage, or setback standards would have on adverse effect on views from properties in the vicinity.

In addition, the conditions for permitted activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Residential Zone:

- To control expansion of the residential areas so as not to detract from the distinctive landscape and character of the district.
- To avoid soil and slope instability resulting from earthworks.
- Enable residential development to occur only where infrastructure can accommodate.
- A built environment maintaining residential amenity values.
- Non residential activities compatible with the amenity of the residential area.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances

OVERVIEW

The Residential Conservation Zone encompasses the inner residential areas of Lyttelton and Akaroa. The area contains irreplaceable examples of the original colonial fabric of the two settlements, which collectively represent an important element of the heritage of Banks Peninsula. Consequently, these areas generate significant interest to visitors and tourists, and are important to the District's tourist industry.

The area is dominated by the built environment, which dates from the early days of European settlement of the district. Houses are generally wooden with steeply pitched roofs. Many sites are small, houses stand close to each other and are oriented towards the street. In many cases there is insufficient space to accommodate on-site car parking.

The narrow streets, small scale and density of residential development give an intimacy and also contribute to the unique character and amenity of the area.

In order to retain the unique heritage, character and amenity of the area, new building construction other than minor work will require a resource consent. New or altered buildings will be assessed against the policies for the area which are aimed at maintaining consistency of building set-back and of architectural mass, form and proportion. Design guidelines for both the Lyttelton and Akaroa Residential Conservation Zones are set out in Appendix X and Appendix XI respectively. Those guidelines are intended to assist home-owners and builders to accurately understand the historic character of the area and the buildings within it. They offer general guidelines to use when making changes to existing dwellings or erecting new buildings.

The Council may seek expert advice when assessing applications for consent to erect new buildings or alter existing buildings.

ISSUE 1	The heritage qualities of the area may be compromised unless future development respects the unique elements of the existing built environment.
OBJECTIVE 1	To conserve the existing pattern of subdivision, streetscape and building form in the historic residential areas of Lyttelton and Akaroa.

POLICIES

- 1A** New subdivision shall be consistent with the historic pattern which exists in the Area.

CHAPTER 25 RESIDENTIAL CONSERVATION ZONE

- 1B** Additions and modifications to existing buildings should complement the architectural style of those buildings and not detract from the appearance of adjacent buildings.
- 1C** New buildings shall be positioned so as to generally conform to the existing facade line of neighbouring buildings.
- 1D** The form, proportions and materials of any new building shall be compatible with those of dwellings of the characteristic era of the vicinity in which the building is to be sited.
- 1E** The bulk, location, height, scale and appearance of buildings in the Residential Conservation Area shall not have an adverse effect on the existing amenity of adjoining properties.

EXPLANATION AND REASONS

The Residential Conservation Area identifies important historic areas reflecting early European settlement in the District.

Wooden dwellings dominate the existing built environment with steeply pitched roofs on narrow streets. Houses are located close to each other on relatively small sites and display a consistency of architectural mass, form and proportion. Collectively, the pattern and form of development contributes to the unique character and amenity of the area. To ensure that character is maintained, the form, scale, size and siting of new buildings should be compatible with that of existing development. New building and additions or modifications to existing buildings, which do not complement the scale and form of existing development, would have an adverse effect on existing character and amenity.

Accordingly, large or poorly sited buildings or unsympathetic designs should be avoided.

ISSUE 2	Intensive or large-scale non-residential activities may compromise the special amenity of the area.
OBJECTIVE 2	To ensure the special amenity of the Area is not compromised by any adverse effects of more intensive non-residential activities.

POLICIES (Updated: 2 July 2011)

- 2A** The scale and location of non-residential activities shall be such that they do not reduce the amenity of the locality or dominate the streetscape in which they are located.

- 2B** Activities should not generate noise, dust or odours to the extent that they compromise the residential amenity of the area.
- 2C** Non-residential activities shall make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 2D** On-site parking activities should be screened to prevent adverse aural and visual effects on adjacent properties.
- 2E** Traffic generated by activities shall not create any adverse effect on the capacity of the existing roading network.
- 2F** Where any development requires an extension of reserves, network infrastructure or community infrastructure, it shall be provided by the developer or an appropriate financial contribution shall be required, unless a contribution is being recovered for the same reserves or infrastructure through the Development Contributions Policy under the Local Government Act 2002.
- 2G** Non-residential activities should not attract numbers of people that are out of keeping with the intensity of use on sites for residential purposes.

EXPLANATION AND REASONS

The amenity of the Residential Conservation Zone is derived from the narrow streets, small scale, and density of existing residential development. Allowing large-scale non-residential activities to locate in these areas may compromise the existing attractiveness, character and amenity that make them unique. It is important that the scale and intensity of any future development is compatible with the pattern and form of the existing residential development.

Non-residential activities, such as heli-landing areas, which locate within the Residential Conservation Zone are required to ensure that adverse effects they create are contained within the site and do not reduce the amenity of adjoining sites.

ISSUE 3	The earthworks required for the construction of new residential buildings and associated access on steep slopes can have adverse effects on soil and slope stability.
OBJECTIVE 3	To avoid soil and slope instability resulting from earthworks required for the construction of new residential buildings.

POLICIES

- 3A** Activities requiring earthworks, such as site preparation for the construction of new residential buildings and associated access, shall not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 3B** Earthworks shall be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.

EXPLANATION AND REASONS

Residential expansion and association activities can have physical impacts on the natural environment such as soil and slope instability resulting from inappropriate earthworks and increased stormwater run-off.

Steeper land within existing residential areas is prone to soil and slope instability which can result in land slips, scarring and siltation of water bodies. Activities requiring earthworks should not be undertaken where slopes are prone to stability problems.

ISSUE 4	Buildings of inappropriate scale, form and location can have adverse effects on views and the character and amenity values of residential areas in Akaroa.
OBJECTIVE 4	To ensure that buildings are of a size, form and location which maintains residential amenity values, and which enables views to be shared as far as is practicable in Akaroa.

POLICIES

- 4A** In order to preserve the character and amenity values of residential areas, buildings in all residential areas should be of a similar scale, size and height as surrounding residential buildings.
- 4B** Buildings in hillside locations should recognise and maintain the existing scale of development and be sited to avoid visual domination of the hillside landscape and, where practicable, to protect views from other properties.
- 4C** The height, bulk and location of buildings should not visually dominate surrounding views or properties or prevent adjacent properties having access to daylight and sunlight.

EXPLANATION AND REASONS

The largely residential character of buildings and the nature of established activities in the Zone creates a particular environment quality. There is a high level of residential amenity in terms of visual character and appearance, and low background noise and traffic. Inappropriate buildings and activities not of the same or similar character can have an adverse effect on this amenity.

The views enjoyed by many residents are one of the amenity values of this Zone. The objective and policies recognise this amenity value, but also recognise that views cannot be completely protected because of the need to consider competing wants and needs, such as being able to have more living space, and the need for housing.

The objective and policies are intended to ensure that buildings and activities in the residential areas are compatible with and do not detract from the character and amenity values which are currently enjoyed in these areas.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Performance and development standards set out in the Plan.
- Design guidelines for buildings in Appendix X or XI.
- Advice and information.
- Consultation with, and support for, community groups active in the maintenance of heritage values.

RULES

1. Permitted Activities

The following are permitted activities where they meet the standards set out in Rule 2 (below):

- a) Restoration, repair and internal alteration of any existing building fabric or detailing thereof.
- b) Home Enterprises.
- c) The demolition of accessory buildings.

2. Conditions for Permitted Activities

2.1 Light

Maximum lux spill from artificial sources light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining residential property boundary.

3. Restricted Discretionary Activities (Updated May 2009)

3.1 Any permitted or controlled activity which does not comply with one or more of the relevant conditions, standards or terms, shall be a restricted discretionary activity with the exercise of the Council's discretion being restricted to those matters specified in the condition or standards or terms. (Updated April 2007)

3.2 The following shall be restricted discretionary activities provided that they comply with the standards set out in Rules 4 and 5 (below):

- a) External alterations or additions to, or demolition of existing buildings on a site (except where permitted under Rule 1) or
- b) The erection of dwellings and accessory buildings, except for new dwellings within the Port Influences Overlay Area shown on Planning Maps S1 and S2.

The exercise of the Council's discretion under Rules 3.2 (a) and (b) shall be restricted to:

- Form and design of buildings and additions to buildings.
- Cladding of buildings.
- Location of buildings and structures on a site.
- Location of vehicle parking spaces. (Updated April 2007)

3.3 Within the Port Influences Overlay Area shown on Planning Maps S1 and S2 the following shall be restricted discretionary activities provided that they comply with the standards set out in Rules 4 and 5 (below):

- a) The erection of new habitable rooms associated with an existing dwelling; or,
- b) Extensions to existing habitable rooms in an existing dwelling; or,
- c) The erection of a replacement dwelling.

The exercise of the Council's discretion under Rule 3.3 shall be restricted to the matter of reverse sensitivity effects on port activities located in Lyttelton Port.

For the purpose of Section 94D(2) and (3) of the Resource Management Act 1991 an application arising from Rule 3.3 does not need to be notified and need only be served on Lyttelton Port Company Limited as the sole affected party, unless it has given its written approval to the activity. (Updated April 2007)

4. General Standards for Restricted Discretionary Activities
(Updated May 2009)**4.1 Height**

Maximum height of buildings and structures – 7.0 metres

Maximum height of accessory buildings and structures – 4.5 metres.

4.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2.0 metres above any adjoining site boundary, unless that boundary is a road frontage.

4.3 Yards – Minimum

- Front Yard, Front Sites: No part of any wall of a building facing the road boundary shall be more than 3 metres either side of the line of sight connecting that part of each of the nearest buildings either side of the subject property closest to the road frontage.
- Front Yard, Corner Sites: No part of any wall of a building shall be more than 3 metres either side of a line from that part of each of the nearest buildings along both road frontages drawn parallel to the road boundaries and projected in a straight line to the point of intersection.
- Side Yards: 1.5 metres, provided that one side yard may not be required where written approval has been obtained from the owner and occupier of the site adjoining the relevant boundary.

(Except that accessory buildings may be located within any side yard provided that no wall within the required setback facing the boundary is longer than 6 metres.)

4.4 Site Coverage – Maximum

- 60% of net site area within the Residential Conservation Zone at Lyttelton.
- 35% of net site area within the Residential Conservation Zone at Akaroa.

4.5 Earthworks

Earthworks undertaken on one or more occasions on a site which extend outside the eaves of buildings shall not exceed 20 m³ or have a face height greater than 1.2 metres.

4.6 Light

Maximum lux spill from artificial sources light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining residential property boundary.

5. Particular Standards for the Erection of Dwellings or for the Erection or Extensions to Habitable Rooms (Updated May 2009)

5.1 Dwelling Density

- Not more than one dwelling per 250m² of net site area in the Residential Conservation Zone at Lyttelton.
- Not more than one dwelling per 400m² of net site area in the Residential Conservation Zone at Akaroa.

5.2 Outdoor Amenity Space

An outdoor space of not less than 35m² in area with a minimum dimension of 3 metres shall be provided for each residential unit on a site.

5.3 Vehicle Parking

All new dwelling sites shall provide the following number of parking spaces which may be stacked; Lyttelton – 1 per unit, Akaroa – 2 per unit. Parking spaces shall have the following minimum internal dimensions:

- Width – 3 metres.
- Depth – 5.5 metres.

5.4 Habitable Rooms within the Port Influences Overlay Area

New habitable rooms associated with an existing dwelling or a replacement dwelling, or extensions to existing habitable rooms in an existing dwelling, within the Port Influences Overlay Area shall have an internal sound design level of 40 dBA Ldn (5 day) with ventilating windows open or with windows and doors closed and mechanical ventilation installed and operating.

Note: Refer to Rule 1.9 in Chapter 33: Noise on how to determine the appropriate internal design sound level. (Updated April 2007)

5.5 No-complaints covenant in favour of the Lyttelton Port Company Ltd

Within the Port Influences Overlay Area, where an application for resource consent pursuant to Rule 3.3 involves:

- (i) The erection of new habitable rooms associated with an existing dwelling or extensions to existing habitable rooms in an existing dwelling exceeds a combined gross floor area of 40m² within a 10 year continuous period; or involves,
- (ii) The erection of new habitable rooms associated with a replacement dwelling exceed the combined gross floor area of the habitable rooms contained in the previous dwelling by more than 40m² within a 10 year continuous period.

then the applicant, as part of its resource consent application, is willing to voluntarily offer to enter into a no-complaints covenant in favour of the Lyttelton Port Company Limited and shall include the matters set out below:

- a) the covenant(s) shall be registered against the title(s) of the land upon which the proposal is situated; and
- b) the covenant(s) shall be registered in favour of the Lyttelton Port Company Limited; and
- c) the covenant(s) shall be to the effect that no owner or occupier or successor of land shall object to, complain about, bring or contribute to any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether seeking damages or injunctive or other relief or orders), or otherwise opposing, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established port activities undertaken by the Lyttelton Port Company Limited, or its subcontractors and lessees. (Updated April 2007)

6. Discretionary Activities (Updated May 2009)

- 6.1 Any activity listed in Rules 3.2 and 3.3 which do not comply with the standards in Rules 4 and 5.1 to 5.3 is a discretionary activity. (Updated April 2007)
- 6.2 The following shall be discretionary activities provided that they comply with the standards listed in Rules 4 and 5 (above) or in Rule 7 (below):
- Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
 - Visitor facilities.
 - Health Care Services except for a Port Noise Sensitive Activity within the Port Influences Overlay Area.
 - Retailing.

Relocated buildings except for a Port Noise Sensitive Activity within the Port Influences Overlay Area. (Updated April 2007)

7. Standards for Listed Discretionary Activities (Updated May 2009)

Refer to list of standards below:

- a) Places of Assembly – 7.1, 7.2, 7.3, 7.5,
- b) Visitor facilities – 7.1, 7.2, 7.5,
- c) Health care services – 7.3, 7.4(a), 7.5
- d) Retail premises – 7.2, 7.3, 7.4(b), 7.5
- e) Relocated buildings – 7.6, for relocated buildings used as dwellings – 4.1, 4.2, 4.3, 4.4 and 5.1–5.3

7.1 Intensity Ratio

Minimum 30m² of site area per person the activity is designed to accommodate.

7.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

7.3 Hours of Operation

0700 to 2200 hours

7.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m²
- Maximum floor area used for **Retailing** activities on any site shall not exceed 50m²

7.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

7.6 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

8. Non-Complying Activities (Updated May 2009)

The following shall be non-complying activities:

- 8.1 Heli-landing areas, (Updated November 2010)
except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
- (ee) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (ff) The flights (movements) do not take place on more than five days in any one month period;
 - (gg) The flights (movements) do not exceed three in any one week;
 - (hh) Any movements shall only occur between 8.00am and 6.00pm;
 - (ii) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (jj) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 8.2 Any activity listed in Rule 3.3 which does not comply with the standards set out in Rules 5.4 and 5.5. (Updated April 2007)
- 8.3 Any activity listed in Rule 6.2 which does not comply with the standards set out in Rules 4 and with any relevant standard in Rules 5 and 7. (Updated April 2007)
- 8.4 Establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2 other than activities specified as a Restricted Discretionary Activity under Rule 3.3. (Updated April 2007)
- 8.5 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity. (Updated April 2007)

ASSESSMENT OF APPLICATIONS

9. Restricted Discretionary Activities (Updated May 2009)

Assessment of applications for restricted discretionary activities shall be limited to the form, design, siting and appearance of buildings and structures, and the location of vehicle parking spaces. In making such assessment the Council may seek such expert advice and assistance as it considers appropriate.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Conservation Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breach of the building height, dwelling density, site coverage or setback standards would have an adverse effect on views from properties in the vicinity.

With respect to any new habitable rooms associated with an existing dwelling or replacement dwelling, or extensions to existing habitable rooms in an existing dwelling within the Port Influences Overlay Area, applications will be assessed against the following:

- The relevant objectives and policies contained in the Plan.
- Whether the applicant has obtained written approval from the Lyttelton Port Company Limited.
- The degree to which any resultant outdoor living could create an increased potential for a complaint against port related activities thus causing a potential reverse sensitivity effect on port activities.

Whether any other methods to reduce the potential for reserve sensitivity effects on the port operator, other than the required acoustic insulation, have been incorporated into the design of the proposal.

10. Discretionary Activities (Updated May 2009)

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Residential Conservation Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
- The extent to which any breach of the building height, dwelling density, site coverage or setback standards would have an adverse effect on views from properties in the vicinity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection and preservation of the heritage values and historic character of the Lyttelton and Akaroa residential areas.
- Non-residential activities undertaken in a manner which does not adversely affect the amenity and safety of residential areas.
- New buildings and extensions to buildings are of a form, size and location which allows private views to be maintained as much as possible.

RELATED DISTRICT PLAN PROVISIONS

Provisions, including rules, in Chapter 14 'Cultural Heritage' to protect the historic character of the streetscape in the Akaroa Historic Area.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances
- 38 Natural Hazards

OVERVIEW

The Town Centre Zone includes all of the established commercial centres in the District. The principal commercial centres of Lyttelton and Akaroa are included, as are a number of smaller commercial nodes at Governors Bay, Diamond Harbour, Church Bay and Little River. In general, the areas covered by the provisions of this Zone are well established and provide for a range of business and community activities and opportunities. The Town Centre Zone also caters for visitor accommodation and residential development at a greater density than in the Residential Zones.

The Town Centre Zones within Lyttelton and Akaroa are well defined and are the main business and commercial areas in the district. These areas contain a mix of activities including retailing, visitor accommodation, offices, community facilities, historic and residential buildings. Outside Lyttelton and Akaroa, the Town Centre Zone includes local commercial centres located within residential areas and outlying settlements. These centres contain small-scale retail and service activities focused on the needs of the local community and visitors.

The commercial centres of Lyttelton and Akaroa were established by the first European settlers in the District and their built environments reflect those early days of settlement. Many simple timber framed buildings from the pioneer period remain, while more substantial brick buildings of varying architectural style reflect the subsequent consolidation of commercial activity in the District. The form, scale and size of the early buildings give the commercial centre streetscapes of Lyttelton and Akaroa a distinctive character and amenity. In addition, the Akaroa waterfront is of paramount significance to the amenity of Akaroa. That character is important in defining the identity of both towns and is a feature, which is valued by the community and attracts many visitors to the District. Tourism, therefore, is an important industry in the District.

In order to retain the character of the area, new building construction, other than minor work, will require a resource consent. New or altered buildings will be assessed against the policies for the area which are aimed at maintaining consistency of architectural mass, form and proportion. Design guidelines for both the Town Centre Zones at Lyttelton and Akaroa are set out in Appendix X and XI respectively. The guidelines are intended to assist developers and builders to accurately understand the historic character of the area and the buildings within it. They offer general principles to apply when making changes to existing buildings or erecting new buildings. As well as the provisions of this chapter for the protection of the historic character of Akaroa and Lyttelton, Chapter 14 'Cultural Heritage' contains provisions for the protection of the Akaroa Historic Area which encompasses almost all of the Town Centre Zone, as well as most of the Residential Conservation Zone.

The Council may seek expert advice when assessing applications for consent to erect new buildings or alter existing buildings.

The provisions of the Town Centre Zone are intended to allow for a range of business and community activities within a framework, which maintains the

character and amenity of the areas and provides for adequate infrastructure to service new development. The provisions also recognise that in most locations the Town Centre Zone is adjacent to open space and residential areas and that the amenity of those areas must be protected.

ISSUE 1	Increasing intensity of development may reduce the amenity of the Town Centre Zone.
OBJECTIVE 1	To ensure the level of amenity in the Town Centre Zone is maintained.

POLICIES

- 1A** Activities should not generate noise, dust or odours, which will reduce the amenity values of public open spaces and streets within the Town Centre Zone.
- 1B** The scale and siting of buildings and structures shall be such that they do not reduce the level of amenity of public open spaces or dominate the streetscape in which they are located.
- 1C** Activities should make adequate provision for parking and vehicle manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 1D** There should be either sufficient on-site vehicle parking for any activity established within the Zone or adequate space in the locality of the activity where such parking can be established without adversely affecting pedestrian or traffic safety.
- 1E** Car parks located on sites adjacent to Residential Conservation and Residential Zones should, where practicable, be screened from residential sites immediately adjacent to the car park.
- 1F** Traffic generated by activities shall not reduce the ability of streets to accommodate pedestrian traffic.
- 1G** Vehicle access to and from sites shall ensure the safety of pedestrians.
- 1H** Where an activity generates significant volumes of pedestrian traffic, pedestrian access to and from the site shall provide adequate weather protection and be sufficiently segregated from any vehicle access to ensure safety.
- 1I** To maintain and encourage the establishment of retail business activities along the ground floor level of Beach Road, Akaroa.

EXPLANATION AND REASONS

These policies are intended to ensure that any future development in the Town Centre Zone does not compromise the existing level of amenity. This amenity derives, in part, from the common scale of existing development. While that development is relatively intense, most buildings are either two storied or of an equivalent height and proportion. There are very few notably large buildings overlooking the streets and public outdoor areas and traffic volumes are comparatively low. While it is considered important to provide for a mix of activities within this area, development must be in accordance with the existing scale and intensity to prevent new buildings dominating the streetscape or reducing the amenity of public open space. Moreover, while it is intended that the existing mix of activities be strengthened through further development, it is important that the scale and intensity of that development does not compromise the attractiveness of areas and thus reduce their pedestrian use and appreciation. In the town centre area in Beach Road, Akaroa, the amenity of the area is partially dependant on maintaining a vibrant and cohesive commercial area. The retaining of retail businesses is recognised as a necessary component of this. New activities which generate vehicular traffic are also required to ensure that parking and manoeuvring are contained within the site and do not adversely affect the existing street network or safety of pedestrians.

ISSUE 2	The existing streetscape and character of central Lyttelton and Akaroa can be compromised by buildings and structures of inappropriate design, colour and scale.
OBJECTIVE 2	To conserve the existing streetscape and building form of the Lyttelton and Akaroa Town Centres.

POLICIES

- 2A** Changes to existing buildings should be carried out to a design and in a manner which does not detract from the architectural character of the area.
- 2B** Additions and modifications to buildings and other structures should be positioned and designed so that they complement the architectural character of the existing building and do not detract from adjacent buildings or structures.
- 2C** New buildings in Akaroa and Lyttelton should be positioned to complement the existing façade line of neighbouring buildings, except that in Akaroa dwellings should be, and industrial/service buildings may be, set back from the front boundary.

- 2D** The form, proportions and materials of any new building shall be compatible with those of existing buildings in the vicinity of which the building is to be sited.

EXPLANATION AND REASONS

The streetscapes of Lyttelton and Akaroa reflect the historical development of the District and are important in defining the character of the main settlements. New building which does not complement the scale and form of the existing buildings may compromise the existing character of the Town Centres.

To ensure that the character of Lyttelton and Akaroa are maintained, the form, scale, size and siting of new buildings should be compatible with the existing development. Unduly large and poorly sited buildings, or additions and modifications that do not reflect the existing architectural style, have the potential to reduce the character of the existing development and streetscape.

ISSUE 3	Commercial activity within the town centre Zone has the potential to have adverse effects on the amenity of adjacent open space or residential areas.
OBJECTIVE 3	To ensure that activities adjacent to open space or residential areas will not have adverse effects on the amenity of those areas or the health and safety of residents.

POLICIES

- 3A** The effects of non-residential activities which abut the Residential, Residential Conservation or Small Settlement Zones should not reduce the existing amenity of those sites.
- 3B** The bulk and location of buildings located on sites adjacent to Recreational Reserves, Small Settlement, Residential and Residential Conservation Zones shall not overshadow or reduce the privacy of residential sites or open spaces.
- 3C** Activities located on sites adjacent to Small Settlement, Residential and Residential Conservation Zones should make provision for vehicle, loading, parking and manoeuvring areas which does not produce adverse aural and visual effects on residential sites.
- 3D** Vehicle movements generated by activities shall not lead to a reduction in the safety or amenity of any street which contains abutting sites in Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones.

EXPLANATION AND REASONS

In all settlements, the Town Centre Zone is located adjacent to, or is surrounded by, residential areas. Activities carried out in the Town Centre Zone may reduce the amenity of residential areas through the generation of traffic, noise or glare or the overshadowing of open space or residential sites by commercial buildings and activities.

Accordingly, activities that locate next to residential areas should not compromise or detract from the amenity of the Recreational Reserves, Small Settlement or Residential Zones or the health and safety of residents. Activities located adjacent to Recreational Reserves or Residential Zones are required to make provision for parking and manoeuvring to ensure that any adverse effects are contained within the site.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Performance and development standards which control the height, bulk and location of buildings.
- Design guidelines for buildings in Appendix X or XI.
- Advice and information.
- Additional controls over activities and buildings located adjacent to Recreational Reserves, Small Settlement, Residential and Residential Conservation Zones.
- Consultation with, and support for, community groups active in the maintenance of heritage values.
- Implementation of the Akaroa Waterfront and Traffic Development Plan.

RULES**1. Permitted Activities** (Updated April 2007)

The following are permitted activities where they meet the conditions set out in Rule 5 (below):

- a) Restoration, repair and internal alteration of any existing building fabric or detailing thereof.
- b) Creation and maintenance of reserves.
- c) Any of the following, provided that within the Town Centre Zone at Lyttelton and Akaroa, they are established in an existing building:

- Dwellings, except for new dwellings within the Port Influences Overlay Area shown on Planning Map S2.
 - Health Care Services, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
 - Home Enterprises, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
 - Places of Assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
 - Retail Premises.
 - Visitor Facilities.
 - Offices.
 - Community facilities.
- d) External alterations or additions to, or demolition of existing buildings or the erection of new buildings on a site, other than within the Town Centre Zone at Lyttelton and Akaroa.

2. Restricted Discretionary Activities (Updated May 2009)

- 2.1 Any permitted or controlled activity which does not comply with one or more of the relevant conditions, standards or terms, shall be a restricted discretionary activity with the exercise of the Council's discretion being restricted to the matters specified in the condition or standard or term.
(Updated April 2007)
- 2.2 The following shall be Restricted Discretionary Activities, provided they comply with the standards set out in Rule 4 and 5 (below):
- (i) Any of those activities listed in Rule 1 (Permitted activities, above) which require the construction of a new building or the external modification or demolition of an existing building within the Town Centre Zone at Lyttelton and Akaroa, with the exercise of the Council's discretion being restricted to the following matters:
- Form, bulk, scale and design of buildings and additions to buildings.
 - Cladding of buildings.
 - Location of buildings and structures on a site.
 - Location of vehicle access and egress and parking spaces.
 - Location of reticulated utilities.
- (ii) A new dwelling within an existing protected or notable building identified in Appendices IV and V and on Planning Map S2 and which is located within the Port Influences Overlay Area shown on Planning Map S2 with the exercise of the Council's discretion being restricted to the matter of reverse sensitivity effects on port activities located in Lyttelton Port.

For the purpose of Section 94D(2) and (3) of the Resource Management Act 1991 an application arising from Rule 2.2 (ii) does not need to be notified and need only be served on Lyttelton Port Company Limited as the sole affected party, unless it has given its written approval to the activity.
(Updated April 2007)

3. Discretionary Activities (Updated May 2009)

- 3.1 Any activity listed in Rule 2.2(i) which does not comply with the standards in Rules 4 and 5 shall be a discretionary activity. (Updated April 2007)
- 3.2 The following are Discretionary Activities provided that they comply with the standards set out in Rules 4 and 5 (below):
- Industry.
 - Public Car parking areas.
 - Service Stations.
 - Relocated Buildings (except when to be used for a port noise sensitive activity within the Port Influences Overlay Area).
 - Emergency Service Facilities. (Updated April 2007)

4. Conditions for Permitted Activities and Standards for all Restricted Discretionary and Discretionary Activities (Updated May 2009)

4.1 Height

Maximum height of buildings and structures:

- within the Town Centre Zone at Lyttelton – 12 metres.
- within all other parts of the Town Centre Zone – 7.5 metres.

4.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45° recession plane from any point 2.0m above the nearest adjoining boundary of any site in the Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones.

4.3 Yards

No building or part of a building shall be erected within 3 metres of the boundary of any site located within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

No dwelling or part of any dwelling in Akaroa shall be erected within 2 metres of the front yard boundary.

4.4 Site Coverage – Maximum

- 80% of the net site area within the Town Centre Zone at Lyttelton.
- 65% of the net site area in all other parts of the Town Centre Zone.

4.5 Verandas

Where there is a veranda or verandas attached to existing adjacent buildings, any new building, except a service station, which adjoins either of those buildings shall provide a veranda along the full extent of its frontage, so that it relates to the existing veranda or verandas so as to provide continuous pedestrian cover.

4.6 Access to Rear of Sites

Clear pedestrian access to the rear of each site for fire fighting must be provided and kept free of obstructions. This requirement may be met by legal access provided over an adjoining property.

4.7 Screening

Where any outdoor storage area, refuse disposal area, service area adjoins or directly faces a road or a site within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone, such areas shall be screened by a wall or dense hedge not less than 1.8 metres in height. Except that this rule shall not apply to service stations for service areas where these directly face a road or site within the above zones.

4.8 Light

Maximum lux spill from artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining site within a Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

4.9 Ground floor activities – Beach Road

Visitor accommodation and residences establishing on Beach Road between Rue Jolie and Bruce Terrace shall only occupy the floors above the ground floor, or behind any ground floor commercial activity, in order to provide for commercial activities to be established on the ground floor level facing the street.

4.10 Dwelling Density – Akaroa

In the Akaroa Town Centre Zone, not more than one dwelling per 250m² of net site area.

4.11 Outdoor Amenity Space – Akaroa

An outdoor space of not less than 35m² in area with a minimum dimension of 3m shall be provided for each residential unit on a site.

4.12 Dwellings located in Protected and Notable Buildings within the Port Influences Overlay Area (Updated April 2007)

Within any existing protected or notable building shown in Appendices IV and V and on Planning Map S2 and which is located within the Port Influences Overlay:

- a) No dwellings are permitted on or below any ground floors.
- b) Each dwelling shall have a minimum floor area* of 100m² except where a building has an upstairs storey with a minimum floor area of less than 100m² then one dwelling is permitted on that storey.
- c) All dwellings are to be acoustically insulated so that all habitable rooms have an internal design sound level of 40 dBA Ldn (5 day) with ventilating windows open or with windows and doors closed and mechanical ventilation installed and operating.

- d) The applicant, as part of its resource consent application pursuant to Rule 2.2 (ii), is willing to voluntarily offer to enter into a no-complaints covenant in favour of the Lyttelton Port Company Limited and shall include the matters set out below:
- i) the covenant(s) shall be registered against the title(s) of the land upon which the proposal is situated; and
 - ii) the covenant(s) shall be registered in favour of the Lyttelton Port Company Limited; and,
 - iii) the covenant(s) shall be to the effect that no owner or occupier or successor of land shall object to, complain about, bring or contribute to any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether seeking damages or injunctive or other relief or orders), or otherwise opposing, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established port activities undertaken by the Lyttelton Port Company Limited, or its subcontractors and lessees.

Failure to comply with this standard renders the activity a non-complying activity under Rule 6.2.

*For the purposes of this rule “floor area”, means the floor area of a dwelling, which excludes the external walls of the building, the stair wells or lift shafts or any common entrance way, corridor, or rooms shared by more than one dwelling.

Note: Refer to Rule 1.9 in Chapter 33: Noise on how to determine the appropriate internal design sound level required in clause 5.12 (c).

5. Standards for Listed Discretionary Activities (Updated May 2009)

Refer to list of standards below:

- a) Industry – 5.1, 5.2, 5.3, 5.6.
- b) Public Car Parking areas – 5.2.
- c) Service Stations – 5.2, 5.6.
- d) Relocated buildings – 5.5

5.1 Intensity Ratio

Minimum of 20m² of gross floor area per person the activity is designed to accommodate. The maximum number of persons able to be accommodated by any building on the site shall be no more than 100.

5.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or dense hedge which ensures privacy for any adjoining sites within a Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

5.3 Use of Heavy Motor Vehicles

Entry and egress for heavy motor vehicles associated with the activity (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall not be achieved over any boundary of the site which faces any site within an Recreational Reserves, Small Settlement, Residential or Residential Conservation Zone.

5.4 Parking and Loading

On-site parking and loading must be separated from any adjacent site within Recreational Reserves, Small Settlement, Residential or Residential Conservation Zones by a 3 metre wide landscape strip which shall be planted in shrubs and trees.

5.5 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

5.6 Vehicle Parking

All new dwelling sites shall provide the following number of parking spaces, which may be stacked:

- Lyttelton – 1 per unit.
- Akaroa – 2 per unit or 1 plus cash in lieu of the second parking space.

Parking spaces shall have the following minimum dimensions: width 3 metres, depth 5.5 metres.

6. Non-Complying Activities (Updated May 2009)

The following shall be non-complying activities:

6.1 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:

- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (b) The flights (movements) do not take place on more than five days in any one month period;
- (c) The flights (movements) do not exceed three in any one week;
- (d) Any movements shall only occur between 8.00am and 6.00pm;
- (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

- 6.2 Any activity listed in Rules 2.2 (ii) and 3.2 which does not comply with the relevant standards in Rules 4 and 5. (Updated April 2007)
- 6.3 The establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2 other than activities specified as a Restricted Discretionary Activity under Rule 2.2 (ii). (Updated April 2007)
- 6.4 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity. (Updated April 2007)

ASSESSMENT OF APPLICATIONS

7. Restricted Discretionary Activities (Updated May 2009)

Assessment of applications for restricted discretionary activities shall be limited to the form, bulk, scale, design, siting and appearance of buildings and structures, and to the location of vehicle access and egress and parking spaces. In making such assessment the Council may seek such expert advice and assistance, as it considers appropriate.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Town Centre Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- The design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

With respect to any new dwellings within an existing protected or notable building identified in Planning Map S2 and which is located within the Port Influences Overlay Area applications will be assessed against the following:

- The relevant objectives and policies contained in the Plan.
- Whether the applicant has obtained written approval from the Lyttelton Port Company Limited.
- The degree to which any resultant outdoor living could create an increased potential for a complaint against port noise thus causing a potential reverse sensitivity effect on port activities.

Whether any other methods to reduce the potential for reserve sensitivity effects on the port operator, other than the required acoustic insulation, have been incorporated into the design of the proposal.

8. Discretionary Activities (Updated May 2009)

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Town Centre Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- The design guidelines for buildings in Appendix X or XI.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Town Centre Zone:

- Protection and preservation of the heritage values and historic character of the Lyttelton and Akaroa town centres.
- The amenity and safety of residential and open space sites in adjacent zones is not adversely affected by activities and development in the Town Centre Zone.
- Successful, attractive and compact primary retail areas.
- Easy, comfortable and safe pedestrian movement.

RELATED DISTRICT PLAN PROVISIONS

Provisions, including rules, in Chapter 14 'Cultural Heritage' to protect the historic character of the streetscape in the Akaroa Historic Area.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances

OVERVIEW

Lyttelton Harbour is a focus for marine and port activities of regional significance. In addition to the substantial scope and scale of commercial shipping activities in the harbour, supported by the activities within the Lyttelton Port Zone, a range of recreational boating activities takes place on the harbour waters. Facilities to support these activities are presently provided in a limited fashion on the foreshore at several locations around the coast, including Magazine Bay, Charteris Bay, Purau and Governors Bay. These facilities include launching and retrieving facilities, storage facilities, moorings and servicing facilities.

As growth in recreational boating continues, there will be a need to manage the future development of ancillary activities and facilities. Further mooring, berthing, launching, retrieval and service facilities will be required. Such expansion needs to take place in appropriate locations and subject to appropriate resource management provisions.

The Boat Harbour Zone provides for the establishment of support and servicing facilities for small and recreational boats within a limited area adjacent to the Lyttelton Port Zone. These provisions will apply to the Magazine Bay area, adjacent to the port of Lyttelton, and have been formulated in order to enable the appropriate development and use of a range of berthing, servicing, launching and retrieving facilities and ancillary activities.

The provisions recognise the sensitive nature of the coastal environment in this part of the District. While the land subject to the Boat Harbour Zone provisions is suitable for the development of facilities as set out above, there are certain features of the immediate locality which require the responsible management of boating facilities within the boat harbour. These include the existing residential development set within the hillside landscape behind the coastal margin. Further, public access to the coast and the wider Lyttelton harbour is presently limited at this point and needs to be facilitated. The future development of boat harbour facilities in this area will help to secure this outcome.

Accordingly, provision is made for further development within the Boat Harbour Zone while maintaining and enhancing public access to the harbour and its margins, and avoiding, remedying or mitigating any adverse environmental effects of such development.

ISSUE 1

Physical development within the coastal margins may prevent or restrict access to the coastline and coastal waters for recreational boating use.

OBJECTIVE 1

To maintain and enhance general public access to the coastal marine area for recreational boating.

POLICY

- 1A** Enable a range of activities within the Boat Harbour Zone that facilitate public access to and enjoyment of the coastline of the district and the coastal marine area for recreational boating.

EXPLANATION AND REASONS

The maintenance of general public access to the coastline is an outcome which needs to be secured. The establishment of any of the activities and facilities provided for in the Boat Harbour Zone must not prevent general public access to the coastline. On the other hand, public access to the coastline for recreational boating may be facilitated and enhanced through the careful development of boat harbour facilities.

ISSUE 2	The scale and intensity of development and the location of buildings and structures may detract from amenity values and the character of the coastline in the locality.
OBJECTIVE 2	To maintain amenity levels and avoid, remedy or mitigate the potential adverse effects of Boat Harbour activities on the amenity values of the surrounding areas.

POLICIES

- 2A** All buildings and structures shall be of a scale, size and height so as not to dominate surrounding views or properties.
- 2B** All activities shall be managed in order to secure general amenity values and to minimise the adverse effects of noise, glare and vibration.
- 2C** All activities shall make adequate provision for car-parking and manoeuvring without causing congestion or detracting from the amenity of the surrounding area.
- 2D** On-site parking shall not produce adverse aural or visual effects that reduce the amenity of any site within the Residential Conservation Zone.
- 2E** Activities shall be provided with adequate infrastructure and services.

EXPLANATION AND REASONS

Boat harbour areas may contain a diverse range of activities and some of these have the potential to generate adverse effects on surrounding areas. Effects, which arise from the servicing, and repair of boats and the storage of hazardous substances may reduce amenity values of nearby residential areas.

An important resource management consideration in this area of the District is the satisfactory establishment of a range of activities and facilities without creating any adverse environmental effects which cannot be avoided, remedied or mitigated. The amenity values of nearby residential areas must be protected. The objectives and policies are intended to ensure that when activities and facilities are established within the Boat Harbour Zone they are consistent with the maintenance of environmental standards in adjacent Zones.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

Plan rules limiting activities to those associated with small-scale boating.
Plan rules to ensure that adverse effects on adjacent Zones are avoided, remedied or mitigated.

RULES**1. Permitted Activities**

The following are permitted activities where these meet the conditions set out in Rule 3 (below):

- a) Provision and operation of facilities for the storage, servicing, maintenance and repair of recreational boats.
- b) Provision of public toilets and changing rooms.
- c) Provision of car-parking areas.
- d) Retailing, provided that individual premises occupy no more than 150m² of gross floor area.
- e) Provision and operation of facilities for the launching of recreational boats.
- f) Provision of facilities for the supply of potable water to boats.
- g) Provision of effluent disposal connection points for the transfer of effluent wastes from boats to land based facilities.
- h) Provision for the collection and transfer of refuse from boats.

2. Controlled Activities**Relocated Buildings**

For relocated building activity compliance with the following standards and terms is required for the activity to be a controlled activity:

- a) Compliance with all other relevant rules in this Plan.

2.1 Resource Consent Conditions

In considering an application for a controlled activity for a relocated building the Council may impose conditions in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

3. Conditions for Permitted Activities and Standards for Controlled Activities

3.1 Height

Maximum height of buildings and structures - 11 metres

3.2 Lighting

All exterior lighting shall be positioned so that it is not directed at any property in the Residential, Residential Conservation or Town Centre Zones and ensures that maximum lux spill from artificial sources of light does not exceed 10 lux spill (horizontal or vertical) at or within any site in any Zone adjacent to the Boat Harbour Zone.

4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the list of permitted and controlled activities which does not comply with one or more of the conditions for permitted activities or the standards for controlled activities.

4.1 Resource Consent Conditions

When considering an application for resource consent, conditions may only be imposed in respect of those matters over which the Council has restricted the exercise of its discretion.

5. Discretionary Activities

The following are discretionary activities:

- a) Visitor Facilities.
- b) Retailing, where individual premises occupy more than 150m² of gross floor area.

6. Non-Complying Activities

(Updated November 2010)

- 6.1 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaianga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.
except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
- (g) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (h) The flights (movements) do not take place on more than five days in any one month period;
 - (i) The flights (movements) do not exceed three in any one week;
 - (j) Any movements shall only occur between 8.00am and 6.00pm;
 - (k) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (l) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 6.2 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

ASSESSMENT OF APPLICATIONS**7. Restricted Discretionary Activities**

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Boat Harbour Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

8. Discretionary Activities

Applications for discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Boat Harbour Zone.
- Any other Objectives and Policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities will be used as a guide.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Boat Harbour Zone:

- Protection of distinctive landscapes and the rural character of the areas.
- Buildings of compatible scale, intensity and location.
- Effective management of adverse effects such as earthworks, stormwater and effluent disposal.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances

OVERVIEW

The Industrial Zone is located in Lyttelton and Church Bay and is the principal industrial area in the District. This Zone provides for light industry and servicing activities, while heavier industry continues in the Lyttelton Port Zone. The Industrial Zone provides for a range of industrial activities including marine engineering, as well as local servicing, thereby reflecting the historical pattern of land use activities in the port town.

The aim of this Zone is to allow the continuation of industrial uses in a similar scale and form, and of similar effects, to those currently established, and to avoid adverse effects on the adjoining non-industrial Zones as far as is practicable.

The character of the Zone is distinct from that of the commercial centre – the Town Centre Zone. It contains a mix of industrial buildings, but the heritage buildings typical of the Town Centre Zone are absent. For this reason, there is no need for any design controls in this area.

ISSUE 1	Recognition of, and provision for, industry and other non-residential activities in Lyttelton and Church Bay.
OBJECTIVE 1	Maintain and consolidate industrial and other non-residential activities to appropriate areas at Lyttelton and Church Bay.

POLICIES

- 1A** Enable a range of industrial, and other specified non-residential activities to establish in the Industrial Zone and to encourage the continuing occupation or redevelopment of sites for such purposes; whilst avoiding, remedying or mitigating adverse effects on the environment.
- 1B** To allow for a level of effects which recognise that industrial activities function more effectively in an area that has less stringent amenity controls.
- 1C** Ensure the establishment of residential activities and other sensitive landuses in the Industrial Zone demonstrate that they will not actually or potentially compromise existing activities or the integrity of the zone.

EXPLANATION AND REASONS

The principal reason for identifying and consolidating the industrial areas is to enable people to have access to functioning industrial areas with a range of industrial or commercial activities and to provide opportunities for such activities to establish. Dispersal of these activities to other areas could lead to greater levels of adverse effects arising. The provisions aim to provide industry with certainty about its ability to establish and/or operate effectively in the future. The

range of activities provided for is limited to those of an industrial and servicing nature which acknowledges the established activities within the zone and its proximity to other more sensitive zones. Nevertheless standards associated with the zone are set at levels appropriate for less sensitive activities, acknowledging that they can generate greater effects than activities in other zones.

Dwellings and other environmentally sensitive land uses are restricted in the zone because of their potential to compromise in particular industrial activities. Such development would need to demonstrate that they would not lead to issues of reverse sensitivity arising that could constrain the existing or future operation of the less sensitive activities which are anticipated for the zone. It is noted that some activities within parts of the zone may also be subject to further restrictions in Chapter 33 (Noise) associated with the Port.

ISSUE 2	Industrial activity within the Industrial Zone has the potential to have adverse effects on the amenity of adjacent residential and commercial areas.
OBJECTIVE 2	To manage and where practical reduce the adverse effects of activities which adjoin, or are adjacent to, residential or commercial areas, on the amenity of those areas.

POLICIES

- 2A** Ensure the adverse effects of shadowing, privacy, noise, glare and visual detraction arising from activities or redevelopment within the Industrial Zone will not unduly reduce the amenity of sites located in the adjoining Residential, Residential Conservation and Town Centre Zones.
- 2B** Ensure that the traffic generated from activities established in the Industrial Zone will not significantly reduce the safety and amenity of sites located in the adjoining zones.

EXPLANATION AND REASONS

The Industrial Zone is located in close proximity to the Residential Zones and the Town Centre Zone. Although it is recognised that the existing amenity of some of these sites adjoining the Industrial Zone may not be as high as for other residential sites in the Residential or Town Centre Zones, activities carried out within the Industrial Zone may reduce the amenity of such sites through increased traffic generation, on-street manoeuvring or parking, noise, glare, shading or visual detraction without adequate controls. Accordingly, rules have been introduced so that activities located in proximity to residential areas in adjoining zones manage and where practical enhance the existing amenity and the health and safety of residents in these zones. Where redevelopment occurs

on sites in the Industrial Zone, these rules would also potentially result in the enhancement of the amenity of those adjoining sites in the Residential or Town Centre Zones.

Accordingly, activities that locate next to residential areas should not compromise or detract from the amenity of the Residential Conservation and Town Centre Zones or the health and safety of residents. Activities located adjacent to these Zones are required to make provision for parking and manoeuvring to ensure that any adverse effects are contained within the site.

METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

- Performance and development standards which control the height, bulk and location of buildings.
- Controls over activities and buildings located adjacent to Residential Conservation and Town Centre Zones.

RULES

1. Permitted Activities

The following are permitted activities where they meet the standard set out in Rule 2 (below):

- Industry.
- Retail premises.
- Public car parking areas.
- The erection, addition modification and demolition of buildings
- Relocated buildings.
- Emergency Services facilities.

2. Conditions for Permitted Activities and Standards for all Discretionary Activities

2.1 Height

Maximum height of buildings and structures

- Lyttelton 12 metres.
- Church Bay 8 metres.

2.2 Building Height in Relation to Boundary

No part of any building shall project beyond a building envelope contained by a 45° recession plane from any point 2.0m above the nearest adjoining

boundary of any site in the Town Centre or Residential Conservation Zones.

2.3 Yards

No building or part of a building shall be erected within 3 metres of the boundary of any site located within a Residential Conservation or Town Centre Zone.

This rule does not apply to road boundaries.

2.4 Site Coverage

Maximum site coverage permitted

- Lyttelton 80% of net site area.
- Church Bay 65% of net site area.

2.5 Access to Rear of Sites

Clear pedestrian access to the rear of each site for fire fighting must be provided and kept free of obstructions. This requirement may be met by legal access provided over an adjoining property.

2.6 Screening

- a) Where any outdoor storage area, refuse disposal area or service area adjoins or directly faces a road or a site within a Residential, Residential Conservation or Town Centre Zone, such areas shall be screened by a wall, close boarded fence or dense hedge not less than 1.8 metres in height.
- b) On-site parking and loading must be separated from any adjacent site within a Residential Conservation Zone by a minimum 1.5 metre wide landscape strip which shall be planted in shrubs and trees.

2.7 Light

Maximum lux spill from artificial sources of light shall not exceed 10-lux spill (horizontal and vertical) at or within any adjoining site within a Residential Conservation or Town Centre Zone.

2.8 Parking and Loading

On-site parking and loading must be separated from any adjacent site within Residential, Residential Conservation or Town Centre Zones by a 3-metre wide landscape strip which shall be planted in shrubs and trees.

2.9 Relocated Buildings

Any relocated building must be clad and roofed within six months of the issuing of a building consent.

3. Restricted Discretionary Activities (Updated April 2007)

Any activity listed as a permitted activity which does not comply with one or more of the conditions listed in Rule 2 shall be a discretionary activity with the exercise of the Council's discretion being limited to the matter specified in the condition.

4. Discretionary Activities (Updated April 2007)

The following are Discretionary Activities provided that they comply with the standards listed in Rule 2 (above):

- a) Service Stations.
- b) Places of assembly, except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
- c) Community facilities.
- d) Dwellings, except new dwellings, other than accessory buildings, within the Port Influences Overlay Area shown on Planning Map S2.
- e) Health Care facilities (excluding Emergency Services facilities), except for a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Map S2.
- f) Visitor facilities.
- g) Offices.
- h) Port Activities.

5. Non Complying Activities (Updated April 2007)

The following shall be non-complying activities:

(Updated November 2010)

- 5.1 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaianga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.
except that this rule shall not apply to heli-landing areas on sites greater than 3000m² where all of the following conditions are met:
 - (m) The number of flights do not exceed 12 (24 movements) in any calendar year;
 - (n) The flights (movements) do not take place on more than five days in any one month period;
 - (o) The flights (movements) do not exceed three in any one week;
 - (p) Any movements shall only occur between 8.00am and 6.00pm;
 - (q) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
 - (r) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

- 5.2 Any activity listed in Rule 4 which does not comply with the standards in Rule 2. (Updated April 2007)

5.3 Establishment of a Port Noise Sensitive Activity within the Port Influences Overlay Area shown on Planning Maps S1 and S2. (Updated April 2007)

5.4 Any activity not otherwise specified as a permitted, restricted discretionary, or discretionary activity is a non complying activity. (Updated April 2007)

ASSESSMENT OF APPLICATIONS

Applications for restricted discretionary and discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Industrial Zone.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Industrial Zone:

- Consolidation of the principal industrial area in the District to allow for industrial activities to be undertaken with as little impediance as possible.
- A higher level of amenity maintained in the other Zones by limiting the undertaking of industrial activities within them.
- Levels of amenity maintained in other Zones where sites adjoin those in the Industrial Zone.

REFERENCE TO OTHER PROVISIONS

- 14 Cultural Heritage
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 37 Waste Management and Hazardous Substances