

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

**AND**

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

Date of hearing: 16, 17, 20–25 November 2015

Date of decision: 12 August 2016

Hearing Panel: Sir John Hansen (Chair), Ms Sarah Dawson, Mr Alec Neill,  
Mr Gerard Willis

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**DECISION 34**

**CHAPTER 17:  
Rural — Stage 2**

**(and relevant definitions and associated planning maps)**

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

**COUNSEL APPEARANCES**

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Mr A Beatson and Ms N Garvan	Transpower New Zealand Limited
Ms J Crawford	Cathedral City Development Limited
Ms A Limmer	The Isaac Conservation and Wildlife Trust
Ms P Steven QC	Sara Harnett
Ms H Atkins	Horticulture New Zealand
Ms A Dewar	Akaroa Salmon New Zealand Limited
Mr G Cleary	Carey Jones
Ms A Limmer	Canterbury Aggregate Producers Group
Ms J Appleyard and Mr B Williams	Waterloo Park Limited Orion New Zealand Limited Christchurch International Airport Limited
Ms M Thomas	Maurice R Carter Limited
Ms A Limmer and Ms J King	Fulton Hogan Limited

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## INTRODUCTION

[1] This decision (‘decision’) continues the series of decisions made by the Independent Hearings Panel (‘Hearings Panel’/‘Panel’) concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) (‘Replacement Plan’/‘Plan’). It concerns a hearing on Chapter 17, which was notified in Stage 2 of our hearings process.<sup>1</sup>

[2] In this decision, the phrase ‘Notified Version’ describes the version notified by the Christchurch City Council (‘the Council’/‘CCC’) (submitter 2123) and to which, subsequent to consideration of submissions and conferencing, a number of changes were made. This was then ultimately produced in closing by the CCC as a red-line version (‘Revised Version’).<sup>2</sup>

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

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

### Effect of decision and rights of appeal

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

### Identification of parts of existing district plans to be replaced

[6] The OIC requires that our decision also identifies the parts of the existing district plans that are to be replaced by the Chapter. In this respect, we replace all of the Planning Map zones

<sup>1</sup> Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

<sup>2</sup> Closing submissions for the Council, Appendix 1.

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

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

in the existing Banks Peninsula District Plan and existing Christchurch City Plan that are impacted by our decision.

[7] As a matter of precaution, we do not propose to replace the existing provisions in the operative plans until such time as we are sure that those provisions are no longer required. We note that the vast majority of Rural sites will no longer be zoned in the existing plans, as the planning maps will have been replaced by this decision.

### **Matters deferred from this decision**

[8] Landscape and Natural Character provisions in the Rural zone were notified in Stage 3 Chapter 17. Those matters were deferred to be heard with Chapter 9 Natural and Cultural Heritage and do not form part of this decision. In relation to airport noise matters, we have deferred consideration of the airport noise contours shown on planning maps notified in Stage 1 and 2, the aircraft engine testing contour provisions and bird strike provisions to be heard with Chapter 6 General Rules proposal. A list of the deferred provisions is set out in Schedule 3.

## **PRELIMINARY MATTERS**

### **Conflicts of interest**

[9] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>5</sup> In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel either through previous business associations or through current or former personal associations.<sup>6</sup> Those disclosures (and, on some matters, member recusals) were recorded in the transcript, which was again available daily on the Hearings Panel's website. No submitter raised any issue in relation to this.

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<sup>5</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz).

<sup>6</sup> For example, Mr Neill in relation to Akaroa Salmon (represented by Lane Neave), and Jonathan Francis, a witness for CAPG; Ms Dawson in relation to GK Riach, AJ & JR Van der Leij (represented by Mr van der Leij).

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## REASONS

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### STATUTORY FRAMEWORK

[10] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.<sup>7</sup> Our Stage 1 Residential decision set out the relevant statutory framework which also applies to this decision.<sup>8</sup>

[11] No issue was taken with the higher order documents we must take into account and give effect to, except to the extent we address below.

[12] First, the Council recommended the insertion of a new objective into Chapter 3 Strategic Directions dealing with the Rural environment. We will turn to this in due course.

[13] The CCC's opening submission summarised the zones and their purposes, as described by Deborah Hogan, the Council's planner:<sup>9</sup>

- (a) Rural Banks Peninsula ['RBP'] Zone – This is the largest zone which covers all of the land previously administered by the Banks Peninsula District Plan. It is a rural working zone which also has significant landscape, conservation and recreation values.
- (b) Rural Urban Fringe ['RUF'] Zone – This zone covers the flat land adjacent to metropolitan Christchurch. It is highly fragmented and is used for horticultural, agricultural, quarrying, lifestyle and recreation activities. Part of the zone falls within the 50dBA Airport Noise Boundary.
- (c) Rural Waimakariri ['RW'] Zone – This zone is largely an open flat land rural environment with larger land holdings than the Rural Urban Fringe Zone. Pastoral farming is the dominant activity but quarrying, forestry, flood management and recreational activities are also located in this zone.
- (d) Rural Port Hills ['RPH'] Zone – This zone covers the parts of the Port Hills not covered by the residential and open space zones. Large parts of the zone have high amenity values which are reflected in the provisions.

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<sup>7</sup> OIC, cl 12(1).

<sup>8</sup> At [9]–[10]. Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

<sup>9</sup> Opening submissions for the CCC at 4.3, referring to evidence in chief of Deborah Hogan at 6.1–6.8.

- (e) Rural Quarry ['RQ'] Zone – The Rural Quarry Zone covers three areas with existing quarries. Quarrying is the primary activity in this zone.
- (f) Rural Templeton ['RT'] Zone – This zone covers the site of the retired Templeton Hospital. The zone enables the land to be redeveloped for rural support activities while maintaining the open character of the site.

[14] It is accepted that generally rural areas were less affected than urban areas by the Canterbury Earthquake Sequence. This means that there is not quite the same need to focus on recovery as with other chapters, except to the extent relating to the production of raw materials, in particular aggregate, used in the rebuild of Christchurch.

[15] In the main there was no disagreement with the zones as notified. The notable exception was the Yaldhurst Rural Residents' Association ('YRRA')<sup>10</sup> who wanted the "Rural Quarry Zone" removed from the plan. We will turn to their concerns in due course. As to the content of the provisions between quarrying interests, CCC, community groups and neighbours, we will address those in that specific discussion.

[16] The CCC, correctly in our view, identified that the major issue to confront the Panel was Fulton Hogan Limited's proposed land swap. Fulton Hogan operate a quarry in Pound Road. This includes the recovery of material and the processing of material trucked in from other sites. It adjoins the Templeton Golf Course. Fulton Hogan has entered into a Heads of Agreement with the golf club that provides for a land swap, with Fulton Hogan undertaking to construct a new course on the former quarry site. This was one of the more contentious matters raised in the course of the Rural chapter hearings opposed by CCC. Only two submitters were against it. Because the golf course has reserve status there is an overlap with the Open Spaces hearing. In our view, common sense and good planning practice dictates that there should be a collaborative approach with the Open Spaces hearing, and its Panel, in determining this issue, to which we will return.

[17] We also note that the CCC submitted to us there was sufficient evidence for us to decline the Fulton Hogan request. However, they went on to say that if the Panel wished to consider the request further it should wait until the Open Space hearing before making a final decision. We have accepted that invitation because Fulton Hogan's rezoning request includes an application to rezone the Pound Road quarry to Open Space. It was impossible, without

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<sup>10</sup> Submitter 2206.



collaboration with the Open Space Panel and awaiting that hearing and consideration of any updated evidence, that a proper, balanced decision could be made. We have collaborated as necessary with the Open Space Panel.

### **Strategic Directions decision**

[18] We indicated we had insufficient evidence to properly address the question of an objective for the Rural environment. It was not to suggest that such an objective should not be contained in the chapter, or was unimportant. Indeed, we are satisfied that the importance of the rural environment to greater Christchurch is such that the Strategic Directions chapter should contain such an objective.

[19] Several parties submitted and mediated on this matter, and the agreed objective between those parties was annexed to the Council's closing.<sup>11</sup> While this is a good start, we consider the wording can be improved on, in order to be consistent with the grammatical structure of other strategic objectives.

[20] The Revised Version had not accepted the YRRA submission that the word 'primarily' be deleted. Such a change is not supported by the evidence from CCC witnesses which we accept.<sup>12</sup>

[21] Concerns regarding Objective 3.3.16 were largely resolved at mediation. Further amendments were sought by Federated Farmers, but we find these are not supported on the evidence. However, we have made an addition to the mediated version. We have restructured the objective to accept normal rural activities per se as would be anticipated in rural areas. The evidence suggested nothing to the contrary, and we are satisfied the re-wording better reflects this.

#### **3.3.16 Objective — A productive and diverse rural environment**

- a. A range of opportunities is enabled in the rural environment, primarily for rural productive activities, and also for other activities which use the rural resource efficiently and contribute positively to the economy.

<sup>11</sup> Closing submissions for the CCC at Appendix 1, page 2.

<sup>12</sup> Evidence in chief of Deborah Hogan on behalf of the Council at 10.3–10.13; rebuttal evidence of Deborah Hogan at 3.1–3.2; Evidence in chief of Adele Radburnd on behalf of the Council at 7.28–7.29.

- b. The contribution of rural land to maintaining the values of the natural and cultural environment, including Ngāi Tahu values, is recognised.

### **Rural objective (general)**

[22] Akaroa Salmon New Zealand Limited (2243) sought that Objective 17.1.1(a)(i) be amended to specifically refer to aquaculture. CCC’s witnesses took the position that this was unnecessary as the activity occurs to a limited extent and is an accessory to the principal activity which occurs in the coastal marine area.

[23] YRRA also sought to delete the words “where appropriate” from 17.1.1(a)(i). This was opposed by CCC. We accept the Council’s evidence, and reject the submission.

[24] This is in addition to CCC’s acceptance to amend the definition of ‘Intensive farming’ to recognise land-based aquaculture and to insert a new permitted activity 17.2.2.1(P23) to respond to Akaroa Salmon’s submissions.

[25] We note other chapters referred to and considered activities that take place in the sea.<sup>13</sup> We consider the evidence of the CCC underestimates the continued and growing importance of marine aquaculture. However, we consider this better recognised in Policy 17.1.1.1:

#### **17.1.1.1 Policy — Range of activities on rural land**

- a. Provide for the economic development potential of rural land by enabling a range of activities that:
  - i. have a direct relationship with, or are dependent on, the rural resource, rural productive activity or sea-based aquaculture;
  - ii. ...

### **Rural policies and rules**

[26] CIAL requested that new provisions be inserted into the RUF and RW Zone to provide controls to address reverse sensitivity effects arising from new noise sensitive activities establishing within the 50dB Ldn Airport Noise Boundary Contour and/or the 50dB Ldn

<sup>13</sup> See for example Rule 19.2.2.4(D4) in the notified Coastal Environment chapter, recognition in Topic 9.2 of the Natural and Cultural Heritage chapter to the contribution of sea, beaches, islands and estuaries is of natural landscape and features.

Engine Testing Contour.<sup>14</sup> Agreement was reached between the Council and CIAL regarding amendments to Policy 17.1.1.10 following the exchange of evidence of their respective planning witnesses.<sup>15</sup> Agreement was also reached at mediation on the rules relating to the avoidance of noise sensitive activities within the 50dB Ldn noise contour, except in relation to the submission of Mr Carey Jones, whose submission we address below at [189].<sup>16</sup> Except to the extent that we have allowed Mr Carey Jones's submission, those agreed provisions are inserted into the Decision Version.<sup>17</sup> We confirm the additions are appropriate and find them to be supported by the evidence that we heard.

[27] We note that in relation to the airport noise contours that a submitter, Mr David Lawry (2514) objected to the location of, and basis for, the airport noise contours shown on the Planning Maps. Mr Lawry was not a submitter on the Rural zone provisions, nor did he make a further submission in relation to CIAL's submission. The airport noise contour issues addressed in Mr Lawry's submission were heard in the Chapter 6 General Rules hearing and are not within the scope of this hearing. If any matters decided in the Chapter 6 General Rules hearing relating to airport noise necessitate consequential changes to Chapter 17, then the Hearings Panel may revisit this decision.<sup>18</sup> We have deferred consideration of the engine testing noise contours and provisions to the Chapter 6 General Rules hearing. It may also be necessary to revisit Chapter 17 to address any consequential changes should they be required.

[28] Both Cathedral City Development Limited ('CCDL') and Carey Jones oppose the CCC's position seeking to delete Policy 5(vi) in the Revised Version.<sup>19</sup> They maintain it is out of scope. CCC's position is that the matter is within scope, avoiding duplication by deleting matters already covered by the rest of the policy, and deletion of Policy 5(vi) will reduce duplication as the matter is covered by other policies. The evidence satisfies us that deletion will clearly remove duplication. We are satisfied it is within scope, and have deleted it from the Decision Version.

<sup>14</sup> CIAL (2348), pages 14–20.

<sup>15</sup> Rebuttal evidence of Deborah Hogan at 3.19–3.24. See also opening submissions for CIAL at 9.

<sup>16</sup> Evidence in chief of Deborah Hogan at 11.1–11.5.

<sup>17</sup> Except to the extent that we have deferred decisions on engine testing noise.

<sup>18</sup> OIC, cl 13(5) and (6)

<sup>19</sup> CCDL (2129); Carey Jones (2316).

[29] Turning to electricity transmission corridors, full agreement was reached in closing except for two matters raised by Federated Farmers and Horticulture New Zealand. The agreed matters are supported by the evidence and are included in the Decision Version.

[30] The concern of Federated Farmers relating to mobile irrigators was adequately picked up by the definition proposed by Transpower in their closing, which we adopt. Ms Mackenzie, for Federated Farmers, raised a number of matters at the hearing not dealt with at mediation.<sup>20</sup> We concur in Mr Beatson's submission that:<sup>21</sup>

These concerns were not well articulated, explained, or supported by technical or expert evidence. Under cross-examination all of the matters that may have been of concern were not sustained, other than specific wording relating to irrigation structures.

[31] We reject the matters raised by Ms Mackenzie except for the matter in the first sentence of [30]. Matters of scope were raised in relation to Orion's submission that have arisen in other hearings, and we are satisfied they are within scope. In the case of Orion the protection is necessary because we have determined earlier that their transmission lines are included within strategic infrastructure. We concur in the provision suggested by Ms Appleyard in the appendix attached to Orion's closing submission.

[32] We accept the evidence of Horticulture New Zealand (2165) on the definition of 'Horticultural structures' and the reliant definitions of 'Artificial crop protection structures' and 'Crop support structures'. We also accept the submission of Horticulture New Zealand to exclude those structures from the definition of 'Building' and include reference to those structures in the definition of 'Farming'. We have also included a definition of 'Greenhouse', as requested by Horticulture New Zealand. We note that such was accepted by CCC.

[33] Brandon Hutchison (2487) requested that a further policy be added that allows for the establishment of micro-communes in rural zones. He submitted it was appropriate for several residential units to be established on one or more lots, to provide support and lifestyle for older people, arts, environmental and extended family groupings. It is not supported by the Council, and Mr Hutchison did not adduce any evidence to support the need for such development. What Mr Hutchison proposed was essentially a micro-urban development within a rural zone.

<sup>20</sup> Closing statement for Federated Farmers; Transcript, from page 253 (Ms Appleyard, Ms Mackenzie).

<sup>21</sup> Closing submissions for Transpower at 15.

We accept CCC's evidence and submissions that this is inappropriate, and reject that submission.

## QUARRYING

### Background

[34] To the north, south and west of Christchurch International Airport are a number of aggregate quarries. Many of those quarries pre-date the existing operative plan. Some possibly pre-date planning regimes. For many years it was considered that a large part of Christchurch and the surrounding area's gravel needs could be met from the Waimakariri River. The provisions for quarries in the operative plan were mostly unchanged from the Paparua District scheme, the understanding being that these provided in the order of 50 years' resource supply, after which the Waimakariri River would be the primary source. That was the belief until a case in the Environment Court in 2006.<sup>22</sup> That decision fundamentally challenged the thinking and validity of City Plan policies that sought to confine quarrying to specific locations while favouring river-based sources of gravel supply. The decision considered the CCC had placed an over-reliance on river-based sources. As a consequence, CCC investigated the issue of aggregate supply. This review confirmed both a limited dry-land based resource supply and a limited option available for new, large quarry sites. Since 2006, reports have been commissioned relating to aggregate demands and resources for planning purposes including, most recently, to inform this current plan review. We received evidence from Mr English, a principal at Twelfth Knight Consulting Limited, updating earlier reports listed in his evidence in chief, to which we will return.<sup>23</sup>

[35] As a consequence of this information and investigation, the Notified Version recognises areas where quarrying has been carried out on a long-term basis. The Notified Version creates for those areas an RQ zone where quarrying is a permitted activity. In the other rural zones, excepting RT zone, quarrying is a DA in the Notified and Revised Versions. As well, the Notified and Revised Versions introduce a much more comprehensive rehabilitation regime for quarries at the end of their working lives, that will ensure land is returned to a useful state.

<sup>22</sup> *Road Metals Company Limited v Christchurch City Council* [2006] NZEnvC 419.

<sup>23</sup> Evidence in chief of Richard English on behalf of the Council at 1.9 and 3.1. Mr English also appeared on behalf of CAPG (2331) and Fulton Hogan (2455).

This has not always been the case. It is of significance that the Canterbury Aggregate Producer's Group (2331) (CAPG) has agreed to and committed itself to this rehabilitation regime. This will apply to all quarries, both in the RQ zone and potentially, in accordance with policy directions, other rural zones. Other than CAPG, the only quarrying interests we heard from was Maurice R Carter Limited (2338) and Fulton Hogan (2455). Fulton Hogan relied on and supported CAPG's submissions, and submitted further in relation to a proposed land swap with the Templeton Golf Course ('TGC'), which we discuss later. Other quarries have not submitted against the rehabilitation provisions. This is a very significant, innovative step forward in the CRDP for the benefit of Christchurch generally and rural residents in particular. CAPG is to be acknowledged for this responsible step forward. A witness for CAPG, for example, recorded long-standing non-compliance with the operative restrictions on hours of operation and was unable to provide an assurance that such attitudes would change.<sup>24</sup>

[36] Acceptance of the rehabilitation regime (and other permitted activity standards) allows quarrying operators in the RQ zone to come within the aegis of the CRDP rather than having to rely on existing use rights.

[37] Notwithstanding significant difficulties, CCC has worked with industry to agree provisions that if complied with will lead to rehabilitation of existing quarries in a manner acceptable to the industry and CCC. At mediation CCC agreed to a rehabilitation rule which is to the benefit not only of industry, but all residents of Christchurch. It is, as we have already noted, a major step forward.

[38] One of the significant difficulties is the uncertainty around a specific deadline for rehabilitation to occur. It is almost impossible to ascertain the exact date where a quarry will be worked out to a stage where rehabilitation is appropriate due to a number of factors that contribute to this. Accordingly, CCC has agreed to an approach which avoids setting such a deadline because reasonable timeframes vary from quarry to quarry with their differing operational dynamics and requirements. But what has been done is to ensure that the rehabilitation plan requirement provides sufficient incentivisation for quarries to establish and follow rehabilitation plans.

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<sup>24</sup> Evidence in chief of Brian Warren on behalf of CAPG at 33–38; transcript, page 425, lines 16–35 (Mr Warren).

[39] Such plans have to be certified by CCC, which provides the CCC with the ability to discuss and agree a plan which includes reasonable timeframes and outcomes. Failure to receive CCC certification for rehabilitation plans means that within the RQ zone the quarry could not operate as a permitted activity and would have to continue under existing use rights with all the difficulties that can ensue or, if a new quarry, apply under NC status.

[40] CCC acknowledges the difficulties in the rehabilitation regime because of the complication of existing use rights and the inability of CAPG to offer iron-clad assurances that its members will comply with the proposed regime.<sup>25</sup>

[41] Ms Radburnd appeared for the Council. Her evidence stated:<sup>26</sup>

Overall, there is currently 1,134 hectares of land zoned for quarrying purposes at Pound Road, Miners Road and McLeans Island. An additional 316 hectares has been granted for quarrying activity in other rural areas in recent years, principally in the Rural Urban Fringe and Rural Waimakariri Zones. Resource consent applications have been lodged for a further 82 hectares of land. If granted, the total area permitted for the quarrying of gravels in Christchurch would be 1,532 hectares.

[42] We also received evidence, which we accept, that a sustained supply of aggregates is essential to provide for a community's social, economic and cultural wellbeing. It is important in the context of recovery and rebuilding following the Canterbury Earthquake Sequence. The ability to secure adequate resources at reasonable cost is critically important. Ms Radburnd stated, which we again accept, that Christchurch is fortunate to have a local supply of aggregates available. She also notes that:<sup>27</sup>

... access to the finite resource can be sterilised by incompatible land use and development or restrictive land use controls, necessitating access to more distant and costly resources to meet the District's economic needs. The efficient utilisation of these resources is therefore a significant resource management and recovery issue for the District Plan Review.

[43] Continuing, Ms Radburnd correctly identifies the potential adverse effects which can result from the extraction and processing of aggregate resources. These can be found at 7.4 of her evidence, which reads:

The potential adverse effects which can result from the extraction and processing of aggregate resources are well documented and include:

<sup>25</sup> Transcript, page 329 (Ms Limmer).

<sup>26</sup> Evidence in chief of Adele Radburnd on behalf of the Council at 6.15.

<sup>27</sup> Evidence in chief of Adele Radburnd at 7.3.

- (a) Noise emissions;
- (b) dust emissions;
- (c) traffic, particularly heavy goods vehicles;
- (d) land and vegetation clearance/disturbance;
- (e) potential loss of heritage or cultural values;
- (f) impacts on waterways and their margins particularly from dust sedimentation;
- (g) landscape change;
- (h) visual effects resulting from screening or lack thereof, plant, exposed quarry sites / reduced amenity for surrounding uses;
- (i) vibration effects (mostly for hard rock quarries);
- (j) limitations on subsequent use of land; and
- (k) risks to airport operations (bird-strike risk from any exposed waterbodies).

[44] YRRA, in closing, disagreed with the evidence adduced by the CCC and the quarrying interests and submitted it was so fundamentally flawed that the part of the chapter setting out the RQ zone should be deleted in its entirety and the operative plan should be relied upon until adequate evidence is placed before us. Other individual submitters complained of the amenity effects of quarrying, which we address in due course.

[45] As noted earlier, Mr English gave expert evidence on behalf of CAPG. His area of expertise that he gave evidence on related to the analysis of the demand for aggregate and the evaluation of resources to fulfil those demands.

[46] He noted it was important that the immediate need to cater for earthquake-generated recovery does not overshadow the important issue of long-term aggregate supplies needed if Christchurch is to continue to recover and grow. It is clear the availability of good quality aggregate so close to Christchurch is of considerable economic significance that gives the city a significant economic edge. It is also critical to the recovery.



[47] His summary was that total demand of aggregate up until 2041 for the Christchurch area is approximately 130 million tonnes.<sup>28</sup> Five million was required to fulfil the remainder of the directly earthquake-generated demand.<sup>29</sup>

[48] According to Mr English’s calculation, the theoretical exhaustion date for the CCC area was calculated in 2014 as the year 2031. But he said local reality was more complex.

[49] He noted relatively good transport links between areas of demand and quarries and excavation sites on rivers meant the area effectively acts as a single market. Dealing with when quarries might be “mined out”, he said at paragraph 24:

To further complicate matters, the geographical spread of the available resources is uneven and each quarry owner’s business strategies and the physical size of each resource they hold will impact on the exhaustion date of individual quarries. **It is difficult therefore to derive precise exhaustion dates for any one quarry.**

[our emphasis]

[50] He also noted that rehabilitation has failed to keep pace with levels of extraction but his understanding was that the industry has now expressed a willingness to remediate previously quarried sites. CAPG has agreed to a rule that requires all existing quarries in the RQ zone to provide a rehabilitation plan within two years of the Replacement Plan becoming operative. As noted earlier, that is a significant concession from the industry. This needs to be considered in reaching the overall balance in relation to the provisions.

[51] He supported this approach, as it resolves the issue which would otherwise have left communities with the legacy of extensive areas of land with little practical future use or value. He also noted his evidence in the Strategic Directions chapter:

Without aggregates we would neither be able to maintain our existing vital infrastructural facilities nor would the built environment be able to expand enabling economic growth both locally, regionally and nationally.

[52] We accept his evidence and endorse that statement and accept it is a given. He stated that in Christchurch there is a combined total of 75 million tonnes of aggregates held in the Waimakariri River, the RQ zone areas and consented quarries outside of those zones.

<sup>28</sup> Evidence in chief of Richard English on behalf of CCC at 3.1(c).

<sup>29</sup> Evidence in chief of Richard English on behalf of CCC at 3.1(a).

Additionally there is 0.5 million tonnes of resource carried down the Waimakariri River annually which is potentially available for abstraction.

[53] In his rebuttal evidence he referred to the evidence of Mr Turpin of YRRA and disagreed with Mr Turpin's statement that decisions relating to additional resources can be delayed for eight to 10 years. We accept his expert evidence and opinion. It is also supported by evidence we heard at the Strategic Directions hearings.

[54] Mr English stated that he considered the "rebuild" will require approximately five million tonnes of aggregate. In 2010, before the first earthquake, the annual demand in Christchurch was 2.8 million tonnes per annum. He said considering annual growth in demand, that figure is likely to reach 5.5 million tonnes per annum by 2041. In Christchurch there is a total of 75 million tonnes of aggregate held in the RQ zones and consented quarries outside that zone, and in the Waimakariri. Approximately 40 million tonnes of that is in the RQ zoned areas. Mr English stated that if the annual aggregate replenishment rate of the Waimakariri River is taken into account, there is a shortfall between demand forecast to 2041 and what is currently available of approximately 45 million tonnes.

[55] It is enough to say that the evidence he gave to Ecan's RPS hearings in 2011 was overtaken by events. At that stage Ecan was suggesting significant restrictions, but they were subsequently removed. Mr English stated.<sup>30</sup>

### **Transportation costs**

- 3.11 As is often quoted, the aggregate industry has a "rule of thumb" that states that the cost of transporting aggregates doubles every 30km. It should be noted that this statement is not intended to be an accurate reflection of the relationship between distance and costs under every circumstance. I have not used this "rule of thumb" in the derivation of the transport costs I have described in my evidence to the RPS hearing, my background report to the Council or in my evidence in chief at this hearing.
- 3.12 In paragraphs 9.1 to 9.6 of my evidence in chief [on behalf of CCC], I have discussed the factors influencing transportation costs and have noted at para 9.5, by way of illustration of the potential impacts on costs, that "if the theoretical shortfall in resources through to 2041 were to be sourced from sites an additional 15km from the sources of demand (i.e. above current cartage distances) the additional cost would be approaching \$200 million."

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<sup>30</sup> Rebuttal evidence of Richard English on behalf of CCC at pages 4 and 5.

- 3.13 This figure has been derived from the data I have outlined at paragraph 9.4 of my evidence in chief and the forecast shortfall between current resources and demand to 2041 being, as Mr Turpin notes, 45 million tonnes. This equates on average to a delivered aggregate price increase in the order of 15% to 20% above current prices for the illustration I used at para 9.5 in my evidence in chief.
- 3.14 At paragraph 1.7 of the appendices to of Mr Turpin’s evidence (at page 7), he suggests that the additional cost under these circumstances may be 19%. It would appear therefore that Mr Turpin and I are in general agreement (although Mr Turpin’s figure has been derived via a different methodology which I do not necessarily support).
- 3.15 Turning to the now superseded “\$500 million” and the current illustrative \$200 million additional costs to which Mr Turpin refers in his evidence. These two figures were derived, as noted, at two different times (i.e. 2011 and 2014) and accordingly reflect differing circumstances.
- 3.16 There are two primary components to the derivation of these figures, being transportation costs, which I have discussed above, and the quantities of materials to be carted.
- 3.17 The shortfall between resources and demand fell over the period between 2011 and 2014 as a result of significant additional quantities of resources having been granted consent in the intervening period. The net impact of these changes is that the additional transportation costs, using the illustrative 15km additional cart, fell to approaching \$200 million, as I noted in both my background report and evidence in chief.
- 3.18 In summary, the additional cost in 2011 for the postulated additional 15km cart was approximately \$500 million, as I stated in 2011, and approximately \$200 million in 2014, as I have stated in my evidence in chief. As I have described in this rebuttal, there is a clear consistency between these figures.

#### **Variances in forecast total demand**

- 3.19 Mr Turpin notes at paragraph 3.5 of his evidence that my estimates of the total demand to 2041 may vary between 95 and 145 million tonnes with a probable figure of 130 million tonnes. I do not dispute Mr Turpin’s interpretation of my figures.
- 3.20 I have hopefully made it clear in both the background report, that I have prepared for the Council, and in my evidence in chief that, given the extended timeframes over which the forecasts are being made, there is bound to be a potential variance in the forecast most likely total demand. The most significant drivers of these variances are population growth, demand per head, and long run economic activity.

[56] Mr English was extensively cross-examined by Mr Turpin of YRRA, who challenged his figures but, in doing so, failed to take into full account the change in circumstances between the Ecan evidence and the evidence before us. While Mr English conceded that figures could be lower, we accept his evidence that there is likely to be a significant shortfall by 2041 based

on existing quarries, consented quarries and the Waimakariri River. Mr Turpin’s persistent cross-examination does not alter that fact. We have heard considerable evidence in the course of our hearings of recovery and rebuild timeframes, and the critical nature of aggregate to such recovery and rebuild and the long-term growth of Christchurch. The fact that quality aggregate can be sourced so close to Christchurch city is of enormous economic benefit to Christchurch, and we are quite satisfied this has been amply demonstrated by this evidence.

[57] In further cross-examination about transportation costs and the rule of thumb that such costs “double every 30kms”, as an independent expert Mr English properly made concessions. However, the reality remains that additional distances add to cost. YRRA called no independent expert evidence to establish the contrary. Nor did Mr Turpin’s cross-examination alter this, even if the industry figures may have been overstated. We find on the evidence that longer transportation distances add to cost. Any addition to the cost of aggregate reduces Christchurch’s competitive advantage mentioned above. It also adds to the cost of recovery and the long-term development of Christchurch.

[58] We do not accept the YRRA submission of effectively delaying decisions for 10 years. That would lead to uncertainty, with existing use rights disputes highly likely. This would not accord with the Statement of Expectations’ requirement of certainty.<sup>31</sup> We do not accept it is supported by the evidence.

[59] As noted, outside the RQ zone, quarrying is a DA in all other rural zones, other than the RT zone, where it is non-complying. It is supported by a policy framework that we accept, despite disagreement from CAPG, is more enabling than the operative plan. However, both the Notified and the Revised Versions recognise the amenity impacts of quarrying.

## Setbacks

[60] On behalf of the Riccarton/Wigram Community Board,<sup>32</sup> Mr Mora sought the extension of the notified 250m setback from residential activity to 500m. He referred to the Victorian

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<sup>31</sup> OIC, Schedule 4.

<sup>32</sup> Riccarton/Wigram Community Board (2363).

EPA standard,<sup>33</sup> which he says recommends a larger buffer where industry has poor controls. Mr Mora did not produce the Victorian EPA standard.<sup>34</sup>

[61] YRRA sought quarrying be non-complying within 300m of any residential unit by way of a new rule in the RUF zone. Sara Harnett also sought increased setback. Submitters Peter and Vivian Mahoney and Eric Janssen, who told us of the amenity effects on them from quarrying, sought that all quarries in the RW zone should be non-complying.<sup>35</sup> Mr Janssen also complained of a lack of response from CCC when he phoned them over noise and dust breaches. He requested remote boundary monitoring accessible online. Dust is for Ecan, noise for CCC. We accept monitoring (including remote monitoring) would be a significant step forward and we have allowed for it both in Policy 17.1.1.12 and assessment matters (Rules 17.8.2.1, 17.8.2.13 and 17.8.2.15). This relates, non-exclusively, to noise, vibration, traffic matters, and lighting. Noting it is outside our jurisdiction, we would nonetheless urge the same for dust (noting such monitoring occurs at the Burwood landfill).

[62] The evidence from CAPG, the Crown and the Council led to an agreement between those parties that the following is appropriate for quarrying in the RUF and RW zones:

- (a) Full discretionary activity (DA) status, providing quarrying located 250m or more from a Residential Zone or a Specific Purpose (School) Zone.
- (b) Non-complying (NC) for quarrying within 250m of a Residential Zone or a Specific Purpose (School) Zone.

[63] Ms Radburnd in her evidence noted that the s 32 report did not support NC for quarries throughout the rural zone. It was her evidence that full DA status would allow the suitability of any particular proposal to be completely and fully considered. This would give the opportunity to impose appropriate conditions including more rigorous monitoring conditions.

[64] She stated that quarrying was supported as a legitimate rural productive activity by the rural objectives and policies. Given that, she said it should not be NC other than in close proximity to sensitive zones.

<sup>33</sup> Transcript, pages 755–756.

<sup>34</sup> Extracts were attached to the evidence in chief of Bob Cross on behalf of YRRA, Appendix (e).

<sup>35</sup> Peter and Vivian Mahoney (2239); Eric Janssen (2483).

[65] She said that if quarrying was sought within 250m of residential communities, i.e. residential and school zones, that was a sufficient buffer to protect those residential communities. This would provide a significant level of comfort that quarrying is unlikely to occur “over the back fence”. It would also assist in fostering investment certainty in urban areas.

[66] She pointed out that there was no evidence to support a 500m NC buffer zone from residential and school zones, nor a 300m NC buffer from individual houses. She said that full DA status will mean any application can address the particular circumstances as to what may or may not be appropriate in such areas. This would take into account the scale and nature of the quarrying proposed and other land uses in the vicinity.

[67] She said larger NC buffers would not support the functions of rural land and would unnecessarily increase consenting requirements. For that reason CCC did not accept the submissions referred to above.

[68] While we were provided by YRRA with part of a report showing the Environmental Protection Authority standards in Victoria,<sup>36</sup> the Panel heard no expert evidence called on behalf of the submitters above to support their position. We accept Ms Radburnd’s evidence on behalf of CCC. We are satisfied that the provisions set out in the above paragraphs afford sufficient protection to residential and school zones and individual residential dwellings in rural zones. Being a DA, all matters are at large. This means for every individual application, all relevant matters can be taken into account, evidence considered that may lead to refusal or grant of the consent sought. Furthermore, it gives the consenting official the power to impose a wide range of appropriate conditions to protect and guard against amenity effects including through site rehabilitation plans and monitoring requirements.

## **PROCESSING IMPORTED MATERIAL**

### **Policy 11**

[69] CAPG takes issue with Policy 11(a)(ii)G in both the Notified and Revised Versions. It is CAPG’s submission that this only countenances new quarries if they can process materials

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<sup>36</sup> Above, n 34.

on site or on another site provided that does not “unreasonably extend the life of another quarry”.

[70] It is opposed because it is said to be unnecessarily restrictive in precluding realisation of high quality gravel resources for want of an ability to process on site. It was submitted that no party called expert evidence disputing CAPG’s evidence that if quarry operations can occur within the city’s boundaries, this assists Christchurch in maintaining its nationwide cost advantage with respect to aggregate supply. We have accepted such evidence in any event.

[71] While CAPG accepts that the utilisation of Christchurch’s natural gravel resource should not be at all costs, they say it is in the city’s economic interests to utilise it to the greatest extent it can. It identified a number of smaller consented sites. It submits that processing on such sites might have greater amenity consequences than offsite processing at larger sites with established fixed plant.

[72] YRRA in its closing submissions said that the evidence put forward by CAPG was so flawed that Policy 17.1.1.11(a)(ii) should be removed. They say that the evidence was substantially incorrect and misleading. This would effectively remove quarrying in rural zones outside of the RQ zone and make such activities non-complying. We are quite satisfied on the evidence that it would be inappropriate to do this, and refuse YRRA’s request to delete that substantial policy for the reasons given earlier.

[73] YRRA seeks several deletions to clauses (a) and (a)(ii) of Policy 11. This included the deletion of the whole of the clause which we have dealt with above. As we understand it, the alternative is that they want DA for quarrying outside of the RQ zone and associated policies to be postponed and not considered for 10 years.

[74] The list of amendments requested by YRRA does not seek to change the activity status of quarrying from DA in the RUF and RW zones. Policy 11 is worded to support this activity status. The amendment sought to 11(a)(ii) has a number of sub-clauses which provide strong policy protection from the effects of quarrying on sensitive activities and local rural amenity generally. We would have thought this was something a residents’ association such as YRRA would have supported. We consider the policy is appropriate and well supported by the evidence, and we reject the YRRA submission.

[75] It was accepted that crushing and screening are the noisiest components of quarrying activity and that the size of the site and distance to residential units in particular will affect the ability of any site to accommodate processing as well as extraction.

[76] Ms Radburnd for the Council gave evidence that there were limited options for new large quarries within Christchurch. On this basis, CAPG said if Christchurch is to realise as much high quality gravel resources as it can, quarrying on smaller sites is inevitable. It is said that this is borne out by the evidence that a large proportion of recent quarries consented do not have processing capability on site. It is said this is a fundamental change from the context of previous planning schemes which anticipated the dying out of land-based quarrying and a wholesale shift to Waimakariri River, which of course changed with the Environment Court decision in 2006.<sup>37</sup>

[77] It is further said that the policy as drafted is highly directive in using the word “only”, but uncertain in using the term “unreasonably extend”. The cost of the policy has not been analysed in the Council’s evidence, while CAPG’s economic evidence is that maximising the amount of resource extracted within the city boundary assists in maintaining Christchurch’s cost advantages. It is said a second benefit of the deletion of sub-clause G would be removing motivation to force processing activities onto less well-suited sites, some of which may be in the quarry zone. CAPG also submits that the size of some smaller quarries precludes on site processing.<sup>38</sup> We accept on the evidence that processing on smaller sites may place this activity closer to houses than if the material was taken to another site for processing. The unchallenged evidence is to the effect that the greatest amenity effect comes from processing.

[78] The Council maintained in closing that the policy should be retained to recognise that there are potential effects of processing quarrying materials. However, on the evidence we are satisfied that ‘G’ should be deleted.<sup>39</sup> We are also satisfied that another policy is required to deal with this issue, and we have included it as Policy 17.1.1.12(a)(iii). The evidence satisfies us that there will be occasions, particularly on small sites, where quarrying is appropriate and the best amenity outcome will be from offsite processing.

<sup>37</sup> Above, n 22.

<sup>38</sup> Evidence in chief of Tim Ensor on behalf of CAPG at 36.

<sup>39</sup> From Policy 17.1.1.12(a)(ii) in the Decision Version. We have also deleted the equivalent “Matter of Discretion” — Rule 17.8.2.15(b) (in the Revised Version).



[79] The matter is addressed at length by Ms Radburnd at paragraphs 10.46 to 10.68 of her evidence.<sup>40</sup> Mr Ensor in his evidence for CAPG at paragraph 35 in dealing with this matter states that the required resource consent for processing imported materials is non-complying. This is incorrect in the RQ zone. It is DA, as Ms Radburnd points out in her rebuttal. He also states that clause G is inappropriate as it would direct decision-makers to push aggregate processing to sites that may be less appropriate. He stated the clause may preclude sites from consideration altogether where processing facilities cannot be established due to, for example, site constraints or environmental effects.

[80] At 10.68 Ms Radburnd summarises her position as follows:

In my opinion, the provisions of the revised proposal relating to activities and their definitions are the most appropriate means of giving effect to the objective of enabling recovery and facilitating the future enhancement of the District (Objective 3.3.1), recognising the importance of quarrying to support recovery (Objective 3.3.15) and supporting, maintaining and enhancing the function, character and amenity of the rural environment. Accordingly I recommend that submissions seeking that the activity status for quarrying and / or the definition be broadened to enable the processing of imported materials on quarry sites beyond that permitted by the revised proposal be rejected, and submissions in support of the Council's approach be accepted.

[81] We note that Mr Ensor corrected his evidence and accepted the position that the activity would be DA. We are grateful for that correction, which in our view places the matter in a somewhat different light. We accept Ms Radburnd's evidence and her summary as expressing a much more balanced and appropriate view than Mr Ensor. We do not accept that any complete bar to the consenting of new, smaller quarries that could not accommodate processing plant would follow with the deletion made above. This is a matter that we have dealt with in Policy 17.1.1.12(a)(iii) referred to above, and the associated Rules 17.6.2.3 RD8 and 17.6.2.4 D1.

[82] There appears to us to be no disagreement between the parties that in the rural zones (other than the RQ zone) ancillary processing of imported aggregate is a DA as a part of quarrying, provided that the quarrying of in situ materials remains the dominant activity on the site. We are satisfied that this activity status is also appropriate to cover off site processing of materials from other quarries without on-site processing plant, under the same circumstances.

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<sup>40</sup> At pages 39-44.

### **Processing of imported aggregates — activity status**

[83] On some quarry sites, aggregate is carted from other quarries for processing. Initially there was considerable disagreement between CCC and CAPG in relation to this, but the issue had narrowed considerably by the time of closing. The matter is now limited to six specific sites within RQ which have operated for some considerable time.<sup>41</sup>

[84] CAPG sought, and adduced evidence to support their submission for a new CA rule within RQ for existing fixed processing plants to remain on their sites and process the imported materials beyond a 50 per cent threshold. As noted, it relates to six existing sites and various restrictions are sought to be imposed including the size of the area used, limiting the hours of operation, traffic movement and proximity to residential units. As well, rehabilitation would occur on those parts of the quarry that had been excavated and were not used for processing. Rehabilitation of the processing area would be completed three years after that activity ceased.

[85] Maurice R Carter sought to remove completely the requirement that processing be co-located with a principal activity so processing can continue once the quarry is exhausted. It also supported the noise standards put forward by CAPG.

[86] Agreement was reached between CCC and CAPG that the need for consent becomes appropriate when the processing of imported aggregate becomes the dominant activity at these six existing sites. It was agreed in order to manage different potential effects when this level of change occurs, consent should be applied for.

[87] There was disagreement about the details of the rule and the activity status. CAPG sought CA, while the Council favoured DA.

[88] As well, CAPG submitted that the requirement for consent arose when the processing of imported material exceeded the “50 per cent” threshold. CCC sought that the requirement should be when that became a “dominant activity”. CCC accepted that once the “50 per cent” threshold had been reached it would become a “dominant activity”, but expressed concern with the “50 per cent” level on the basis that it may require the sharing of commercially sensitive

<sup>41</sup> Isaac Construction — McLeans Quarry, McLeans Island Road; Winstone Aggregates, 233 Old West Coast Road; KB Quarry, 95 Miners Road; Fulton Hogan, 26 Miners Road; Road Metals, 394 West Coast Road; Fulton Hogan, 33 Pound Road.

activity and quarry operations may not provide the information. We think this concern is significantly overstated. We accept the certainty of the “50 per cent” terminology being used, and include it in the Decision Version.

[89] Before proceeding we need to consider an argument put forward by Ms Radburnd that the processing of aggregate not associated with extraction in a quarry was not a rural activity in terms of the definition in the CRPS.

[90] The CRPS defines ‘Rural activities’ as:

**Rural activities**

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

...

- Quarrying and associated activities.

...

[91] The main bone of contention relates to the additional words “associated activities”. Ms Radburnd accepts that it would most obviously refer to processing of extracted materials from the site along with other directly associated activities such as storage, sales, transport etc. It was also Mr Cunningham’s evidence that the processing of materials was not quarrying, but processing and manufacturing. He said it was his experience that on other sites in New Zealand there is not usually any need for the activity to be undertaken on quarry sites.

[92] However, in answer to questions Mr Cunningham accepted that apart from the six sites in Christchurch, he was aware of areas in Rangatikei where material is harvested from time to time on allocation from the river and taken to well-established sites for processing.<sup>42</sup> He also accepted the cost and difficulty of locating such activity in industrial zones within an urban boundary.

[93] We consider that Ms Radburnd reads the definition too narrowly. First, the definition is not all-inclusive and includes businesses that support rural land activities. Secondly, as noted, rural activity is not defined exclusively. Given the history of these sites and what has occurred

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<sup>42</sup> Transcript, page 77, lines 21–24 (Mr Cunningham).

on them, aggregate processing could well be of a size, function, intensity and character typical of the rural quarries at the moment. Thirdly, if the provisions sought by CAPG are restricted to the six existing processing facilities, they are not new urban activities which are required to occur only within the existing urban areas or identified greenfield priority areas.

[94] The Shorter Oxford Dictionary defines ‘associated’ as:

1. Joined in ... action or purpose.
- ...
3. Combined (with); occurring in combination.

We accept that definition.

[95] Quite clearly the processing on site of imported material is connected with the existing activity. It is a joined action, and furthermore we are satisfied that extends to batching, concrete mixing and other matters. Given what we have said at [92], and applying the above definition, we do not accept Ms Radburnd’s position.

[96] It is also essential to place this in the context of what has occurred historically on these sites. We think the view expressed by the Council that one would expect quarries to have a finite life, has some, but not total, validity. But we note the age of a number of the sites in this area. We are also conscious from the evidence of Mr Cunningham and Mr Warren and others of the extreme difficulty of establishing such activity in an urban industrial zone. Those difficulties relate to high costs and extreme amenity effects. We do not see how the interpretation given by Ms Radburnd would accord with the Statement of Expectations in the OIC.

[97] The Council seeks DA status for processing of imported aggregate (exceeding the “50 per cent” threshold) in the RQ zone. As the parties moved closer together, CAPG accepted this except for the six identified quarrying areas. They have large expensive existing fixed plant which CAPG submits should be able to remain on their sites and process imported material beyond a 50 per cent dominance threshold as a CA.

[98] We do not agree that the matter is excluded because of the definition in the CRPS for the reasons given above. However, we consider it appropriate that the activity should be RDA

once the 50 per cent threshold has been reached. This will enable the consideration of amenity effects on neighbours, the long-term future of the site and necessary controls. We recognise this will require a relatively long list of discretions to be considered. But for these six sites we consider RDA strikes the right balance.

[99] We have decided the matters of discretion should be:

- a. Scale of the activity – Rule 17.8.2.1
- b. Stockpile height and setbacks – Rule 17.8.2.10
- c. Visual screening and maintenance – Rule 17.8.2.12
- d. Hours of operation – Rule 17.8.2.13;
- e. Activities associated with quarrying – Rule 17.8.2.15
- f. Rehabilitation and end use – Rule 17.8.2.16
- g. High trip generators – Rule 7.3.19 (1) Access and manoeuvring (safety and efficiency) and (5) Network effects

[100] Accordingly, we uphold the CAPG submission in part, and have re-drafted the relevant provisions accordingly. We have also added a policy to support this regime (as Policy 17.1.1.12(a)(iii)), as it did not exist in the Revised Version.

### **Definition of ancillary aggregates processing activity**

[101] This is the contest mentioned earlier which we determined in favour of CAPG. Council preferred the definition to state that aggregates may be brought in from another property, provided that “quarrying of in situ materials remains the dominant activity on the property”. The parties in mediation agreed that “dominant activity” implied 50 per cent or more.<sup>43</sup>

[102] As noted earlier the CCC in closing submissions said the CAPG definition would require a mechanism for ongoing disclosure and that “dominant” is sufficiently clear.

[103] We do not agree, for the reasons given earlier we prefer the provision of certainty through the use of 50 per cent.

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<sup>43</sup> See rebuttal evidence of Ms Radburnd at 4.5.

### **New definition of aggregates processing activity**

[104] In the CCC closing submissions and the Revised Version there is no definition of “aggregates processing activities”, which means the CCC would simply rely on the normal meaning.

[105] On the other hand CAPG seeks a new definition that “aggregates processing” which is aggregates processing where more than 50 per cent of the total volume of aggregate processed is imported from another property. We have already decided that CAPG’s submission for a controlled activity is not acceptable, but did determine that RDA was appropriate. In those circumstances a new definition is required.

[106] We do accept it is clear from the relevant rule D1 that we are concerned with aggregate processing activities that are not otherwise provided for as permitted or RDA as part of quarrying activities — i.e. they are not ancillary aggregate processing.

[107] We are satisfied the following are the appropriate definitions:

#### **Aggregates-processing activity**

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

#### **Ancillary aggregates-processing activity**

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

## **ACTIVITY STANDARDS FOR QUARRYING ACTIVITIES**

### **Screening plants**

[108] YRRA seeks a 500m setback for crushing and screening plants from the quarry boundary. Ms Harnett seeks the same setback.<sup>44</sup>

<sup>44</sup> Sarah Harnett (2162, FS2735). Ms Harnett advised that she wished to resile from that position, on receipt of technical advice from Mr Camp, an acoustics expert. Ms Harnett now seeks that the crushing plant

[109] CCC maintains a 100m setback is appropriate. In her evidence, Ms Radburnd stated that whilst the larger distance would provide greater mitigation, it would be largely ineffective in the quarry zone as almost all the quarry plant is in fixed locations.<sup>45</sup>

[110] Ms Radburnd was less concerned about mobile crushing and screening plants which are located in areas for temporary periods and are less visually intrusive. She was satisfied that the 100m setback, along with compliance with the planned noise standards in Chapter 6 General Rules and regional air discharge rules would be sufficient to avoid any significant adverse effects on properties in the surrounding areas.

[111] Mr English said processing of gravels into aggregate involves both crushing and screening. The extent of the processing being dependent on the end product required. He stated that processing is generally capital intensive.

[112] YRRA accepted that large permanent plants at the main quarrying sites are unlikely to be moved within such sites. However, they were concerned that portable crushing and screening plants could be located within 100m of zone boundaries. Mr Cross said that there are a large number of houses in close proximity to the Pound and Miners Road quarry zone boundaries. He stated that all existing fixed plant was at least 1000m from these houses. He said this helped to reduce noise levels and dust nuisance at the houses. He considered that if portable crushing and screening plants also produced dust and noise (which we accept they do), the 100m was insufficient. His lay evidence and YRRA's submission was that 500m is international best practice.

[113] We have no independent expert evidence to support the YRRA position. The setback in the Revised Version for the RQ zone was agreed by CCC and CAPG at mediation. It is currently a rule within the operative plan and has been carried over. Our understanding is that most, if not all existing quarries comply.

[114] Both CCC and CAPG accepted that setbacks did provide mitigation against effects, as well as visual amenity, but that noise and dust were managed by other district or regional plan provisions.

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and associated activities be located at the furthest point from her property boundary: Transcript, page 880.

<sup>45</sup> Evidence in chief of Adele Radburnd at 10.120 to 10.123.

[115] We find the YRRA evidence somewhat vague in relation to the need for a greater setback than 100m for what they describe as new crushing and screening plant within the quarry zone. We are satisfied all parties accepted that permanent plant already in existence was fixed and unlikely to be relocated. They also agreed that any setback rules would apply to portable crushing and screening plants. We accept the evidence adduced by CCC and CAPG in this regard,<sup>46</sup> and there is no convincing evidence to counter that. We are satisfied on that evidence that the noise standard in General Rules and the regional plan requirements for air discharges are sufficient to adequately manage noise and dust effects on surrounding properties — subject, of course, to adequate monitoring. Accordingly, the submission of YRRA is rejected.

### Site coverage

[116] The revised provision required all activities, including quarrying activities, to meet site coverage standards for buildings, impervious surfaces and outdoor storage areas (excluding stockpiles).

[117] CAPG sought amendments so that the site coverage rules did not apply to quarrying activities. They did not submit on it because they understood the rules did not apply to quarrying. We do not accept that, as it clearly applied in the Notified Version. In closing, there was a formatting error referred to CAPG, but this was not in the Notified Version but in the Revised Version. This is no excuse for failing to submit.

[118] CCC did not support full exemption for quarrying and also submitted it was out of scope. But they did support the exclusion of stockpiles site coverage.

[119] In our view the rule is not well drafted, as it is not stated — other than in the heading — what the standards apply to.<sup>47</sup> To understand the rule the reader would be totally reliant on the heading. We do not think this is good drafting. It is poor drafting where the reader has to rely on a heading to understand the total area of buildings, impervious surfaces and outdoor storage areas may not exceed the maximum stated. The zone rules contain more detail than the rule

<sup>46</sup> Adele Radburnd and Stuart Camp for the CCC; Timothy Ensor and Darran Humpheson for CAPG.

<sup>47</sup> In a number of places in the CRDP, drafting of this form has caused the Panel concerns relating to clarity and readability. The Panel has determined that this is an issue for it to visit at the conclusion of our decisions. We will be considering clarity, readability, consistency, integration etc as our final piece of work.



itself, including lists of exclusions. But buildings, impervious surfaces and outdoor storage areas are very broadly defined and could readily catch a wide scope of activities in a quarry. Further, it is possible that the 2000 m<sup>2</sup> maximum total site could be insufficient to provide for existing quarries. It was Mr Cunningham’s evidence that at least 2 hectares is required for these types of activities.<sup>48</sup> Mr English’s evidence stated that it should be 5 to 10 hectares for a processing facility.<sup>49</sup>

[120] We are concerned that the Council’s solution of just excluding ‘stockpiles’ from the heading, without any analysis as to whether the standard is reasonable for quarrying activities, is simply not good enough. On the other hand, CAPG simply wants quarrying to be completely excluded from the standards. As a logical extension of their position, there is the potential for 100 per cent site coverage in buildings, impervious surfaces etc. While that is unlikely, it does not seem reasonable to be in a rule for a rural area.

[121] The difficulty we have is neither party took the trouble to provide us with a robust, drafted workable solution.

[122] However, having considered the evidence, we allow the CAPG submission in part as follows:

#### 17.6.3.1 Site coverage — all activities

The maximum % of the net site area and zone area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Applicable to	Standard
a.	All sites in the Rural Quarry Zone — Miners Road and Pound Road areas	For all activities, except for quarrying activities; buildings, impervious surfaces and outdoor storage areas shall cover no more than 5% of the net site area or 2,000m <sup>2</sup> , whichever is the lesser.  For quarrying activities, buildings shall cover no more than 5% of the net site area or 2,000m <sup>2</sup> , whichever is the lesser.
b.	All sites in the Rural Quarry Zone — McLeans Island area	For all activities, except for quarrying activities; buildings, impervious surfaces and outdoor storage areas shall cover no more than 5% of the zone area.  For quarrying activities, buildings shall cover no more than 5% of the zone area.

<sup>48</sup> Transcript, page 76, lines 15-20 (Mr Cunningham).

<sup>49</sup> Evidence in chief of Richard English on behalf of CAPG at 71.

	Applicable to	Standard
		For the purposes of this rule bird aviaries are excluded from the site coverage rule in the Peacock Springs Conservation Area (Appendix 17.9.1) provided that they are not located over an impervious surface.

### Hours of operation

[123] In the Revised Version CCC maintained its position that the permitted hours of operation for all quarrying activities should be 0600 to 1800, Monday to Saturday. There was an allowance of until 2200 hours until 30 April 2018 in the Pound Road and McLeans Island Road areas, as recognition of the continued recovery activity in Christchurch. Permitted hours included 1200 to 1800 on Sundays until 30 April 2018.

[124] CCC seeks RDA for any aspects of quarrying outside these hours.

[125] YRRA seeks that the hours of operation be restricted to 0600 to 1800, Monday to Saturday.

[126] Maurice R Carter sought an allowance for Sunday quarrying to meet recovery needs, to be extended to 30 April 2021 in the Miner's Road area. Maurice R Carter also supports the submission from CAPG seeking extension of permitted hours for processing and extraction activities and associated activities.

[127] CAPG seeks a mix of permitted, controlled and RDA for additional hours of operation. It wants CA rules for night-time maintenance and despatch from 1800 to 0600. It does not seek crushing or screening outside permitted hours and they propose various standards to manage effects of what they seek.

[128] CAPG relies on the evidence of Messrs Cunningham and Warren to provide assurance that night-time despatch at maximum levels will be only "every now and then". CAPG considers the evidence shows a fluctuating demand for such activities. It relies on the evidence of Mr Rossiter that any cumulative traffic effect would only occur on arterial roads or State highways, which already carry high volumes of night-time traffic. They rely on CA conditions that would require compliance with noise and lighting limits.

[129] CAPG agrees with RDA for extractions and processing of aggregates outside of the above hours, but seeks CA status for other quarrying activity including vehicle movements, loading of trucks and maintenance to quarry plant at any time outside permitted activity hours, subject only to the following limitations:

- (i) no more than 20 vehicle movements per hour, or 80 per night, between 1800 and 0600 hours
- (ii) loading of trucks at least 400m from residential units
- (iii) access to the site for vehicles transporting aggregate is at least 250m from residential units.

[130] As noted, YRRA’s view is that the hours should be restricted from 0600 to 1800 Monday to Saturday. They say that members of their association have experienced after hours’ activity which has caused sleep disturbance with “massive numbers of gravel/clean fill truck movements”.<sup>50</sup> The evidence was that residents have tolerated the loss of amenity to enable earthquake recovery, but supported a return to pre-earthquake practices from 2018 as peak demand subsides. Although not entirely clear, it seems that YRRA was immediately seeking the deletion of Sunday on the basis they considered it should be a community day of “peace”.

[131] Mr Cross’s evidence for YRRA illustrated the effects on residents along roads used by quarrying trucks, including from increased hours. These included high levels of truck movements, truck movements late at night, dust escaping from trucks and continuous noise from plant and loud loading noises. His evidence was the residents expected the earthquake effect on them to cease by 18 April 2016, but that is now to be extended to 2018. They were concerned that the provisions promoted by CAPG would extend the effects from aggregate loading, trucking and maintenance as controlled activities at any time of the week. It would appear some of the dust is generated from roads, over which we have no control.

[132] Mr Cunningham gave evidence on behalf of the Council. He is the owner and managing director of a consultancy providing quarry management services to the quarry and aggregate production industry. He had over 60 years’ experience of the quarrying industry, including

<sup>50</sup> Transcript, page 715, line 7 (Mr Cross).

managing quarry operations in New Zealand, providing advice to the Government and as a consultant. He considered the quarry provisions were liberal by national standards in that they permitted quarries in a quarry zone and allowed new quarries to establish in other rural areas by a resource consent process. He considered the notified proposal created the right balance to supporting the industry and the need for aggregates for the benefit of society, but requiring the necessary checks and balances and greater emphasis on ensuring quarries managed their effects and are rehabilitated in a staged manner. In general we accept that evidence of Mr Cunningham.

[133] In relation to operating hours, it was his evidence that there were “no standard operating hours of work for quarries” that are applied in different districts. In other district plans quarrying is usually a “discretionary activity”, and each site is required to establish by evidence the appropriate consented hours of work. He went on to say that provision is usually made in the consent conditions to authorise prescribed works and delivery of aggregate outside of standard times when this is required due to circumstances such as civil emergency or the requirement to supply major works, sometimes at night.

[134] Mr Cunningham said he had been asked to comment on the operating hours, particularly for the extensions sought by the industry.<sup>51</sup> He was generally supportive of extended hours for loading and distribution outside peak hours. He said that generally night-time requirements will be temporal, relating to the economic climate and any large-scale projects or emergency situations. He dealt with this in his evidence in chief and cross-examination. It was his view that a resource consent is appropriate for night-time working to ensure a site can comply with night-time noise standards.<sup>52</sup> He said such consents would usually include a quarry management plan, which may set out things such as no reversing beepers, controls about lighting, limited truck movements, limited durations, sealed roads and other matters. He therefore supported the Council’s approach to limiting permitting hours to 0600 to 1800, with some earthquake concessions for some sites, but with the option open to quarry operators to seek a resource consent for increased hours.

[135] He did not consider it appropriate or necessary to process materials at night. He considered if additional production was required it could be addressed through investment in

<sup>51</sup> Evidence in chief of George Cunningham on behalf of the Council at 8.2.

<sup>52</sup> Evidence in chief of George Cunningham at 8.2(b); Transcript, page 74, lines 12–29.

additional plant, by short-term hiring of extra processing plant or by engaging crushing subcontractors to undertake that task. He did, however, consider it may be necessary given the circumstances of Christchurch that extended hours of work may be required for the maintenance of plant and quarry machinery up to the end of April 2018.

[136] Mr Warren gave evidence on behalf of CAPG. He is the Chief Executive of The Isaac Construction Company Limited.

[137] In relation to operating hours, he considers that increasingly the industry's customers, whether aggregate, concrete or asphalt production, require work to be done outside the hours of 0600 and 1800. He produced an annexure that gave a brief selection of extracts from a few contract documents relating to his company. It is unclear from the document annexed to Mr Warren's evidence over what period of time the four examples took place.

[138] While we accept there will be occasions when operations are required outside of the 0600 to 1800 window, we are satisfied that is on an occasional basis. That is the evidence of Mr Cunningham we accept, and to a certain extent was accepted by Mr Warren.

[139] We consider if quarries within this zone can load and transport aggregate between 1800 and 0600 on up to six occasions per year, this is an adequate response to the industry's concern. If customer requirements exceed those numbers, we think it reasonable, balancing the interests of the industry, the recovery and regrowth of Christchurch and the amenity interests of affected neighbours, that a resource consent be applied for.

[140] We do not accept the YRRA submission that there should be no work allowed on Sundays immediately given the expert evidence we have accepted. We are satisfied that provision should continue until 2018.

[141] For activities requiring consent we do not consider that controlled activity is appropriate. We are satisfied that RDA is appropriate, with the matters of discretion in Rule 17.8.2.13 Hours of operation.

### **Effects on groundwater**

[142] This was a matter where Council officers took a different view from the elected councillors. The Council's closing position would involve NC status for quarrying excavation to a depth of less than 1m from the highest recorded groundwater level in RQ, RW and RUF zones. This accords with the Councillors' position. However, Council officers' positions (Ms Radburn and Mr Potts) is that RDA consent status should apply in the RQ zone, with quarrying being a DA in RW and RUF zones.

[143] Furthermore, CAPG submitted that the groundwater matter is already adequately covered in terms of regional rules.

[144] Mr Cook gave evidence on behalf of the Councillors. We were not persuaded by Mr Cook's evidence or his answer to cross-examination and questions from the Panel in relation to notification clauses or the 1m matter set out above. To adopt Mr Cook's reasoning there would clearly be duplication with the regional plan, which the OIC requires us to avoid.

[145] We do not accept the Councillors' position. But we do accept the importance they attach to the city's artesian water supply. The matter of groundwater is for the Regional Council and is adequately covered. To accede to the Councillors' position would create unnecessary duplication and be contrary to the Statement of Expectations. We are, however, satisfied that it is appropriate to include in the rule a 1m separation from the highest recorded groundwater level for excavation (and subsequent clean filling). Matters of discretion, however, would be limited to rehabilitation and future use, and not the groundwater effects which is covered by regional rules.

[146] There was some discussion as to whether to use the term 'Highest recorded groundwater level' or 'Seasonal high water table level'. Ultimately, however, there was agreement that 'Highest recorded groundwater level' is the appropriate measure for the relevant groundwater area.

### **Notification clauses**

[147] Again there is disagreement between Council officers and Councillors. The position of Councillors is that there should be notification clauses in relation to quarrying within 500m of

a residential zone boundary and within 1m of the aquifer. Councillors considered there needs to be mandatory public notification. The closing position of the Council aligned with the view of the elected representatives. That position was supported by the evidence of Mr Cook.

[148] Ms Radburnd, the Council witness, considered that the usual test for notification under ss 95A–E of the RMA was appropriate. The Crown supported this. As noted above, we do not accept Mr Cook’s evidence.

[149] We are satisfied that ss 95A–E adequately deals with questions of notification. We are also satisfied it is appropriate to leave those notification decisions that are necessary to the usual test under that section. We note and accept that concerns are from time to time expressed when there is a failure to notify. In our view that is not the fault of the legislation — rather the manner in which it is applied. That is for CCC staff, or Commissioners, in applying the statutory test.

### **Other quarrying definitions**

[150] We have included in the Decision Version definitions related to quarrying activities that were agreed between the parties or not subject to submissions.<sup>53</sup> We confirm those definitions as appropriate. In relation to the definition of ‘Clean fill’, a number of submissions were made in support. McDonalds Restaurants (2297) sought an amendment, “to qualify the cleanliness of soil that constitutes clean fill”. Ms Radburnd notes that the definition is consistent with the way the definition is used in regional planning documents.<sup>54</sup> We accept that evidence, and accordingly confirm the definition as notified.

[151] We record that the definition of ‘Quarry activity’ was also the subject of submissions. Prior to the hearing all matters, except for the appropriate reference to and definition of ‘Ancillary aggregate processing activity’ had been agreed between the parties.<sup>55</sup> Having now addressed the outstanding matter, we confirm the definition of ‘Quarrying activity’ as set out in the Revised Version.

<sup>53</sup> ‘Exposed excavation’, ‘Property’, ‘Quarry’ and ‘Quarry site rehabilitation’.

<sup>54</sup> Evidence in chief of Adele Radburnd at 10.142.

<sup>55</sup> Evidence in chief of Adele Radburnd at 9.2.

## SITE-SPECIFIC MATTERS

### Rezoning requests

[152] A large number of submitters opposed the rural zoning in the Notified Version, seeking either a commercial, industrial or residential zoning. The Panel's Stage 2 Residential and Commercial/Industrial decisions have dealt with these requests,<sup>56</sup> with many being rejected given their location outside of existing urban areas and Greenfield Priority Areas in the Greater Christchurch area.<sup>57</sup> Where not done so already in those decisions, we confirm the notified zoning for those properties in this decision.

[153] Given our previous decisions, few rezoning requests remain to be decided as part of this decision. The remaining requests fit into two categories — those accepted by the Council, and those not accepted by the Council.

[154] In a number of cases CCC has reached agreement and accepted the submission. CCC witnesses gave evidence to support the acceptance of such submissions. We accept that evidence and have amended the Decision Version to include those rezonings.

[155] In a number of cases CCC, in its evidence, and in the table filed with its closing submissions,<sup>58</sup> has rejected submissions. Again, we accept the evidence from the CCC witnesses and have refused the rezonings sought except to the extent set out later in this decision.

[156] In the case of submitters who did not appear and where we have accepted CCC evidence in either accepting or rejecting the relief, we list submitters in Schedule 4.

[157] In the main, submitters appearing spoke to their submission. Some gave evidence, but only Carey Jones and CCDL adduced expert evidence.

[158] For the sake of completeness we note that submission 2048 from the Tom Bates Trust sought that land at 9 Wainui Valley Road be rezoned Small Settlement. The CCC table shows

<sup>56</sup> Decisions 17 and 23 respectively.

<sup>57</sup> As identified on Map A of Chapter 6 of the Canterbury Regional Policy Statement.

<sup>58</sup> Closing submissions for CCC, Appendix 4 Accept/Reject Table.



that as a ‘reject’. However, in the Residential Stage 2 hearing, CCC’s witness, Ms Oliver, accepted that relief and the Panel accordingly rezoned that land. A related submission from Akaroa Salmon (2243) requested changes to the Rural provisions to enable their land based activities. That relief was opposed by Natalie and Warrick Edwards, insofar as it relates to the activities at 9 Wainui Valley Road. In light of the confirmed rezoning, it is our view this satisfactorily addresses the concerns in the further submission 2760.<sup>59</sup>

[159] We will first address outstanding issues relating to general matters, and then deal with them zone by zone.

## Rules

[160] In closing submissions the CCC recorded that it had reached agreement with CCDL.<sup>60</sup> We accept the evidence that supports the acceptance of the agreed relief with CCDL which is reflected in the Revised Version and the Decision Version.

[161] Carey Jones sought permitted status for residential units on existing undersize lots in Barbers Road. The properties are within the 50dBA noise contour. We will consider these later in this decision.

## Residential density

[162] Dr Stevens (3274) sought permitted activity status for multiple “family” residential units in the RBP Zone on sites in excess of 100 hectares. Dr Stevens wants to make it possible for family members to construct a home on the land. We empathise with him in this. However, the activity is inappropriate and could lead to unintended consequences. Again, we accept CCC’s evidence and submissions in opposition of this submission. We reject Dr Stevens’ submission. It is still open for Dr Stevens to make the appropriate application for a resource consent.

[163] Mr Luke Pickering (2150) sought extension of the maximum width of rural access tracks to 10 metres. Dr Stevens stated to us that he sought they be increased to a 7 to 8 metre average

<sup>59</sup> Natalie and Warrick Edwards (FS2760).

<sup>60</sup> Closing submissions for CCC at 1.2(b).

width. CCC opposed both submissions. Ms Hogan’s rebuttal evidence recorded the submission to increase the width of racks to 10 metres as requested would be inappropriate. She said that width equates to a minor road and referred to Appendix 7.7 that specified the minimum width for firefighting was 3.5 metre access. We consider Ms Hogan has shown little insight into the difficulties with the steepness of some of the tracks within the zone. This particularly relates to turns on a steep zig-zag track. The 5 metre width is adequate for straight portions, but needs to be wider for corners. The 5 metre limit on sharp corners also creates health and safety concerns. Dr Stevens’ suggested an appropriate average width would encompass this. However, based on the evidence we are satisfied the correct solution is to allow a width of up to 10 metres for corners. Accordingly, we have made this change in the Decision Version.<sup>61</sup>

[164] Mr Pickering also submitted in relation to wind farms. He was concerned with noise. He called no expert evidence. This submission was opposed by CCC. We accept the CCC evidence and in the absence of evidence to the contrary reject this submission.

*The submissions of the Akaroa Civic Trust (2285), Jan Cook and David Brailsford (2241), Brent Martin and Suky Thomson (2418) and Rod Donald Banks Peninsula Trust (2311)*

[165] The Council accepted a submission for an improved wording of Rule 17.2.2.1(P13) — Farm stay and Rule 17.2.2.1(P15) — Rural tourism facility, and an amendment to the definition of ‘Rural tourism activity’. It included these amendments in the Revised Version. The amendments are well supported by the evidence from the Trust and are confirmed in the Decision Version.

[166] The submissions of the Akaroa Civic Trust, Jan Cook and David Brailsford, Brent Martin and Suky Thomson concern Rule 17.2.3.1 which identified building areas for Rural Banks Peninsula for all buildings on sites created by subdivision after 30 January 1997. This was to cover large farm buildings as well as residential units. In the Revised Version the Council say there is a requirement for all buildings to be located in the identified building area

<sup>61</sup> We also reject Mr Pickering’s submission that minor residential units should have the same vehicle access as the main residential unit. We accept Ms Hogan’s evidence about making sure that minor residential units remain in proximity to the major residential unit.

[167] Ms Cook’s evidence sought an amendment so that any new building over 100m<sup>2</sup> on a site smaller than 4 hectares created by a post-30 January 1997 subdivision shall be located on an identified building area. We accept that evidence and note that the Council included it in the Revised Version, which is confirmed in the Decision Version.

### **Rural Templeton Zone**

[168] For the Crown, Mr Peter Rough sought removal of the building reflectivity built form standard for the above zone. Such provision is currently contained in the Operative City Plan. It was accepted by Ms Hogan that, given the zone is not a landscape area and is located on rural flat land, it is unnecessary to retain the provision, particularly when there are other built form standards that effectively manage visual amenity.

[169] Mr Rough’s evidence agreed the rule was not necessary and could be deleted.<sup>62</sup> We agree the evidence supports the removal of this provision and accordingly we have deleted Rule 17.7.3.5 to align with the agreed position in the Revised Version.

### **Summit Road**

[170] In 1963 Parliament enacted the Summit Road (Canterbury) Protection Act. It was replaced by the Summit Road (Canterbury) Protection Act 2001. These Acts created the Summit Road Protection Authority, which was a joint committee of CCC, Banks Peninsula District Council and Selwyn District Council.

[171] The function of the Authority was to carry out its responsibilities which focus on preservation and protection of the scenic and natural amenities associated with the Summit Road and the protected land. In January 2016 the Panel received a joint memorandum from the Summit Road Protection Authority, Summit Road Society Incorporated, Radio New Zealand Limited and CCC. That memorandum set out the parties’ position in relation to the Natural and Cultural Heritage proposal and the Rural proposal. Amendments to the advice note in 17.2.1 (RVP) and 17.5.1 (RPH) were agreed. Further agreed was an amendment to the advice note in the Open Space Natural Zone (OSN zone) to the Act. The recommended policies for the rural proposal are adequately supported by the advice notes. We accept the agreed

<sup>62</sup> Evidence in chief of Peter Rough on behalf of the Crown at 9.1–9.13.

position and have included it in the Decision Version. As it relates to Chapters 9 and 18, we will include those in the relevant chapters.

**JJT & H Glass (2223) and LA & SP Glass (2224) — 251 and 269 Buchanans Road, Yaldhurst**

[172] The Glasses owned property at 251 and 269 Buchanans Road, Yaldhurst. It is immediately over the road from residential development. They sought that their land also be zoned residential. However, the land is outside the boundary of Map A shown at page 62 of the CRPS. We have already determined issues relating to Map A in our Stage 2 Residential decision,<sup>63</sup> and while we sympathise with the Glasses, their submission is rejected.

**Kathryn Snook (2533, FS2834) — 900A Lower Styx Road**

[173] This submitter resided at 900A Lower Styx Road. The Snooks sought Residential Small Settlement zoning as opposed to RW zoning. Again, these submitters are caught by Map A in the CRPS. They are outside the urban area, and again for that reason while we sympathise with them their submission must be rejected.

**Antonio and Kerrie Rodrigues (2070, FS2835) — 3, 5, 7, 9 and 11 Earlham Street, Brooklands**

[174] Mr and Mrs Rodrigues made a similar submission. Like the Snooks, they always considered the rural zoning was an anomaly with their property. Again, while we sympathise with them, they are clearly outside Map A and, for the reasons given in our Stage 2 Residential decision, the submission must be rejected.<sup>64</sup>

**GK Riach, AJ & JR Van der Leij (2184) — 10 and 16 Selkirk Place, Marshlands**

[175] This matter has now been considered and determined by the RNN Panel. We agree with and confirm that decision.

<sup>63</sup> Decision 17: Residential (Part) — Stage 2 at [12]–[115].

<sup>64</sup> This also applies to a similar submission from submitter Justine McKelvey (2069) who did not appear before us.

### **Lyttelton/Mt Herbert Community Board (2354) — Allandale Domain**

[176] The Community Board sought the zoning of the Allandale Domain as Open Space Community Parks zone. This was opposed by Ms Hogan because she considered it was not vested as a reserve.<sup>65</sup> Ms Smith took issue with this. CCC confirmed in closing that it was in fact vested as a reserve. However, Ms Hogan's unchallenged evidence was that the land was used by the Council as a truck depot and yard. As such, we are satisfied this is best reflected in an RBP zoning, and reject the submission.

### **David and Caroline Stockman (2056), Mark Porter (2139) — 296 and 298 Worsleys Road, 304 Worsleys Road**

[177] Mr Stockman spoke on behalf of himself and Mr Porter. Mr Stockman concerning properties at 296 and 298 Worsleys Road, Cracroft and Mr Porter was at 304 Worsleys Road.

[178] Both sought rezoning to Residential Large Lot, which was rejected by Ms Hogan. This matter has now been considered and determined by the Residential Stage 2 Panel. We agree with and confirm that decision. We note, however, that through mediation with the submitter, and as reflected in the Decision Version, it is no longer prohibited to put an additional dwelling on properties less than 4 hectares.

### **Kathleen Clinton (2842) — 315 Port Hills Road**

[179] Ms Clinton sought an extension of the RPH zone of her property to a more practical location at the bottom of the hill. The Council and Ms Clinton reached agreement on this extension, and also on an allowance for an additional dwelling to be established on the property as an RDA.<sup>66</sup> We accept this agreement and have included it in our Decision Version.

<sup>65</sup> Evidence in chief of Deborah Hogan, Appendix 6, Part B.

<sup>66</sup> Joint memorandum recording agreement reached between CCC and Kathleen Clinton (on submissions 2842 and 3039), 18 March 2016.

**South New Zealand Conference of Seventh-day Adventists (2141) — 20 Farrells Road, Spencerville**

[180] The submitter highlighted two cross-referencing errors in the rules relating to site-specific matters that had been agreed. Ms Hogan agreed to their correction, and they are included in the Revised and Decision Versions.

**Balmoral Limited (2140) — 336–340 Prestons Road and 423–435 Marshlands Road**

[181] Again a cross-referencing error was accepted by Ms Hogan and has been corrected in the Revised and Decision Versions.

**Tegel Foods (2460)**

[182] Tegel's submission was accepted by CCC and included in the Revised and Decision Versions.

**Maryn Van Herel and Anna van Herel-Wooning (2038) — 240 Marshland Road**

[183] This is an orchard property on the corner of Marshland Road and Queen Elizabeth II Drive. It has been owned and operated by the submitters as an orchard for a number of years. It is notified to become RUF. The submitters sought an indeterminate zoning that would give them greater flexibility in the future. They felt a multi-purpose location would allow them to consider varying uses including such things as a holiday park. They are also concerned regarding the value of the property. They say it is valued as almost one million dollars, but as a return on investment as an orchard it is probably worth only half of that. The submitters did not put before the Panel any precise zoning that they sought. There was no evidence of a technical or infrastructure servicing assessment provided. The site is outside of the existing urban or greenfield priority areas shown on Map A. Again, for the reasons given in the residential decision, the submission must be rejected. However, we do understand the site to be 8ha, which offers the submitters some relief.

**Kate Whyte (2136)**

[184] Ms Whyte resided at Holmes Valley Road, Banks Peninsula. She sought RDA status for building a residential unit on a previously subdivided block where the Council has already

nominated a building site, and that this should be on a non-notified basis without affected party approval.

[185] That was a matter that had already been picked up by CCC and included in the Revised and Decision Versions.

**Keith and Annette Woodford (2314) — area bounding Kennedy’s Bush Road, Glovers Road and through to the Akaroa Highway (Map 49)**

[186] Mr and Mrs Woodford reside at 23C Hyndhope Road, Kennedys Bush. They seek that a large area designated as RNN be designated either Rural or Special Purposes for Catchment Management and Public Recreation.

[187] Mr Woodford also submitted on the RNN and associated Subdivision provisions. In that hearing he gave evidence himself and also called expert evidence. Based on the expert evidence from the Council, that Panel decided that Mr Woodford’s relief should not be granted. Having considered that matter and the evidence called in that hearing, and Mr Woodford’s submission to us, we accept the CCC evidence before us and also reject the relief sought.

[188] To accede to the submitter’s request to rezone this land Rural would not give effect to CRPS Policy 6.3.1 which is evident from our Map A decision in Residential.

**Carey Jones (2316) — 9 and 15 Barters Road, Templeton**

[189] Mr Jones owns properties at 9 and 15 Barters Road, Templeton. They are located in the proposed RUF zone. Mr Jones seeks permitted activity status for residential development on those properties. Both CCC and CIAL take the position that the development should be non-complying as the properties are located within the amended 50dBA Ldn noise contour associated with the airport.

[190] The properties are 2.4 and 2.6 hectares respectively. This, of course, is below the 4 hectare minimum lot size for new allotments created by subdivision in RUF.

[191] These properties are existing allotments, and they previously benefited from an exemption in the city plan to the minimum 4 hectare allotments required. CCC takes the view

that, leaving aside the noise contour issue, development of 1–4 hectares within the RUF zone should be a DA. The submitter’s position is the status should be either PA or RDA.

[192] CCC adopted the submissions of CIAL. For CIAL, Ms Appleyard submitted that by virtue of the properties falling within the updated 50 dBA Ldn airport noise boundary contour, CIAL seeks that the status quo remains.

[193] CIAL does not accept that the properties fall within the exception to the noise sensitive activities. Ms Hogan was cross-examined by Mr Cleary, and conceded that as at 23 August 2008 that it was a permitted activity for a residential unit to be constructed on each of these sections.<sup>67</sup>

[194] While we appreciate CIAL’s reverse sensitivity concerns in this instance, we feel they are overstated. Given that we were told there are only five properties involved (and only two seek relief), the reverse sensitivity argument that concerns CIAL does not in our opinion arise.

[195] Given the limited scale of this land use change and the matters of discretion we have included, we consider our decision materially accords with the CRPS.

[196] On the basis of Ms Hogan’s concession we do not consider non-complying status appropriate. However, we consider the submission that it should be PA is going too far, and that Rule 17.8.2.6 should apply, with the addition of site-specific provision dealing with sound insulation and the mitigation of noise activity.

### **Judy van Beek (2099) — 123 Gardiners Road, Harewood**

[197] The submitter resides at 123 Gardiners Road, Harewood. Her daughter, Tracey Hickling, appeared and made submissions on her behalf. The property is a four hectare parcel of land currently zoned Rural. There is one dwelling on the property and some utility sheds. It was described as a lifestyle block that has not been farmed in a number of years.

[198] The submitter’s concern was that the CRDP Planning Map 18 proposes a split-zoning of the property into a mixture of Residential New Neighbourhood (RNN) zone and RUF. That

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<sup>67</sup> Transcript, page 23.



split follows the path where it is dissected by the 50 dBA Ldn contour line. Ms Hickling sought relief that either the entire parcel of land be rezoned RNN or an exemption to Policy 5 of Chapter 17.3.2.1 allow one non-notifiable residential unit on the rural portion of the land.

[199] Secondly, it was suggested that if that relief was not granted then the rural portion of the land should be amalgamated with any future residential allotments in the RNN zone fronting Gardiners Road.

[200] Finally, relief was sought that the split zoning should not stop the development of the residential portion of the site given the rural portion would be less than four hectares of the land if the land was to be subdivided.

[201] While we are concerned that the arbitrariness of the 50 dBA Ldn contour would sanitise small portions of land such as this, it is not within our jurisdiction in this hearing to deal with the 50 dBA Ldn line. It would be inappropriate for RNN to apply within the 50 dBA Ldn line, and we must reject the submission.

[202] However, we can see sense in allowing the back portions of any subdivision to extend into what will be RUF, as long as it does not enable the construction of any residence on that land. It seems to us this could be achieved, even with RUF zoning of the rear portion of the lot, through subdivision of joint RNN/RUF zones.

### **Graeme and Joy McVicar (2362) — Lots 10–15 Worsleys Road**

[203] In the Stage 2 Residential hearing these submitters sought residential zoning for Lots 10 to 15 of their land. Because of our decision relating to Map A, such submission was rejected.

[204] However, the submitter had an alternative submission that would effectively allow one residential dwelling on sites of four hectares, limited to Lots 10–15 Worsleys Road.

[205] The Panel acknowledged it overlooked the alternate submission, which led to an appeal being lodged by the submitters. The matter has been discussed between CCC, the Crown and the submitters. It has also been discussed with the Panel.

[206] The parties are now agreed that the specific lots should be zoned RUF, which would allow the relief sought by the submitter of one residential dwelling per four hectares.<sup>68</sup> In the residential section, these were the only submitters that sought such specific relief. We find it is well supported on the evidence, but more properly belongs in the rural hearing, where we have dealt with it and grant the relief sought. We have included it in the Decision Version.

### **Fulton Hogan/Templeton golf course**

[207] As noted earlier, there is a significant overlap between the Open Space hearing considerations and ours on this topic. While it would have been advantageous if the same Panel had heard both topics, for a number of reasons this did not prove possible. Again, as we noted earlier, there has been co-operation on this topic between the Open Space Panel and our Panel.

[208] For reasons of efficiency, we do not intend to repeat everything that was said in the Open Space hearing. Our Panel has independently met and considered all of the evidence on this topic and the legal submissions. The Open Space Panel were invited to consider the evidence adduced in front of us, and the transcript, which it did. It also had the benefit of some additional planning evidence from Mr Chrystal and Ms Radburnd.

[209] Independently, our Panel has reached the same factual and legal conclusions as the Open Space Panel. For reasons of efficiency, we adopt and endorse those findings in our hearing.

[210] There are some matters relating to the provision that are for this Panel to determine, but the Open Space Panel is also in agreement with them.

[211] The first of these related to the underlying zoning. The way the matter was presented by Fulton Hogan meant that the zoning they sought in the long-term should take effect now, with the rules being suspended until they have satisfied the various trigger points. Neither this Panel nor the Open Space Panel thinks that is appropriate. We consider the appropriate course is that the zoning should only come down onto the two parcels of land when all of the trigger points have been satisfied. We have redrafted the Rural provisions to provide for this. This has been mirrored in the Open Space provisions.

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<sup>68</sup> Joint memorandum of counsel on behalf of Graeme and Joy McVicar and the Council recording agreement, 31 May 2016.

[212] In general, we have applied the RQF zone provisions to RQZ Templeton, but we have made some additions and changes to reflect the fact that this is a new quarry. The changes recognise that and provide necessary levels of protection in relation to the indigenous vegetation and amenities, and ensure promises made by Fulton Hogan are included in the provisions. We have also made changes to ensure clarity and certainty of provisions, and consistency with the Plan’s drafting style.

### **Other definitions**

[213] In this decision we have addressed definitions that either arise only in the context of the Rural proposal, or are of primary relevance to the Rural proposal. We have already addressed definitions relating to quarrying activities, horticultural structures, sensitive activities and intensive farming earlier in our decision.

[214] A number of definitions were not subject to submissions.<sup>69</sup> We confirm those definitions as appropriate and have included them in the Decision Version.

[215] In respect of all definitions included in the Decision Version, the Panel reserves the ability to revisit those definitions in accordance with OIC, cl 13(5) as part of the technical drafting review being undertaken by the Council as part of the hearing on Stage 2 and 3 Definitions.<sup>70</sup>

### *Camping ground*

[216] A definition of ‘Camping ground’ was requested by Paul Devine on behalf of South New Zealand Conference of Seventh-day Adventists (2141). The definition was requested in conjunction with rules providing for the submitter’s activities at 20 Farrells Road. Agreement was reached at mediation as to appropriate rules, and a separate definition is not required on that basis. Mr Devine also requested a definition of ‘Place of assembly’. A definition was included in Decision 16: Introduction (Part) and Definitions (Part) — Stage 1.

<sup>69</sup> ‘Boarding of domestic animals’, ‘Equestrian facility’, ‘Farm building’, ‘Rural produce manufacturing’, ‘Rural produce retail’, ‘Templeton rural activity’ and ‘Templeton strategic infrastructure’.

<sup>70</sup> Minute — Directions following hearing of Stage 2 and 3 Definitions proposal, 20 April 2016.

*Farm stays, Rural tourism activity and Rural viticulture activity*

[217] Submitter Murray Irvine (2346), the owner of a vineyard at 638 Harewood Road, requested the addition of a definition of ‘Rural viticulture activity’, which included a range of hospitality activities associated with a vineyard, including weddings and functions. Mr Irvine also requested amendments to the definition of ‘Farm stay’ to refer to that new definition. The submitter has a resource consent for functions up to 200 guests. Ms Hogan noted that Mr Irvine’s vineyard is located within the 50dB Ldn Airport Noise Boundary. Ms Hogan’s evidence was that those changes were not appropriate because the scale of effects generated by weddings and functions were likely to be greater than anticipated by the relevant definitions. As such, Ms Hogan considered that these activities were more appropriately addressed through a resource consent process. Mr Irvine attended informal mediation with Ms Hogan. An agreement was reached to amend the definition of ‘Rural tourism activity’ to include reference to wine tourism, and to amend ‘Farming’ to include reference to viticulture rather than include a new definition for rural viticulture.<sup>71</sup> We accept those amendments as being appropriate and have included those amendments in the Decision Version. The extension of the definition of ‘Farm stay’ to include accommodation associated with weddings and functions was not agreed. Mr Irvine did not attend the hearing to elaborate on his submission. On that basis, we accept Ms Hogan’s evidence and decline the relief requested.

[218] CIAL and the Crown requested amendments to the definition of ‘Farm stay’ to refer to ‘accommodation’ rather than ‘guest accommodation’, and also to associate the farm stay activity with the residential unit on the site. Those changes were agreed with the Council and we accept them as appropriate.

*Rural productive activities, Farming, Plantation forestry, and Existing forestry.*

[219] A definition of ‘Rural productive activities’ has been included in the Revised Version. The term is used throughout the Rural proposal and it includes the activities of ‘Farming’, ‘Plantation forestry’, ‘Intensive farming’ and ‘Quarrying activity’. We have already addressed intensive farming and quarrying activities above. There were a number of submissions in relation to ‘Farming’ and ‘Plantation forestry’, and in relation to the definition of ‘Existing forestry’. The drafting of the definitions was the subject of mediation. Changes were agreed

<sup>71</sup> Evidence in chief of Deborah Hogan at 11.45.

by the parties in attendance, and these have been included in the Revised Version. Ms Hogan has addressed the changes in her evidence.<sup>72</sup> We accept those changes on that basis.

### *Rural activity*

[220] The Revised Version no longer contains a definition of ‘Rural activity’ as this has been replaced with ‘Rural productive activities’ in response to submissions from CAPG and others.<sup>73</sup> We note that a submission from Canterbury Sports Limited (2277) requested that the definition of ‘Rural activity’ include recreational activities. This was opposed by Paul Bridgman and Robbie and Denyse Rowland (FS2820). ‘Recreation activity’ is separately defined. This matter was not the subject of any evidence in the Rural hearing.<sup>74</sup> The appropriate definition for ‘Recreation activity’ and the associated bundle of definitions is the subject of consideration in the Stage 2 Definitions hearing. Given the deletion of the definition of ‘Rural activity’ from the Revised Version, which we accept is appropriate in the context of the Objectives and Policies discussed above, there is no further basis to consider the request. We decline the submission of Canterbury Sports Limited in relation to the definition of ‘Rural activity’ accordingly.

### *Rural character*

[221] The Crown originally requested a definition for ‘Rural character’, however this was not pursued on the evidence of the Crown’s planning witness, Vicki Barker.<sup>75</sup>

### *Minor residential unit and Family flat*

[222] The definition of ‘Minor residential unit’ has been included in the Revised Version. We accept that is appropriate for the time being, however, we record that subject to the technical drafting work being undertaken by the Council, it may be that the definition is not required in light of the fact that there is also a definition of ‘Residential unit.’

<sup>72</sup> Evidence in chief of Deborah Hogan at 12.19 to 12.37 in relation to the submissions from Royal Forest and Bird Protection Society (2435), Federated Farmers, Canterbury Regional Council (2249), Crown and Horticulture New Zealand.

<sup>73</sup> CB Norwood Limited (FS2786) and Fulton Hogan Limited (2819).

<sup>74</sup> The parties were excused from the Rural hearing and presented their evidence at the Open Space hearing: Joint memorandum of Canterbury Sports Limited, Bridgman, Rowland and the Council, 21 October 2015.

<sup>75</sup> Evidence in chief of Vicki Barker on behalf of the Crown, 29 October 2015, at 9.10.

[223] The definition of ‘Family flat’, was decided in Decision 16, however, the Revised Version incorporates some minor drafting changes. We do not consider this definition needs to be decided in this decision, we will consider whether any drafting changes are appropriate when we issue our decision on Stage 2 and 3 Definitions.

### **Council’s Section 32 Report**

[224] Leaving aside the Templeton golf course issue, the Council’s s 32 Report is robust and appropriate, and we accept it.

[225] In relation to the Templeton golf course, we do not think it adequately deals with the issues that were put forward, and we will address it below.

### **Section 32AA evaluation**

[226] We have made some changes to the Rural provisions based on the evidence and the submissions. In the main these are relatively minor in nature, and well-supported by the evidence and the submissions. In the main they are designed to meet the OIC and Statement of Expectations to bring greater clarity and certainty and to reduce resource consenting requirements and cost. More substantial changes are well supported by our evidential findings. We are satisfied under the relevant test that the benefits outweigh any costs.

[227] In relation to the Templeton golf course, we have considered this matter and collaborated with the Open Space Panel. However, independently of that Panel we have reached the same conclusions in relation to the s 32AA evaluation as it has reached. For reasons of efficiency, we adopt and endorse their s 32AA evaluation.

## **CONCLUSION**

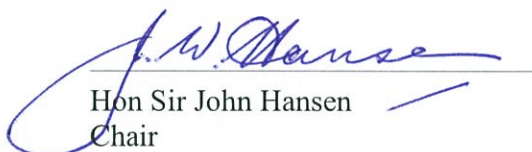
[228] This decision therefore amends the Notified and Revised Version in the manner set out in Schedule 1.

[229] Any party who considers we need to make any minor corrections under Schedule 3, cl 16 of the OIC must file a memorandum specifying the relevant matters **within 10 working days of the date of this decision.**

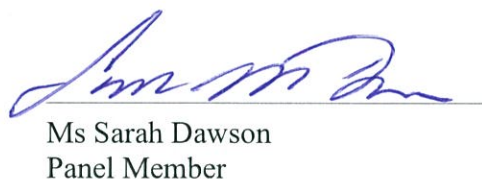
[230] We direct the Council to provide to the Panel, **within 10 working days of the date of this decision**, an updated set of Planning Maps and Appendix 17.9.3 (as instructed at Schedule 1, pages 143 and 144) to give effect to the various zoning changes to the Notified Version that we have made by this decision. Leave is reserved to the Council to make application for further or replacement directions.

[231] A second decision will then issue to the effect of further amending the Notified Version by inclusion of an updated set of Planning Maps and Appendix 17.9.3.

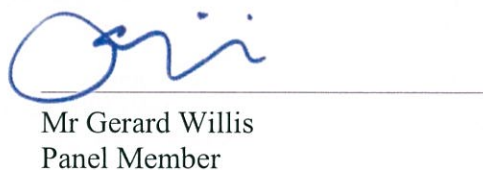
For the Hearings Panel:



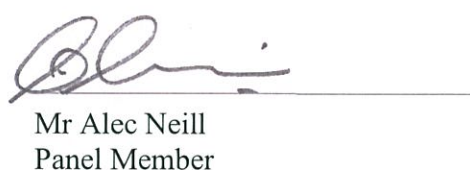
Hon Sir John Hansen  
Chair



Ms Sarah Dawson  
Panel Member



Mr Gerard Willis  
Panel Member



Mr Alec Neill  
Panel Member

## **SCHEDULE 1**

Chapter 3 — Strategic Directions

Chapter 17 — Rural

Chapter 2 — Definitions



## Chapter 3 Strategic Directions

### 3.3 Objectives

#### 3.3.16 Objective — A productive and diverse rural environment

- a. A range of opportunities is enabled in the rural environment, primarily for rural productive activities, and also for other activities which use the rural resource efficiently and contribute positively to the economy.
- b. The contribution of rural land to maintaining the values of the natural and cultural environment, including Ngai Tahu values, is recognised.

## Chapter 17 Rural

### 17.0 Introduction

This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.

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

The district includes a productive and diverse rural environment that includes Banks Peninsula, the Port Hills and rural flat land. The objectives, policies, rules, standards and assessment criteria in this chapter seek to manage activities in those areas through six different rural zones, being the Rural Banks Peninsula, Rural Urban Fringe, Rural Port Hills, Rural Waimakariri, Rural Quarry and Rural Templeton Zones.

### 17.1 Objectives and Policies

#### 17.1.1 Objective — The rural environment

- a. Subdivision, use and development of rural land that:
  - i. supports, maintains and, where appropriate, enhances the function, character and amenity of the rural environment and, in particular, the potential contribution of rural productive activities to the economy and wellbeing of the district;
  - ii. avoids significant, and remedies or mitigates other reverse sensitivity effects on rural productive activities and natural hazard mitigation works;
  - iii. maintains a contrast to the urban environment; and
  - iv. maintains and enhances the distinctive character and amenity of Banks Peninsula and the Port Hills, including indigenous biodiversity, Ngai Tahu cultural values, open space, natural features and landscapes, and coastal environment values.

##### 17.1.1.1 Policy — Range of activities on rural land

- a. Provide for the economic development potential of rural land by enabling a range of activities that:
  - i. have a direct relationship with, or are dependent on, the rural resource, rural productive activity or sea-based aquaculture;
  - ii. have a functional, technical or operational necessity for a rural location; or
  - iii. recognise the historic and contemporary relationship of Ngai Tahu with land and water resources; and

- iv. represent an efficient use of natural resources.

### **17.1.1.2 Policy — Effects of activities utilising the rural resource**

- a. Ensure that activities utilising the rural resource avoid significant adverse effects on areas of important natural resources and avoid, remedy or mitigate other adverse effects on rural character and amenity values.

### **17.1.1.3 Policy — Contributing elements to rural character and amenity values**

- a. Recognise that rural character and amenity values vary across the district resulting from the combination of natural and physical resources present, including the location and extent of established and permitted activities.
- b. Recognise that the elements that characterise an area as rural, from which desired amenity is derived, include the predominance of:
  - i. a landscape dominated by openness and vegetation;
  - ii. significant visual separation between residential buildings on neighbouring properties;
  - iii. where appropriate, buildings integrated into a predominantly natural setting; and
  - iv. natural character elements of waterways, water bodies, indigenous vegetation and natural landforms, including the coastal environment where relevant.
- c. Recognise that rural productive activities in rural areas can produce noise, odour, dust and traffic consistent with a rural working environment, including farming, plantation forestry and quarrying, that may be noticeable to residents and visitors in rural areas

### **17.1.1.4 Policy — Function of rural areas**

- a. Ensure the nature, scale and intensity of subdivision, use and development recognise the different natural and physical resources, character and amenity values, conservation values and Ngai Tahu values of rural land in the district, including:
  - i. the rural productive, recreation, tourism and conservation activities on Banks Peninsula and their integrated management with maintaining and enhancing landscape, coastal and indigenous biodiversity values;
  - ii. the rural productive and recreation activities in the rural flat land area surrounding the main Christchurch urban area;
  - iii. the flood management and groundwater recharge functions adjoining the Waimakariri River;
  - iv. the open character and natural appearance of the rural Port Hills which maintain distinct urban/rural boundaries
  - v. the re-use of the site of the former Templeton Hospital;
  - vi. the historic and contemporary cultural landscapes, sites of Ngai Tahu cultural

- significance and the use of land and water resources for mahinga kai; and
- vii. the conservation activities undertaken within the Peacock Springs Conservation Area.

#### **17.1.1.5 Policy — Establishment of industrial and commercial activities**

- a. Avoid the establishment of industrial and commercial activities that are not dependent on or directly related to the rural resource unless they:
  - i. have a strategic or operational need to locate on rural land; or
  - ii. provide significant benefits through utilisation of existing physical infrastructure; and
  - iii. avoid significant, and remedy or mitigate other, reverse sensitivity effects on rural productive activities;
  - iv. will not result in a proliferation of associated activities that are not reliant on the rural resource; and
  - v. will not have significant adverse effects on rural character and amenity values of the local environment or will not cause adverse effects that cannot be avoided, remedied or mitigated.

#### **17.1.1.6 Policy — Community facilities**

- a. Enable community facilities to establish and support their redevelopment and expansion where they provide for social, cultural or community needs, avoid significant adverse effects on the surrounding rural character and amenity values, and where they will not affect the consolidated urban form.

#### **17.1.1.7 Policy — Density and distribution of residential units**

- a. Ensure a density and distribution of residential units that:
  - i. maintains and enhances the working function of the rural environment ;
  - ii. supports a consolidated urban form, including that of small settlements;
  - iii. maintains the predominance of larger sites and abundant open space;
  - iv. supports amalgamation of multiple small sites;
  - v. avoids creating new sites less than 4ha;
  - vi. avoids the expectation of land use change of rural land to urban activities or for rural residential development;
  - vii. avoids reverse sensitivity effects on strategic infrastructure, and rural productive activities; and
  - viii. retains a low density of built form with a high degree of openness appropriate to the surrounding environment.

### 17.1.1.8 Policy — Rural Banks Peninsula

- a. Ensure that subdivision, use and development in the Rural Banks Peninsula Zone recognises, maintains and, where practicable, enhances the quality of the rural working environment by:
  - i. restricting the scale, location and reflectivity of buildings to maintain a low density of built form that is not visually dominant and does not detract from views of cultural landscapes identified in the plan, sites of Ngai Tahu cultural significance, or natural landforms and features;
  - ii. encouraging the protection, maintenance and enhancement of indigenous biodiversity, natural features and landscapes, historic heritage, coastal environment values, and open space; and
  - iii. encouraging public walking and cycling access connections where appropriate.

### 17.1.1.9 Policy — Plantation forestry

- a. Ensure new plantation forestry is located and managed to:
  - i. avoid fire risk to nearby residential activities and urban areas;
  - ii. maintain the natural landforms and features, coastal environment values, open rural character and high visual amenity of Banks Peninsula and the Port Hills facing the Christchurch main urban area ;
  - iii. not obscure views from the Summit Road;
  - iv. maintain the views to cultural landscapes identified in the plan on Banks Peninsula;
  - v. avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna and promote enhancement, restoration and retention of indigenous biodiversity;
  - vi. avoid wilding tree spread on Banks Peninsula and promote land management that contains or eradicates wilding trees.

### 17.1.1.10 Policy — Separation of incompatible activities

- a. Ensure the design and location of new habitable buildings achieve adequate separation distances or adopt other on-site mitigation methods, including acoustic insulation, to mitigate potential reverse sensitivity effects with lawfully established rural productive activities;
- b. Ensure adequate separation distances between new plantation forestry, intensive farming and quarrying activity and incompatible activities are maintained.
- c. Protect strategic infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on rural land by:
  - i. avoiding noise sensitive activities and managing the density of residential units within the 50dB Ldn Air Noise Contour to take into account the impacts of the operation of Christchurch International Airport;

*[This provision may be reconsidered by the Hearings Panel following the decision on*

*Chapter 6 General Rules]*

- ii. avoiding buildings, structures, new quarrying activity, and sensitive activities on rural land that may compromise the National Grid within an identified buffer corridor; and
- iii. avoiding vegetation that may result in shading and buildings in close proximity to the strategic transport network.
- iv. avoiding new quarrying activity that would have adverse effects on established Radio New Zealand infrastructure

**17.1.1.11 Policy — Catchment management approach for rural land**

- a. Encourage integrated subdivision and development on rural land at a catchment level that implements the principles of ‘ki uta ki tai’, maintains or enhances water quality, maximises the degree of openness and protects productive potential and enables biodiversity enhancement or recreation opportunities while avoiding, remedying or mitigating adverse effects on the rural environment.

**17.1.1.12 Policy — Location and management of quarrying activity and aggregates-processing activity**

- a. Enable access to, and processing of, locally sourced aggregate resources to provide for the recovery, development, ongoing maintenance and growth needs of the district by:
  - i. providing for the continuation of quarrying activity in the Rural Quarry Zone; and
  - ii. providing for new quarrying activity in rural zones other than the Rural Quarry Zone only where the activity:
    - A. avoids areas of outstanding or significant landscape, ecological, cultural or heritage value;
    - B. avoids or mitigates effects on activities sensitive to quarrying including residential and education activities;
    - C. internalises adverse environmental effects as far as practicable using industry best practice and management plans, including monitoring and self-reporting;
    - D. manages noise, vibration, access and lighting to maintain local rural amenity values;
    - E. avoids or mitigates any effects on surface water bodies and their margins; and
    - F. ensures the siting and scale of buildings and visual screening maintains local rural amenity and character.
  - iii. providing for new quarrying activity in the Rural Quarry Templeton Zone only if all of the following are satisfied prior to 31 December 2021:
    - A. the recreation reserve status applying to the zone is uplifted and placed upon the land within the Open Space Community Parks Zone (Templeton); and
    - B. any resource consent(s) to clear or fell indigenous vegetation, as required to undertake the quarrying activity within the zone, is/are granted; and

- C. the quarrying activity occurs in conjunction with development of an international standard golf course in the Open Space Community Parks Zone (Templeton).
- iv. providing for aggregates-processing activity in the Rural Quarry Zone where the activity:
  - A. makes efficient use of established, large-scale processing infrastructure and facilities; and
  - B. does not result in additional or more intensive adverse effects (beyond those associated with quarrying activity) for residents in adjoining zones, including from lighting, noise and traffic generation.

#### **17.1.1.13 Policy — Quarry site rehabilitation**

- a. Ensure quarry sites, and sites of aggregates-processing activities, are rehabilitated to enable subsequent use of the land for another permitted or consented activity; and
- b. Require proposals for new quarries, aggregates-processing activities and changes of use on existing quarry sites to demonstrate through a quarry site rehabilitation plan the objectives, methodology and timescales for achieving site rehabilitation and appropriate end use; and
- c. Ensure the final rehabilitated landform is appropriate having particular regard to:
  - i. the intended end use;
  - ii. the location, gradient and depth of excavation;
  - iii. the availability of clean fill material, including top soil, and consequent timeframes for rehabilitation;
  - iv. the surrounding landform and drainage pattern;
  - v. the ability to establish complete vegetation cover;
  - vi. the outcomes of any consultation undertaken with manawhenua; and
  - vii. any adverse effects associated with rehabilitation.

## 17.1A How to use the rules

- a. The rules that apply to activities in the various rural zones are contained in the activity status tables (including activity specific standards) and built form standards in:
- i. Rule 17.2 – Rural Banks Peninsula Zone;
  - ii. Rule 17.3 – Rural Urban Fringe Zone;
  - iii. Rule 17.4 – Rural Waimakariri Zone;
  - iv. Rule 17.5 – Rural Port Hills Zone;
  - v. Rule 17.6 – Rural Quarry Zone;
  - vi. Rule 17.6A - Rural Quarry Templeton Zone; and
  - vii. Rule 17.7 – Rural Templeton Zone;

- b. The activity status tables and standards in the following chapters also apply to activities in all rural zones:

- 5 Natural Hazards;
- 6 General Rules and Procedures;
- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 9 Natural and Cultural Heritage;
- 11 Utilities and Energy; and
- 12 Hazardous Substances and Contaminated Land.

Chapter 8 includes specific exclusions from the earthworks provisions for quarrying activities.

- c. Where the word ‘facility’ is used in the rules (e.g. rural tourism facility), it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word ‘activity’ or ‘activities’, the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

- d. In the Rural Port Hills Zone, any development may be affected by the provisions of the Summit Road (Canterbury) Protection Act 2001 which applies to land above Summit Road and within 30 metres vertically above and below Summit Road and Dyers Pass Road (refer to Summit Road (Canterbury) Protection Act and Gazette notice). You are advised to contact the Summit Road Protection Authority for more information. The extent of the subject area is shown on the planning maps.



## 17.2 Rules — Rural Banks Peninsula Zone

### 17.2.1 [This number is not used]

## 17.2.2 Activity status tables — Rural Banks Peninsula Zone

### 17.2.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Banks Peninsula Zone if they meet any activity specific standards set out in the following table and the built form standards in Rule 17.2.3.

Activities may also be controlled, restricted discretionary, discretionary or non-complying as specified in Rules 17.2.2.2, 17.2.2.3, 17.2.2.4 or 17.2.2.5 below.

	Activity	Activity specific standards
<b>P1</b>	Farming	<p>a. Fencing shall be located a minimum of 5 metres from a support structure foundation of an identified electricity distribution line except where it meets the requirements of Clause 2.3.2 or 2.3.3 of NZECP34:2001.</p> <p>Note 1: The identified electricity distribution lines are shown on the planning maps.</p> <p>Note 2: Refer to Rule 9.1.2 for rules relating to indigenous vegetation clearance and Rule 9.2.3 for rules relating to outstanding natural features and landscapes, significant features and areas of natural character in the coastal environment.</p>
<b>P2</b>	Farm building	<p>a. Commercial greenhouses, produce packing buildings, milking/dairy sheds or structures associated with irrigation infrastructure (excluding mobile irrigators) shall not be located within 5 metres of the centre line of a 33kV electricity distribution line;</p> <p>b. Farm buildings, except where they meet the requirements of clause 2.4.1 of NZECP34:2001, shall not be located within 5 metres of a foundation of a 33kV electricity distribution line support structure.</p>
<b>P3</b>	Rural produce retail	<p>a. Shall be limited to:</p> <ol style="list-style-type: none"> <li>i. a retail area with a maximum GFA of 75m<sup>2</sup>; and</li> <li>ii. one per site.</li> </ol>
<b>P4</b>	Rural produce manufacturing	<p>a. The GFA occupied by rural produce manufacturing shall be less than 100m<sup>2</sup> per site.</p>
<b>P5</b>	Existing forestry	Nil
<b>P6</b>	Residential activity	<p>a. Any site containing a residential unit shall have a minimum net site area per residential unit of either:</p>

	Activity	Activity specific standards
		<ul style="list-style-type: none"> <li>i. 40ha of contiguous land area within a site where the residential unit is located below the 160 metre contour; or</li> <li>ii. 100ha of continuous land area located fully above the 160 metre contour line within a site where the residential unit is located above the 160 metre contour; or</li> <li>iii. 1ha where the site has been created by subdivision under Rule 8.3.2.1 C7 and the residential unit is located within the identified building area.</li> </ul> <p>b. There shall only be a maximum of two residential units per site where the minimum net site area is met for each residential unit.</p>
<b>P7</b>	Repairs, replacement and/or additions to an existing residential unit on an existing site with a minimum net site area less than 40ha where it is below the 160m contour or 100ha where it is above the 160m contour	Nil
<b>P8</b>	Minor residential unit	<ul style="list-style-type: none"> <li>a. Shall be limited to one per site;</li> <li>b. Shall have a minimum GFA of 35m<sup>2</sup> and a maximum GFA of 70m<sup>2</sup>; and</li> <li>c. Shall share vehicle access with the primary residential unit.</li> </ul>
<b>P9</b>	Home occupation	<ul style="list-style-type: none"> <li>a. The GFA of the building occupied by the home occupation, plus any outdoor storage area used for the home occupation, shall be less than 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> </ul>
<b>P10</b>	Conservation activities	<ul style="list-style-type: none"> <li>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
<b>P11</b>	Recreation activities, including walkways, cycleways and public amenities	<ul style="list-style-type: none"> <li>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
<b>P12</b>	Farm stay	<ul style="list-style-type: none"> <li>a. Shall accommodate no more than 10 guests at any one time; and</li> <li>b. Guests may be accommodated within an existing residential unit, minor residential unit, or tramping huts or within new buildings of up to 100m<sup>2</sup> and camping grounds restricted to tents.</li> </ul>
<b>P13</b>	Rural tourism activity	<ul style="list-style-type: none"> <li>a. Visitors shall be limited to a maximum of 100 persons per day.</li> </ul>

	Activity	Activity specific standards
P14	Rural tourism facility	<ul style="list-style-type: none"> <li>a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m<sup>2</sup>;</li> <li>b. The area of any ancillary retail activity shall be limited to less than 25m mm<sup>2</sup> m<sup>2</sup> ; and</li> <li>c. May include tramping huts and camping in tents in association with walking and cycling tracks.</li> </ul>
P15	Repairs, replacement and/or additions to an existing community facility	<ul style="list-style-type: none"> <li>a. Additions shall be limited to an increase in the GFA of no more than 100m<sup>2</sup>.</li> </ul>
P16	Construction of a new access track	<ul style="list-style-type: none"> <li>a. Shall be no more than 5 metres in formed width except that the formed width of a corner on the access track may be up to 10 metres in width.</li> </ul> <p>Note: Refer to Rule 9.1.2 for rules relating to indigenous vegetation clearance and Rule 9.2.3 for rules relating to outstanding natural features and landscapes, significant features and areas of natural character in the coastal environment.</p>
P17	Emergency services facilities	<ul style="list-style-type: none"> <li>a. Emergency services facilities are exempt from the built form standards in Rule 17.2.3</li> </ul>
P18	Veterinary care facility	<ul style="list-style-type: none"> <li>a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
P19	Heli-landing area	<ul style="list-style-type: none"> <li>a. Shall occur on sites greater than 3,000m<sup>2</sup> in area.</li> </ul>
P20	Flood protection activities, including planting of exotic trees, earthworks and structure, undertaken by Christchurch City Council or Canterbury Regional Council	Nil
P21	Public amenities	<ul style="list-style-type: none"> <li>a. The GFA of any building shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
P22	Buildings and activities ancillary to sea based aquaculture in Banks Peninsula.	<ul style="list-style-type: none"> <li>a. Any site shall have a minimum net site area of 5ha.</li> </ul>

### 17.2.2.2 Controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table (where these are matters of discretion, they are to be treated as matters of control for the purposes of this rule).

	Activity	The matters over which Council reserves its control
C1	Quarrying activity located at 468 Governors Bay – Teddington Road, Teddington (Lot 1 DP 54319)	<ul style="list-style-type: none"> <li>a. Traffic generation and access – 17.8.1.7;</li> <li>b. Natural values (Foleys Stream) – 6.6.3.2;</li> </ul>

	<b>Activity</b>	<b>The matters over which Council reserves its control</b>
	(CB32B/437) Any application arising from this rule shall not be publicly or limited notified.	c. Effects on neighbouring properties including noise, vibration and land stability; d. Visual screening and maintenance – 17.8.2.12(a)

### 17.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, as set out in the following table.

<b>Activity</b>		<b>The Council's discretion shall be limited to the following matters:</b>
<b>RD1</b>	Any activity listed in Rule 17.2.2.1 P1 – P22, and Rule 17.2.2.3 RD2 – RD9 that does not meet one or more of the built form standards in Rule 17.2.3, unless otherwise specified.  Refer to the relevant built form standard for provisions regarding notification.	As relevant to the built form standard that is not met: a. Building height –Rule 17.8.1.1; b. Setbacks from road boundaries –Rule 17.8.1.2; c. Shading of state highway –Rule 17.8.1.3; d. Building setbacks from internal boundaries –Rule 17.8.1.4; e. Separation distances – Rule 17.8.1.5; f. Site coverage and building footprint –Rule 17.8.1.6; g. Traffic generation and access –Rule 17.8.1.7; h. Identified building area –Rule 17.8.1.8; i. <i>Building reflectivity – Rural Banks Peninsula – Rule 17.8.1.9 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i> j. <i>Identified important ridgelines – Rural Banks Peninsula –Rule 17.8.1.10 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i> k. <i>For Rules 17.2.3.5, 17.2.3.6, 17.2.3.8, 17.2.3.10 and 17.2.3.11, Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i> l. <i>For Rules 17.2.3.5, 17.2.3.6, 17.2.3.8, 17.2.3.10 and 17.2.3.11, Significant landscapes – Rural Banks Peninsula –Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i> m. Ecosystems and indigenous biodiversity –Rule 17.8.3.3; n. For Rule 17.2.3.9 d. iii., Reverse sensitivity effects on Radio New Zealand's operations –Rule 17.8.2.17 ; o. Water supply for firefighting –Rule 17.8.1.11
<b>RD2</b>	Any activity listed in Rule 17.2.2.1 P3, P4,	a. Scale of activity –Rule 17.8.2.1;

Activity	The Council's discretion shall be limited to the following matters:	
P9 – P16, P18, P19, P21 and P22 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> <li>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i></li> <li>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> <li>d. <i>Ecosystems and indigenous biodiversity –Rule 17.8.3.3</i></li> </ul>	
<b>RD3</b>	Any activity listed in Rule 17.2.2.1 P8 that does not meet one or more of the activity specific standards.	<ul style="list-style-type: none"> <li>a. <i>Minor residential unit –Rule 17.8.2.2;</i></li> <li>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i></li> <li>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> <li>d. <i>Reverse sensitivity effects on Radio New Zealand's operations –Rule 17.8.2.17</i></li> </ul>
<b>RD4</b>	Boarding of domestic animals	<ul style="list-style-type: none"> <li>a. <i>Intensive farming, equestrian facilities and boarding of domestic animals –Rule 17.8.2.3;</i></li> <li>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> <li>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD5</b>	Equestrian facility	<ul style="list-style-type: none"> <li>a. <i>Intensive farming, equestrian facilities and boarding of domestic animals –Rule 17.8.2.3;</i></li> <li>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> <li>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD6</b>	Intensive farming	<ul style="list-style-type: none"> <li>a. <i>Intensive farming, equestrian facilities and boarding of domestic animals –Rule 17.8.2.3;</i></li> <li>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> <li>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD7</b>	Plantation forestry	<ul style="list-style-type: none"> <li>a. <i>Plantation forestry –Rule 17.8.2.4</i></li> <li>b. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]; and</i></li> </ul>

Activity		The Council's discretion shall be limited to the following matters:
		<p>c. Ecosystems and Indigenous Biodiversity –Rule 17.8.3.3</p> <p>Note: Refer to Rule 9.1.2 for rules relating to indigenous vegetation clearance and Rule 9.2.3 for rules relating to outstanding natural features and landscapes, significant features and areas of natural character in the coastal environment.</p>
<b>RD8</b>	A residential unit located within an identified building area on an allotment created by an approved subdivision consent, except where provided for by Rule 17.2.2.1 P6	<p>a. Residential activities on Banks Peninsula –Rule 17.8.2.5a. iv; and</p> <p>b. <i>Significant landscapes Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></p>
<b>RD9</b>	New community facility	<p>a. Scale of activity –Rule 17.8.2.1;</p> <p>b. <i>Public access to the coastal environment –Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i></p> <p>c. <i>Significant landscapes – Rural Banks Peninsula – Rule 17.8.3.2 [Stage 3 - Chapter 9 Natural and Cultural Heritage];</i> and</p> <p>d. Ecosystems and indigenous biodiversity –Rule 17.8.3.3</p>

#### 17.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Guest accommodation, other than farm stays provided for by Rule 17.2.2.1 P12
<b>D2</b>	Quarrying activity, except where provided for by Rule 17.2.2.2 C1.
<b>D3</b>	<p>A residential unit on a site in existence as at 2 May 2015 with a net site area:</p> <p>a. greater than 4ha but less than 40ha where the residential unit is located below the 160 metre contour; or</p> <p>b. greater than 4ha but less than 100ha where the residential unit is located above the 160 metre contour; and</p> <p>c. the site does not have an identified building area.</p>

#### 17.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.
<b>NC2</b>	Any residential activity on a site with a net site area of less than 4ha, except where provided in Rule 17.2.2.1 P6 or Rule 17.2.2.3 RD8
<b>NC3</b>	<p>a. Buildings not permitted by Rule 17.2.2.1 P2 and any sensitive activities:</p> <p>i. within 5 metres of the centre line of a 33kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</p> <p>b. Fencing: Fences that do not meet Rule 17.2.2.1 P1</p> <p>Any application arising from this rule shall not be publicly notified and shall, absent written approval, be limited notified only to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. The 33kv distribution lines are shown on the planning maps.</li> <li>2. Vegetation to be planted around the electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity distribution lines. Buildings and activities in the vicinity of electricity distribution lines must comply with the NZECP 34:2001.</li> </ol>

## 17.2.3 Built form standards — Rural Banks Peninsula Zone

### 17.2.3.1 Identified building area

- a. The following shall only be located in an identified building area:
- i. Any new residential unit, including a minor residential unit, located on a site created by subdivision occurring after 30 January 1997; and
  - ii. Any new building with an area greater than 100m<sup>2</sup> located on a site less than 4ha created by subdivision occurring after 30 January 1997,

### 17.2.3.2 Building reflectivity

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### 17.2.3.3 Identified important ridgelines

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### 17.2.3.4 Landscape buffer

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### 17.2.3.5 Building height

- a. The maximum height of any building shall be 7.5 metres.

### 17.2.3.6 Building setback from road boundaries

The minimum building setback from road boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below	15 metres
b.	Buildings on sites fronting a major or minor arterial road or State highway	30 metres from a major or minor arterial road or State highway boundary
c.	Additions to buildings existing as at 2 May 2015 that are located within 15 metres of the road boundary unless specified below	7.5 metres
d.	Additions to buildings existing as at 2 May 2015 on sites fronting a State highway where the building is located within 30 metres of the road boundary	20 metres from a State highway boundary

Any application arising from this rule shall not be limited or publicly notified.



### 17.2.3.7 Shading of State highway

- a. Vegetation, including trees, shelter-belts or plantation forestry, shall not be planted in any position which will result in shading of the State highway carriageway between the hours of 1000 and 1400 on the shortest day of any calendar year.

Any application arising from this rule shall not be publicly notified and shall, absent written approval, be limited notified only to the New Zealand Transport Agency.

### 17.2.3.8 Building setback from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below.	10 metres
b.	Additions to buildings existing as at 2 May 2015.	7.5 metres
c.	New residential unit or minor residential unit.	25 metres

Any application arising from this rule shall not be publicly notified.

### 17.2.3.9 Separation distances

The minimum separation distances for plantation forestry, intensive farming, residential activity and sensitive activities shall be as follows:

	Activity	Standard
a.	Plantation forestry	Trees shall be located: <ol style="list-style-type: none"> <li>i. 30 metres or more from an existing residential unit, approved identified building area or the boundary with a residential zone; and</li> <li>ii. 10 metres or more from an internal boundary of an adjoining site under different ownership</li> </ol>
b.	Any new sensitive activity	Shall be located a minimum of 200 metres from any building, compound or part of a site used for intensive farming on an adjoining site.
c.	Intensive farming	Shall be located a minimum of 200 metres from a sensitive activity on an adjoining site under different ownership
d.	Any new residential unit	Shall be located: <ol style="list-style-type: none"> <li>i. a minimum of 30 metres from any existing forestry on an adjoining site under different ownership;</li> <li>ii. a minimum of 250 metres from a legally established quarrying activity; and</li> <li>iii. a minimum of 1,000 metres from Radio New Zealand's facilities on Gebbies Pass Road</li> </ol>

Any application arising from this rule shall not be publicly notified.

#### **17.2.3.10 Site coverage**

- a. The maximum % of the net site area, and the maximum total area, covered by buildings shall be 10% of the net site area or 2,000m<sup>2</sup>, whichever is the lesser.

Any application arising from this rule shall not be limited or publicly notified.

#### **17.2.3.11 Building footprint**

- a. The maximum building footprint for any individual building, except for covered yards and covered races, shall be 300m<sup>2</sup>.

#### **17.2.3.12 Vehicle trips**

- a. The maximum number of vehicle trips per site for all activities, other than for farming and plantation forestry, shall be 100 per day.

Any application arising from this rule shall not be publicly notified.

#### **17.2.3.13 Water supply for firefighting**

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.3 Rules — Rural Urban Fringe Zone

### 17.3.1 [This number is not used]

### 17.3.2 Activity status tables — Rural Urban Fringe Zone

#### 17.3.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Urban Fringe Zone if they meet any activity specific standards set out in the following table and the built form standards in Rule 17.3.3.

Activities may also be controlled, restricted discretionary, discretionary or non-complying as specified in Rules 17.3.2.2, 17.3.2.3, 17.3.2.4 or 17.3.2.5 below.

	Activity	Activity specific standards
<b>P1</b>	Farming	<p>a. Fencing shall be located a minimum of 5 metres from a National Grid transmission line support structure foundation except where it meets the requirements of Clause 2.3.3 of NZECP34:2001; or</p> <p>b. Fencing shall be located a minimum of 5 metres from a support structure foundation of an identified electricity distribution line except where it meets the requirements of Clause 2.3.3 or 2.3.2 of NZECP34:2001</p> <p>Note: The National Grid and the identified electricity distribution lines are shown on the planning maps.</p>
<b>P2</b>	Farm building	<p>a. Commercial greenhouses, wintering barns, produce packing buildings, milking/dairy sheds or structures associated with irrigation infrastructure (excluding mobile irrigators) shall not be located within the following corridors:</p> <p>i. within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line; or</p> <p>ii. within 10 metres of the centre line of a 66kV National Grid transmission line; or</p> <p>iii. within 10 metres of the centre line of a 66kV electricity distribution line; or</p> <p>iv. within 5 metres of the centre line of a 33kV electricity distribution line.</p> <p>b. Farm buildings and horticultural structures, except where they meet the requirements of Clause 2.4.1 of NZECP34:2001, shall not be located:</p> <p>i. within 12 metres of a foundation of a 110kV or 220kV National Grid transmission line support structure; or</p> <p>ii. within 10 metres of a foundation of a 66kV National Grid</p>

	<b>Activity</b>	<b>Activity specific standards</b>
		<p>transmission line support structure; or</p> <p>iii. within 10 metres of a foundation of a 66kV electricity distribution line support structure; or</p> <p>iv. within 5 metres of a foundation of a 33kV, or the Heathcote to Lyttelton 11kV, electricity distribution line support structure.</p>
<b>P3</b>	Rural produce retail	<p>a. Shall be limited to:</p> <p>i. a retail area with a maximum GFA of 75m<sup>2</sup>; and</p> <p>ii. one per site.</p>
<b>P4</b>	Rural produce manufacturing	<p>a. The GFA occupied by rural produce manufacturing shall be less than 100m<sup>2</sup> per site.</p>
<b>P5</b>	Residential activity	<p>a. The site containing the residential unit shall have a minimum net site area of 4ha.</p>
<b>P6</b>	Repairs, replacement and/or additions to an existing residential unit on an existing site with a minimum net site area less than 4ha	Nil
<b>P7</b>	Minor residential unit	<p>a. Shall have a minimum GFA of 35m<sup>2</sup> and a maximum GFA of 70m<sup>2</sup>;</p> <p>b. Shall share vehicle access with the primary residential unit;</p> <p>c. Shall be located on a site with a minimum net site area of 4ha; and</p> <p>d. Shall be limited to a family flat where located within the 50dB Ldn Air Noise Contour [<i>This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules</i>].</p>
<b>P8</b>	Home occupation	<p>a. The GFA of the building occupied by the home occupation, plus any outdoor storage area used for the home occupation, shall be less than 40m<sup>2</sup>.</p> <p>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</p>
<b>P9</b>	Conservation activities	<p>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></p>
<b>P10</b>	Recreation activities	<p>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></p>
<b>P11</b>	Farm stay	<p>a. Shall accommodate no more than 10 farm stay guests at one time; and</p> <p>b. Guests may be accommodated within an existing residential unit or minor residential unit;</p> <p>Except that where located within the 50dBA Ldn Air Noise Contour:</p> <p>c. The maximum number of farm stay guests accommodated at one time shall not exceed four; and</p>

	<b>Activity</b>	<b>Activity specific standards</b>
		d. Guests shall only be accommodated in an existing residential unit. <i>[These provisions may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i>
<b>P12</b>	Rural tourism activity	a. Visitors shall be limited to a maximum of 60 persons per day.
<b>P13</b>	Rural tourism facility	a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m <sup>2</sup> . b. The area of any ancillary retail activity shall be limited to less than 25m <sup>2</sup> .
<b>P14</b>	Repairs, replacement and/or additions to an existing community facility, other than those provided for under Rule 17.3.2.1 P18	a. Additions shall be limited to an increase in the GFA of no more than 100m <sup>2</sup> .
<b>P15</b>	Emergency service facilities	a. Emergency services facilities are exempt from the built form standards in Rule 17.3.3
<b>P16</b>	Veterinary care facility	a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m <sup>2</sup>
<b>P17</b>	Flood protection activities, including planting of exotic trees, earthworks and structure, undertaken by Christchurch City Council or Canterbury Regional Council	a. Flood protection activities are exempt from the built form standards in Rule 17.3.3
<b>P18</b>	Spiritual activity and camping ground at Pascoe Park Camping Ground, 20 Farrells Road (Lot 3 DP18474)	Nil
<b>P19</b>	Poultry hatcheries	Nil
<b>P20</b>	Repairs, replacement and/or additions to existing activities and/or facilities lawfully established prior to <i>[insert date of decision]</i> on the following sites: Pt Lot 50, DP875 (contained in Certificates of Title CB358/265 and CB374/229 only), Lot 2, DP 12585, PT Lot 1, DP 12585, and/or Lot 1, DP 15308.	a. Additions to the floor area of any buildings used for existing activities or facilities shall be limited to an increase in GFA of no more than 100m <sup>2</sup> .

### 17.3.2.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion

set out in Rule 17.8, as set out in the following table.

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
<b>RD1</b>	Any activity listed in Rule 17.3.2.1 P1 – P20 and Rule 17.3.2.2 RD2 – RD9 that does not meet one or more of the built form standards in Rule 17.3.3, unless otherwise specified. Refer to the relevant built form standard for provisions regarding notification.	As relevant to the built form standard that is not met: <ol style="list-style-type: none"> <li>a. Building height – Rule 17.8.1.1;</li> <li>b. Setbacks from road boundaries – Rule 17.8.1.2;</li> <li>c. Building setbacks from internal boundaries – Rule 17.8.1.4;</li> <li>d. Separation distances – Rule 17.8.1.5;</li> <li>e. Site coverage and building footprint – Rule 17.8.1.6;</li> <li>f. Traffic generation and access – Rule 17.8.1.7; and</li> <li>g. Identified building area – Rule 17.8.1.8</li> <li>h. Water supply for firefighting – Rule 17.8.1.11</li> </ol>
<b>RD2</b>	Any activity listed in Rule 17.3.2.1 P3, P4, P8, P9, P11 – P14, P16 and P20 that does not meet one or more of the activity specific standards (except for P11 where this rule relates to activity specific standards a. and b. only). Any application arising from this rule shall not be publicly notified.	<ol style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1</li> </ol>
<b>RD3</b>	Any activity listed in Rule 17.3.2.1 P7 that does not meet one or more of activity specific standards a. or b. Any application arising from this rule shall not be publicly notified.	<ol style="list-style-type: none"> <li>a. Minor residential unit – Rule 17.8.2.2</li> </ol>
<b>RD4</b>	Boarding of domestic animals Any application arising from this rule shall not be publicly notified.	<ol style="list-style-type: none"> <li>a. Intensive farming, equestrian facilities and boarding of domestic animals – Rule 17.8.2.3</li> </ol>
<b>RD5</b>	Equestrian facility Any application arising from this rule shall not be publicly notified.	
<b>RD6</b>	Intensive farming Any application arising from this rule shall not be publicly notified.	
<b>RD7</b>	On Pt Lot 50 DP 875, Lot 2 DP12585, Pt Lot 1 DP12585 and Lot 1 DP15308 (corner Marshlands Road and Prestons Road) any of the following activities: <ul style="list-style-type: none"> <li>• Guest accommodation</li> <li>• Community facility including health care facility, place</li> </ul>	<ol style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1</li> </ol>

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
	<p>of assembly, and preschool activity but excluding any other education activities</p> <p>Other than those provided for under Rule 17.3.2.1 P14 and 17.3.2.1 P20.</p> <p>Any application arising from this rule shall not be publicly notified.</p>	
<b>RD8</b>	<p>Any activity listed in Rules 17.3.2.1 P10 where the area of buildings and/or impervious surfaces in combination is equal to or exceeds 100m<sup>2</sup> but less than 500m<sup>2</sup></p> <p>Any application arising from this rule shall not be publicly notified.</p>	a. Scale of activity – Rule 17.8.2.1
<b>RD9</b>	<p>Any new community facility, except for education activities, other than those provided for under Rule 17.3.2.1 P18, P20 and Rule 17.3.2.3 RD7</p> <p>Any application arising from this rule shall not be publicly notified.</p>	a. Scale of activity – Rule 17.8.2.1
<b>RD10</b>	<p>One residential unit and one minor residential unit on a site in existence as at 2 May 2015 with a net site area greater than 1ha but less than 4ha; except that within the 50dB Ldn Air Noise Contour this rule only applies to the following sites:</p> <p>9 Barbers Road, Templeton, Lot 19 DP 23834, CB4C/395; and</p> <p>15 Barbers Road, Templeton, Lot 18 Lot 18 DP 23834, CB4C/394.</p> <p><i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p> <p>Any application arising from this rule shall not be publicly notified.</p>	a. Residential activities on existing small sites – Rule 17.8.2.6

### 17.3.2.3 Discretionary activities

The activities listed below are discretionary activities.

	<b>Activity</b>
<b>D1</b>	Guest accommodation, other than any activity provided for by Rules 17.3.2.1 P11 and P18 or Rule 17.3.2.2 RD7
<b>D2</b>	Education activities
<b>D3</b>	Quarrying activity located 250 metres or more from a residential zone or Specific Purpose (School) Zone boundary.
<b>D4</b>	Plantation forestry
<b>D5</b>	Recreational activities where the area of buildings and/or impervious surfaces in combination is equal to or exceeds 500m <sup>2</sup>

### 17.3.2.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.
<b>NC2</b>	Quarrying activity located less than 250 metres from a residential zone or Specific Purpose (School) Zone boundary.
<b>NC3</b>	Any residential activity and/or minor residential unit that does not meet the activity specific standards in Rule 17.3.2.1 P5 a or P7 c., except where provided for in Rule 17.3.2.4 RD10.
<b>NC4</b>	<p>a. Buildings and horticultural structures not permitted by Rule 17.3.2.1 P2, and any sensitive activities:</p> <ul style="list-style-type: none"> <li>i. Within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line, or foundation of an associated support structure.</li> <li>ii. Within 10 metres of the centre line of a 66kV National Grid transmission line, 66kV electricity distribution line, or foundation of an associated support structure.</li> <li>iii. Within 5 metres of the centre line of a 33kV, or the Heathcote to Lyttelton 11kV, electricity distribution line, or foundation of an associated support structure.</li> </ul> <p>b. Fencing – fences that do not meet Rule 17.3.2.1 P1</p> <p>Any application arising from this rule shall not be publicly notified shall, absent written approval, be limited notified only to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>1. The National Grid transmission lines and electricity distribution lines are shown on the planning maps.</li> <li>2. Vegetation to be planted around the National Grid or electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines and electricity distribution lines. Buildings and activities in the vicinity of National Grid transmission lines and electricity distribution lines must comply with the NZECP 34:2001.</li> </ul>
<b>NC5</b>	<p>a. Any sensitive activities located within the 50dB Ldn Air Noise Contour, including:</p> <ul style="list-style-type: none"> <li>i. any residential unit on a site less than 4ha;</li> <li>ii. any activity listed in Rule 17.3.2.1 P7 that does not meet activity specific standard d.; and</li> <li>iii. any activity listed in Rule 17.3.2.1 P11 that does not meet activity specific standard c. or d.</li> </ul> <p><i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p>



## 17.3.3 Built form standards — Rural Urban Fringe Zone

### 17.3.3.1 Identified building area

- a. Any new residential unit located on a site created by subdivision occurring after *[insert date of decision]* shall be located on an identified building area.

Any application arising from this rule shall not be limited or publicly notified.

### 17.3.3.2 Building height

The maximum height of any building shall be as follows:

	Activity	Standard
a.	All buildings unless specified below	9 metres
b.	Farm buildings	12 metres

### 17.3.3.3 Building setback from road boundaries

The minimum building setback from road boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below	15 metres
b.	All buildings on sites less than 0.4ha	6 metres
c.	All buildings on sites fronting a major or minor arterial road or state highway	30 metres from the major or minor arterial road or state highway boundary

Any application arising from this rule shall not be limited or publicly notified.

### 17.3.3.4 Setback from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below	10 metres
b.	All buildings on sites less than 0.4ha, except as specified in d.	3 metres
c.	New residential unit or minor residential unit	25 metres
d.	Any buildings, balconies or decks on sites adjacent to a designated railway corridor	4 metres from the designated railway corridor boundary

Any application arising from this rule shall not be publicly notified.

### 17.3.3.5 Separation distances

The minimum separation distances for intensive farming, residential activities and sensitive activities shall be as follows:

	Activity	Standard
a.	Any new sensitive activity	i. Shall be located a minimum of 200 metres from any building, compound or part of a site used for intensive farming on an adjoining site. ii. Shall be located a minimum of 30 metres from any existing forestry on an adjoining site under different ownership
b.	Intensive farming	Shall be located a minimum of 200 metres from a sensitive activity on an adjoining site under different ownership
c.	Any new residential unit	Shall be located a minimum of 250 metres from the boundary of a Rural Quarry Zone or legally established quarrying activity.

Any application arising from this rule shall not be publicly notified.

### 17.3.3.6 Site coverage

The maximum % of the net site area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Activity	Standard
a.	Buildings and outdoor storage areas on sites greater than 4ha in area	5% of the net site area or 2,000m <sup>2</sup> whichever is lesser
b.	Buildings, impervious surfaces and outdoor storage areas on existing sites between 0.4 and 4ha in area	10% of the net site area or 2,000m <sup>2</sup> whichever is the lesser
c.	Buildings, impervious surfaces and outdoor storage areas on existing sites less than 0.4ha in area	35% of net site area

Note: For the purposes of calculating site coverage for clauses a. and b. above, green houses, either with or without a solid floor, shall be excluded.

Any application arising from this rule shall not be limited or publicly notified.

### 17.3.3.7 Vehicle trips

- a. The maximum number of vehicle trips per site for all activities, other than for farming, shall be 100 per day.

Any application arising from this rule shall not be publicly notified.

### 17.3.3.8 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.4 Rules — Rural Waimakariri Zone

### 17.4.1 [This number is not used]

### 17.4.2 Activity status tables — Rural Waimakariri Zone

#### 17.4.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Waimakariri Zone if they meet any activity specific standards set out in the following table and the built form standards in Rule 17.4.3.

Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 17.4.2.2, 17.4.2.3 or 17.4.2.4 below.

	Activity	Activity specific standards
<b>P1</b>	Farming	a. Fencing shall be located a minimum of 5 metres from a National Grid transmission line support structure foundation except where it meets the requirements of Clause 2.3.3 of NZECP34:2001.
<b>P2</b>	Farm building	a. Commercial greenhouses, wintering barns, produce packing buildings, milking/dairy sheds or structures associated with irrigation infrastructure shall not be located within the following corridors: <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line; or</li> <li>ii. within 10 metres of the centre line of a 66kV National Grid transmission line;</li> </ul> b. Farm buildings and horticultural structures, except where they meet the requirements of Clause 2.4.1 of NZECP34:2001, shall not be located: <ul style="list-style-type: none"> <li>i. within 12 metres of a foundation of a 220kV National Grid transmission line support structure. or</li> <li>ii. within 10 metres of a foundation of a 66kV National Grid transmission line support structure.</li> </ul>
<b>P3</b>	Rural produce retail	a. Shall be limited to: <ul style="list-style-type: none"> <li>i. a retail area with a maximum GFA of 75m<sup>2</sup>; and</li> <li>ii. one per site.</li> </ul>
<b>P4</b>	Rural produce manufacturing	a. The GFA occupied by rural produce manufacturing shall be less than 100m <sup>2</sup> per site.
<b>P5</b>	Plantation forestry	Nil
<b>P6</b>	Residential activity	a. The site containing the residential unit shall have a minimum net site area of 20ha
<b>P7</b>	Repairs, replacement and/or additions to	Nil

	<b>Activity</b>	<b>Activity specific standards</b>
	existing residential units on an existing site with a minimum area less than 20ha	
<b>P8</b>	Minor residential unit	<ul style="list-style-type: none"> <li>a. Shall have a minimum GFA of 35m<sup>2</sup> and a maximum GFA of 70m<sup>2</sup>;</li> <li>b. Shall share vehicle access with the primary residential unit;</li> <li>c. Shall be located on a site with a minimum net site area of 20ha; and</li> <li>d. Shall be limited to a family flat where located within the 50dB Ldn Air Noise Contour <i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i>.</li> </ul>
<b>P9</b>	Home occupation	<ul style="list-style-type: none"> <li>a. The GFA of the building occupied by the home occupation, plus any outdoor storage area used by the home occupation, shall be less than 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> </ul>
<b>P10</b>	Conservation activities	<ul style="list-style-type: none"> <li>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
<b>P11</b>	Recreation activity	<ul style="list-style-type: none"> <li>a. Any building and/or impervious surfaces shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
<b>P12</b>	Farm stay	<ul style="list-style-type: none"> <li>a. Shall accommodate no more than 6 farm stay guests at one time; and</li> <li>b. Guests may be accommodated within an existing residential unit or minor residential unit;</li> </ul> <p>Except that where located within the 50dBA Ldn Air Noise Contour:</p> <ul style="list-style-type: none"> <li>c. The maximum number of farm stay guests accommodated at one time shall not exceed four; and</li> <li>d. Guests shall only be accommodated in an existing residential unit.</li> </ul> <p><i>[These provisions may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p>
<b>P13</b>	Rural tourism activity	<ul style="list-style-type: none"> <li>a. Visitors shall be limited to a maximum of 60 persons per day.</li> </ul>
<b>P14</b>	Rural tourism facility	<ul style="list-style-type: none"> <li>a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m<sup>2</sup>; and</li> <li>b. The area of any ancillary retail activity shall be limited to less than 25m<sup>2</sup></li> </ul>
<b>P15</b>	Repairs, replacement and/or additions to an existing community facility	<ul style="list-style-type: none"> <li>a. Additions shall be limited to an increase in the GFA of no more than 100m<sup>2</sup>.</li> </ul>
<b>P16</b>	Emergency services facilities	<ul style="list-style-type: none"> <li>a. Emergency services facilities are exempt from the built form standards in Rule 17.2.3</li> </ul>
<b>P17</b>	Veterinary care facility	<ul style="list-style-type: none"> <li>a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m<sup>2</sup></li> </ul>
<b>P18</b>	Flood protection activities, including planting of exotic trees, earthworks and	<ul style="list-style-type: none"> <li>a. Flood protection activities are exempt from the built form standards in Rule 17.4.3</li> </ul>

	Activity	Activity specific standards
	structure, undertaken by Christchurch City Council or Canterbury Regional Council	

### 17.4.2.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, as set out in the table below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity listed in Rule 17.4.2.1 P1 – P18, and Rule 17.4.2.2 RD2 – RD7 that does not meet one or more of the built form standards in Rule 17.4.3, unless otherwise specified. Refer to relevant built form standard for provisions regarding notification.	As relevant to the built form standard not met: <ul style="list-style-type: none"> <li>a. Building height –Rule 17.8.1.1;</li> <li>b. Setbacks from road boundaries –Rule 17.8.1.2;</li> <li>c. Building setbacks from internal boundaries –Rule 17.8.1.4;</li> <li>d. Separation distances –Rule 17.8.1.5;</li> <li>e. Site coverage and building footprint –Rule 17.8.1.6;</li> <li>f. Traffic generation and access –Rule 17.8.1.7;</li> <li>g. Identified building area –Rule 17.8.1.8;</li> <li>h. <i>For Rules 17.4.3.2, 17.4.3.3, 17.4.3.4 and 17.4.3.6, Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> <li>i. Water supply for firefighting – Rule 17.8.1.11</li> </ul>
<b>RD2</b>	Any activity listed in Rule 17.4.2.1 P3, P4, P9 – P15 and P17 – P18 that does not meet one or more of the activity specific standards, (except for P12 where this rule relates to activity specific standards a. and b. only). Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1; and</li> <li>b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD3</b>	Any activity listed in Rule 17.4.2.1 P8 that does not meet one or more of activity specific standards a. or b. Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Minor residential unit –Rule 17.8.2.2; and</li> <li>b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD4</b>	Boarding of domestic animals Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Intensive farming, equestrian facilities and boarding of domestic animals – Rule 17.8.2.3; and</li> <li>b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
<b>RD5</b>	Equestrian facility Any application arising from this rule	

	Activity	The Council's discretion shall be limited to the following matters:
	shall not be publicly notified.	
<b>RD6</b>	Intensive Farming Any application arising from this rule shall not be publicly notified.	
<b>RD7</b>	New community facility except for education activities Any application arising from this rule shall not be publicly notified.	a. Scale of activity – Rule 17.8.2.1

### 17.4.2.3 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Guest accommodation, other than any activity provided for by Rule 17.4.2.1 P12.
<b>D2</b>	Education activities
<b>D3</b>	Quarrying activity located 250 metres or more from a residential zone or Specific Purpose (School) Zone boundary.

### 17.4.2.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.
<b>NC2</b>	Any activity listed in Rule 17.4.2.1 P6 that does not meet the activity specific standard.
<b>NC3</b>	Any activity listed in Rule 17.4.2.1 P8 that does not meet activity specific standard c.
<b>NC4</b>	Quarrying activity located less than 250 metres from a residential zone or Specific Purpose (School) Zone boundary.
<b>NC5</b>	<p>a. Buildings and horticultural structures not permitted by Rule 17.4.2.1 P2, and any sensitive activities:</p> <ul style="list-style-type: none"> <li>i. Within 12 metres of the centre line of a 220kV National Grid transmission line or foundation of an associated support structure.</li> <li>ii. Within 10 metres of the centre line of a 66kV National Grid transmission line or foundation of an associated support structure.</li> </ul> <p>b. Fencing – Fences that do not meet Rule 17.4.2.1 P1.</p> <p>Any application arising from this rule shall not be publicly notified and shall be limited notified only to Transpower New Zealand Limited (absent its written approval).</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>1. The National Grid transmission lines are shown on the planning maps.</li> </ul>

	Activity
	<p>2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activities in the vicinity of National Grid transmission lines must comply with the NZECP 34:2001.</p>
NC6	<p>a. Any sensitive activities located within the 50dB Ldn Air Noise Contour, including:</p> <ul style="list-style-type: none"> <li>i. any residential unit on a site less than 20ha;</li> <li>ii. any activity listed in Rule 17.4.2.1 P12 that does not meet activity specific standards c. or d.; and</li> <li>iii. any activity listed in Rule 17.4.2.1 P8 that does not meet activity specific standard d.</li> </ul> <p><i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p>

### 17.4.3 Built form standards — Rural Waimakariri Zone

#### 17.4.3.1 Identified building area

- a. Any new residential unit located on a site created by subdivision occurring after *[insert date of decision]* shall be located on an identified building area.

Any application arising from this rule shall not be limited or publicly notified.

#### 17.4.3.2 Building height

The maximum height of a building shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below	9 metres
b.	Farm buildings	12 metres

#### 17.4.3.3 Building setback from road boundaries

The minimum building setback from road boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below.	15 metres
b.	All buildings on sites less than 0.4ha	6 metres



	Activity	Standard
c.	All buildings on sites fronting a Major or Minor Arterial Road or State highway	30 metres from the Major or Minor Arterial Road or State highway boundary

Any application arising from this rule shall not be limited or publicly notified.

#### 17.4.3.4 Building setback from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below.	10 metres
b.	All buildings on sites less than 0.4ha	3 metres
c.	New residential unit and minor residential unit	25 metres
d.	Any buildings, balconies or decks on sites adjacent to a designed railway corridor	4 metres from the designated railway corridor boundary

Any application arising from this rule shall not be limited or publicly notified.

#### 17.4.3.5 Separation distances

The minimum separation distances for plantation forestry, intensive farming, sensitive activities and residential activities shall be as follows:

	Activity	Standard
a.	Plantation forestry	Trees shall be located: <ul style="list-style-type: none"> <li>i. 30 metres or more from an existing residential unit, approved identified building area or boundary with a residential zone; and</li> <li>ii. 10m or more from an internal boundary of an adjoining site under different ownership</li> </ul>
b.	Any new sensitive activity	Shall be located a minimum of 200 metres from any building, compound or part of a site used for intensive farming on an adjoining site.
c.	Any new residential unit	Shall be located: <ul style="list-style-type: none"> <li>i. a minimum of 30 metres from any existing forestry on an adjoining site under different ownership; and</li> <li>ii. a minimum of 250 metres from the boundary of a Rural Quarry Zone or legally established quarrying activity.</li> </ul>
d.	Intensive farming	Shall be located a minimum of 200 metres from a sensitive activity on an adjoining site under different ownership

Any application arising from this rule shall not be publicly notified.

### 17.4.3.6 Site coverage

The maximum % of the net site area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Activity	Standard
a.	For buildings and outdoor storage areas on sites greater than 4ha in area.	3% of the net site area or 6,000m <sup>2</sup> whichever is lesser.
b.	For buildings, impervious surfaces and outdoor storage areas on existing sites between 0.4 and 4ha in area.	10% of the net site area or 2,000m <sup>2</sup> whichever is the lesser.
c.	For buildings, impervious surfaces and outdoor areas on existing sites less than 0.4ha in area.	35% of net site area.

Note: For the purposes of calculating site coverage for clauses a. and b. above, green houses, either with or without a solid floor, shall be excluded.

Any application arising from this rule shall not be limited or publicly notified.

### 17.4.3.7 Vehicle trips

- a. The maximum number of vehicle trips per site for all activities, other than for farming, shall be 100 per day.

Any application arising from this rule shall not be publicly notified.

### 17.4.3.8 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.5 Rules — Rural Port Hills Zone

### 17.5.1 [This number is not used]

### 17.5.2 Activity status tables — Rural Port Hills Zone

#### 17.5.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Port Hills Zone if they meet any activity specific standards set out in the following table and the built form standards in Rule 17.5.3.

Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 17.5.2.2, 17.5.2.3 or 17.5.2.4 below.

	Activity	Activity specific standards
<b>P1</b>	Farming	<p>a. Fencing shall be located a minimum of 5 metres from a National Grid transmission line support structure foundation except where it meets the requirements of Clause 2.3.3 of NZECP34:2001.</p> <p>b. Fencing shall be located a minimum of 5 metres from a support structure foundation of an identified electricity distribution line except where it meets the requirements of Clause 2.3.3 or 2.3.2 of NZECP34:2001.</p> <p>Note: The National Grid and identified electricity distribution lines are shown on the planning maps.</p>
<b>P2</b>	Farm building	<p>a. Commercial greenhouses, wintering barns, produce packing buildings, milking/dairy sheds or structures associated with irrigation infrastructure (excluding mobile irrigators) shall not be located within the following corridors:</p> <ol style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line; or</li> <li>ii. within 10 metres of a 66kV electricity distribution line; or</li> <li>iii. within 5 metres of the centre line of a 33kV electricity distribution line.</li> </ol> <p>b. Farm buildings and horticultural structures, except where they meet the requirements of Clause 2.4.1 of NZECP34:2001, shall not be located:</p> <ol style="list-style-type: none"> <li>i. within 12 metres of a foundation of a 220kV National Grid transmission line support structure; or</li> <li>ii. within 10 metres of a foundation of a 66kV electricity distribution line support structure; or</li> <li>iii. within 5 metres of a foundation of a 33kV, or the Heathcote to Lyttelton 11kV, electricity distribution line support structure.</li> </ol>
<b>P3</b>	Rural produce retail	a. Shall be limited to:

	<b>Activity</b>	<b>Activity specific standards</b>
		<ul style="list-style-type: none"> <li>i. a retail area with a maximum GFA of 75m<sup>2</sup>; and</li> <li>ii. one per site.</li> </ul>
<b>P4</b>	Rural produce manufacturing	a. The GFA occupied by rural produce manufacturing shall be less than 100m <sup>2</sup> per site.
<b>P5</b>	Residential activity	a. The site containing the residential unit shall have a minimum net site area of 100ha
<b>P6</b>	Repairs, replacement and/or additions to existing residential units on an existing site with a minimum area less than 100ha	Nil
<b>P7</b>	Minor residential unit	<ul style="list-style-type: none"> <li>a. Shall have a minimum GFA of 35m<sup>2</sup> and a maximum GFA of 70m<sup>2</sup>;</li> <li>b. Shall share vehicle access with the primary residential unit; and</li> <li>c. Shall be located on a site with a minimum net site area of 100ha.</li> </ul>
<b>P8</b>	Home occupation	<ul style="list-style-type: none"> <li>a. The GFA of the building occupied by the home occupation, plus any outdoor storage area used by the home occupation, shall be less than 40m<sup>2</sup>.</li> <li>b. The maximum number of FTE persons employed in the home occupation, who reside permanently elsewhere than on the site, shall be two.</li> </ul>
<b>P9</b>	Conservation activities	a. Any building and/or impervious surfaces shall be limited to an area of less than 100m <sup>2</sup>
<b>P10</b>	Recreation activity	a. Any building and/or impervious surfaces shall be limited to an area of less than 100m <sup>2</sup>
<b>P11</b>	Farm stay	<ul style="list-style-type: none"> <li>a. Shall accommodate no more than six farm stay guests at any one time; and</li> <li>b. Guests may be accommodate within an existing residential unit or Minor residential unit</li> </ul>
<b>P12</b>	Rural tourism activity	a. Visitors shall be limited to a maximum of 60 persons per day.
<b>P13</b>	Rural tourism facility	<ul style="list-style-type: none"> <li>a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m<sup>2</sup>; and</li> <li>b. The area of any ancillary retail activity shall be limited to less than 25m<sup>2</sup></li> </ul>
<b>P14</b>	Repairs, replacement and/or additions to existing Community facility	a. Additions to an existing community facility shall be limited to an increase in the GFA of no more than 100m <sup>2</sup> .
<b>P15</b>	Existing forestry	Nil
<b>P16</b>	Emergency services facilities	a. Emergency services facilities are exempt from the built form standards in Rule 17.5.3

	Activity	Activity specific standards
P17	Veterinary care facility	a. The GFA of any building and/or area of impervious surfaces used shall be limited to an area of less than 100m <sup>2</sup>

### 17.5.2.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD1	Any activity listed in Rule 17.5.2.1 P1 – P17, and Rule 17.5.2.2 RD2 – RD8 that does not meet one or more of the built form standards in Rule 17.5.3, unless otherwise specified.  Refer to the relevant built form standard for provisions regarding notification.	As relevant to the built form standard that is not met: <ul style="list-style-type: none"> <li>a. Building height – Rule 17.8.1.1;</li> <li>b. Setbacks from road boundaries – Rule 17.8.1.2;</li> <li>c. Building setbacks from internal boundaries – Rule 17.8.1.4;</li> <li>d. Separation distances – Rule 17.8.1.5;</li> <li>e. Site coverage and building footprint – Rule 17.8.1.6;</li> <li>f. Traffic generation and access – Rule 17.8.1.7;</li> <li>g. Identified building area – Rule 17.8.1.8; and</li> <li>h. <i>For Rules 17.5.3.2, 17.5.3.3, 17.5.3.4 and 17.5.3.6, Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> <li>i. Water supply for firefighting – Rule 17.8.1.11</li> </ul>
RD2	Any activity listed in Rule 17.5.2.1 P3, P4, P6 and P8 – P17 that does not meet one or more of the activity specific standards.  Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1; and</li> <li>b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
RD3	Any activity listed in Rule 17.5.2.1 P7 that does not meet one or more of activity specific standards a. or b.  Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Minor residential unit – Rule 17.8.2.2; and</li> <li>b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i></li> </ul>
RD4	Boarding of domestic animals  Any application arising from this rule shall not be publicly notified.	<ul style="list-style-type: none"> <li>a. Intensive farming, equestrian facilities and boarding of domestic animals – Rule 17.8.2.3; and</li> </ul>
RD5	Equestrian facility	

	Activity	The Council's discretion shall be limited to the following matters:
	Any application arising from this rule shall not be publicly notified.	b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i>
<b>RD6</b>	Intensive farming Any application arising from this rule shall not be publicly notified.	
<b>RD7</b>	New community facility except education activities Any application arising from this rule shall not be publicly notified.	a. Scale of activity – Rule 17.8.2.1; and b. <i>Public access to the coastal environment – Rule 17.8.3.1 [Stage 3 - Chapter 9 Natural and Cultural Heritage]</i>
<b>RD8</b>	One residential unit on a site in existence as at 2 May 2015 with a net site area greater than 4ha but less than 10ha.  For the site at 315 Port Hills Road (Lot 2 and 5 DP2409), any existing residential unit located on the Residential Port Hills Zone portion of the site shall be excluded for the purpose of this rule.  This rule does not apply to sites fully located within an Outstanding Natural Landscape.  Any application arising from this rule shall not be limited or publicly notified.	a. Residential activities on existing small sites – Rule 17.8.2.6

### 17.5.2.3 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Guest accommodation, other than any activity provided for by Rule 17.5.2.1 P11.
<b>D2</b>	Education activities
<b>D4</b>	Quarrying activity
<b>D5</b>	Plantation forestry

### 17.5.2.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.
<b>NC2</b>	Any activity listed in Rule 17.5.2.1 P5 that does not meet the activity specific standard.
<b>NC3</b>	Any activity listed in Rule 17.5.2.1 P7 that does not meet activity specific standard c.
<b>NC4</b>	a. Buildings and horticultural structures not permitted by Rule 17.5.2.1 P2, and any sensitive activities:

Activity	
	<p>i. Within 12 metres of the centre line of a 220kV National Grid transmission line or foundation of an associated support structure.</p> <p>ii. Within 10 metres of the centre line of 66kV electricity distribution line or foundation of an associated support structure.</p> <p>iii. Within 5 metres of the centre line of a 33kV, or the Heathcote to Lyttelton 11kV, electricity distribution line, or foundation of an associated support structure.</p> <p>b. Fencing – Fences that do not meet Rule 17.5.2.1 P1.</p> <p>Any application arising from this rule shall not be publicly notified or shall, absent written approval, be limited notified only to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. The National Grid transmission lines and distribution lines are shown on the planning maps.</li> <li>2. Vegetation to be planted around the National Grid or electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines and electricity distribution lines. Buildings and activities in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</li> </ol>

### 17.5.3 Built form standards — Rural Port Hills Zone

#### 17.5.3.1 Identified building area

- a. Any new residential unit located on a site created by subdivision occurring after *[insert date of decision]* shall be located on an identified building area.

Any application arising from this rule shall not be limited or publicly notified.

#### 17.5.3.2 Building height

- a. The maximum height of any building shall be 9 metres.

#### 17.5.3.3 Building setback from road boundaries

The minimum building setback from road boundaries shall be as follows:

	Activity	Standard
a.	All buildings, unless specified below	15 metres

	Activity	Standard
b.	All buildings on sites less than 0.4ha	6 metres
c.	All buildings on sites fronting a Major or Minor Arterial Road or State highway	30 metres from the Major or Minor Arterial Road or State highway boundary.

Any application arising from this rule shall not be limited or publicly notified.

#### 17.5.3.4 Building setback from internal boundaries

The minimum building setback from internal boundaries shall be as follows:

	Activity	Standard
a.	For all buildings, unless specified below	10 metres
b.	For all buildings on sites less than 0.4ha	3 metres
c.	New residential unit and minor residential unit	25 metres

Any application arising from this rule shall not be publicly notified.

#### 17.5.3.5 Separation distances

The minimum separation distances for intensive farming and sensitive activities shall be as follows:

	Activity	Standard
a.	Any new sensitive activity	<ul style="list-style-type: none"> <li>i. Shall be located a minimum of 200 metres from any building, compound or part of a site used for Intensive farming on an adjoining site.</li> <li>ii. Shall be located a minimum of 30 metres from any existing Forestry on an adjoining site under different ownership.</li> </ul>
b.	Intensive farming	Shall be located a minimum of 200 metres from a sensitive activity on an adjoining site under different ownership

#### 17.5.3.6 Site coverage

The maximum % of the net site area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Activity	Standard
a.	Buildings, impervious surfaces and outdoor storage areas on sites greater than 4ha in area.	5% of the net site area or 2,000m <sup>2</sup> whichever is lesser.
b.	Buildings, impervious surfaces and outdoor storage areas on existing sites between 0.4 and 4ha in area	10% of the net site area or 2,000m <sup>2</sup> whichever is the lesser.
c.	Buildings, impervious surfaces and outdoor storage areas on existing sites less than 0.4ha in area.	35% of net site area



Any application arising from this rule shall not be limited or publicly notified.

### **17.5.3.7 Vehicle trips**

- a. The maximum number of vehicle trips per site for all activities, other than for farming, shall be 100 per day.

Any application arising from this rule shall not be publicly notified.

### **17.5.3.8 Water supply for firefighting**

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.6 Rules — Rural Quarry Zone

### 17.6.1 *[This number is not used]*

## 17.6.2 Activity status tables — Rural Quarry Zone

### 17.6.2.1 Permitted activities

Activity P1 (quarrying activity) listed below is a permitted activity in the Rural Quarry Zone if it complies with the built form standards and the activity specific standards set out in Rules 17.6.3 and 17.6.4.

Activities P2–P11 listed below are permitted activities in the Rural Quarry Zone if they meet any activity specific standards set out in this table and the built form standards set out in Rule 17.6.3.

Activities may also be controlled, restricted discretionary, discretionary or non-complying as specified in Rules 17.6.2.2, 17.6.2.3, 17.6.2.4 or 17.6.2.5 below.

	Activity	Activity specific standards
<b>P1</b>	Quarrying activity	a. Refer to the standards set out in Rules 17.6.3 and 17.6.4.
<b>P2</b>	Farming	a. Any farming activity and/or farm building shall meet the activity and built form standards for P1 and P2 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage – 17.3.3.8); and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P3</b>	Farm building	
<b>P4</b>	Rural produce retail	a. Shall meet the activity specific standards and built form standards for P3 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage – 17.3.3.8); and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P5</b>	Rural produce manufacturing	a. Shall meet the activity specific standards and built form standards for P4 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage – 17.3.3.8); and b. The total maximum area of land occupied by all buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P6</b>	Conservation activity (including Peacock Springs Conservation Area identified in Appendix	a. Shall meet the activity specific standards and built form standards for P9 of the Rural Urban Fringe Zone set out in

	<b>Activity</b>	<b>Activity specific standards</b>
	17.9.1)	Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage – 17.3.3.8); and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P7</b>	Recreation activity	a. Shall meet the activity specific standards and built form standards for P10 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage – 17.3.3.8); and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P8</b>	Emergency services facilities	a. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.3.1.
<b>P9</b>	Existing intensive farming	a. Shall be limited to that which existed on 2 May 2015.
<b>P10</b>	Flood protection activities including planting of exotic trees, earthworks and structures undertaken by the Council or Canterbury Regional Council	Nil
<b>P11</b>	Golf course and/or golf driving range and associated facilities	a. Shall meet the built form standards of the Open Space Community Parks Zone set out in Rule 18.2.3; and b. The total maximum area of land occupied by buildings and / or covered by impervious surfaces on the site shall not exceed the standard in Rule 17.6.3.1. c. Any associated facility shall be limited to a: i. Clubhouse/clubroom; ii. Ancillary food and beverage outlet not exceeding 250m <sup>2</sup> or 25% of GFA of all buildings on the same site; iii. Ancillary retail activity not exceeding 250m <sup>2</sup> or 25% of GFA of all buildings on the same site; d. The maximum floor area of any single building shall be 500m <sup>2</sup> GFA.

### 17.6.2.2 Controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table (the matter of discretion is to be treated as a matter of control for the purposes of this rule).

Any application arising from these rules shall not be publicly or limited notified.

Activity		The matters over which Council reserves its control:
<b>C1</b>	Any activity listed in Rule 17.6.2.1 P1 that does not meet the permitted standard in Rule 17.6.4.9.	a. Maximum internal batter slope - Rule 17.8.2.8

### 17.6.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, and as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity listed in Rule 17.6.2.1 P1 that does not meet one or more of the standards in Rules 17.6.3 and 17.6.4, unless otherwise specified in Rules 17.6.2.2 and 17.6.2.5. Refer to the relevant standard in Rules 17.6.3 and 17.6.4 for provisions regarding notification.	As relevant to the standard that is not met: a. Building height – Rule 17.8.1.1; b. Setbacks from road boundaries – Rule 17.8.1.2; c. For Rules 17.6.3.1 and 17.6.4.3, Site coverage and building footprint – Rule 17.8.1.6; d. Hours of operation – Rule 17.8.2.13; e. For Rule 17.6.4.5, Site access – Rules 7.3.19(1), and 7.3.19(5); f. Depth of excavation – Rule 17.8.2.14 g. Minimum excavation setbacks – Rule 17.8.2.11; h. For Rule 17.6.4.8, for all waterbodies - Rules 6.6.3.1, 6.6.3.2 and 6.6.3.5, and additional for Environmental Asset waterways - Rules 6.6.3.3 and 6.6.3.4. i. Location of crushing and screening plant – Rule 17.8.2.9; j. Stockpile height and setbacks – Rule 17.8.2.10; k. Visual screening and maintenance – Rule 17.8.2.12; and l. Water supply for firefighting – Rule 17.8.1.11
<b>RD2</b>	Concrete batching and/or asphalt manufacturing activity that utilise natural resources extracted and / or processed on the property as the principal raw material for the activity.	a. Scale of activity – Rule 17.8.2.1; b. Hours of operation – Rule 17.8.2.13; c. Activities associated with quarrying – Rule 17.8.2.15.
<b>RD3</b>	Any activity listed in Rule 17.6.2.1 P2 and P3 that does not meet the built form standards required to be met by activity specific standard a. in Rule 17.6.2.1. Any application arising from this rule shall not be limited or publicly notified.	As relevant to the built form standard that is not met: a. Building height – Rule 17.8.1.1; b. Setbacks from road boundaries – Rule 17.8.1.2; c. Building setbacks from internal boundaries – Rule 17.8.1.4; d. Separation distances – Rule 17.8.1.5;

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
		<ul style="list-style-type: none"> <li>e. Site coverage and building footprint – Rule 17.8.1.6;</li> <li>f. Traffic generation and access – Rule 17.8.1.7; and</li> <li>g. Water supply for firefighting – Rule 17.8.1.11.</li> </ul>
<b>RD4</b>	<p>Any activity listed in Rule 17.6.2.1 P2 and P3 that does not meet activity specific standard b. in Rule 17.6.2.1.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Site coverage and building footprint – Rule 17.8.1.6</li> </ul>
<b>RD5</b>	<p>Any activity listed in Rule 17.6.2.1 P4– P9 that does not meet one or more of the activity specific standards in Rule 17.6.2.1.</p> <p>Any application arising from this rule shall not be publicly notified.</p>	<p>As relevant to the standard that is not met:</p> <ul style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1;</li> <li>b. Traffic generation and access – Rule 17.8.1.7;</li> <li>c. Site coverage and building footprint – Rule 17.8.1.6;</li> <li>d. Building height – Rule 17.8.1.1;</li> <li>e. Setbacks from road boundaries – Rule 17.8.1.2; and</li> <li>f. Building setbacks from internal boundaries – Rule 17.8.1.4</li> </ul>
<b>RD6</b>	<p>Any activity listed in Rule 17.6.2.1 P1 (other than quarrying activity in Rule 17.6.2.5 (NC2)) within 12 metres of a centre line of a 220kV or 110kV National Grid transmission line; or 10 metres of a centre line of a 66kV National Grid transmission line.</p> <p>Any application arising from this rule shall not be publicly notified and shall be limited notified only to Transpower New Zealand (absent its written approval).</p>	<ul style="list-style-type: none"> <li>a. Adverse effects on the National Grid – Rule 17.8.2.18;</li> </ul>
<b>RD7</b>	<p>Any activity listed in Rule 17.6.2.1 P1 (other than quarrying activity in Rule 17.6.2.5 (NC2)) within 10 metres of a centre line of a 66kV electricity distribution line.</p> <p>Any application arising from this rule shall not be publicly notified and shall be limited notified only to Orion New Zealand Limited or other electricity distribution network operator (absent its written approval).</p>	<ul style="list-style-type: none"> <li>a. Adverse effects on the National Grid – Rule 17.8.2.18</li> </ul>
<b>RD8</b>	<p>Aggregates-processing activity using fixed large processing plant existing at 2 May 2015 (including subsequent upgrade and/or replacement of that plant) and located at the properties listed at Note 1 below, provided that:</p>	<ul style="list-style-type: none"> <li>a. Scale of the activity – Rule 17.8.2.1</li> <li>b. Stockpile height and setbacks – Rule 17.8.2.10</li> <li>c. Visual screening and maintenance – Rule 17.8.2.12</li> <li>d. Hours of operation – Rule 17.8.2.13;</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
	<ul style="list-style-type: none"> <li>a. any upgrade or replacement of the existing plant does not result in any processing plant being located closer to any residential unit than the existing plant at 2 May 2015; and</li> <li>b. vehicular access to the activity is limited to access points existing at 2 May 2015;</li> <li>c. any access to the property used by vehicles transporting aggregate is no closer than 250 metres from any residential unit;</li> <li>d. the activity operates in accordance with a quarry site rehabilitation plan prepared in accordance with Rule 17.6.4.15; and</li> <li>e. the quarry site rehabilitation plan requires the rehabilitation of those parts of the property which are not required for processing to be completed within 5 years of the activity commencing.</li> </ul>	<ul style="list-style-type: none"> <li>e. Activities associated with quarrying – Rule 17.8.2.15</li> <li>f. Rehabilitation and end use – Rule 17.8.2.16</li> <li>g. High trip generators – Rule 7.3.19 (1) Access and manoeuvring (safety and efficiency) and (5) Network effects</li> </ul>

Note 1: Fixed large processing plant existing at 2 May 2015 is located at the following properties:

- a. Isaac Construction – McLeans Quarry, McLeans Island Road
- b. Winstone Aggregates, 233 Old West Coast Road
- c. KB Quarry, 95 Miners Road
- d. Fulton Hogan, 26 Miners Road
- e. Road Metals, 394 West Coast Road
- f. Fulton Hogan, 33 Pound Road

#### 17.6.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any concrete batching, asphalt manufacturing and/or aggregates-processing activities, other than as provided for by Rule 17.6.2.3 RD2 and RD8.

#### 17.6.2.5 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.
<b>NC2</b>	Any activity listed in Rule 17.6.2.1 P1 that does not meet the activity specific standard in Rule 17.6.4.14.
<b>NC3</b>	<p>a. Buildings and horticultural structures not permitted by Rule 17.6.2.1 P2 a. and P3 a. within:</p> <ul style="list-style-type: none"> <li>i. 12 metres of a centre line of a 110kV or a 220kV National Grid transmission line or foundation of an associated support structure; or</li> <li>ii. 10 metres of a centre line of a 66kV National Grid transmission line or 66kV electricity distribution line or foundation of an associated support structure.</li> </ul> <p>b. Quarrying activity (excluding quarry site rehabilitation):</p> <ul style="list-style-type: none"> <li>i. that permanently physically impedes vehicular access to the National Grid;</li> <li>ii. within 12 metres of a foundation of a 110kV or a 220kV National Grid transmission line support structure; or within 10 metres of a foundation of a 66kV National Grid transmission line support structure or 66kV electricity distribution line support structure.</li> </ul> <p>c. Fencing — Fences that do not meet Rule 17.6.2.1 P2 a. or P3 a.</p> <p>Any application arising from this rule shall not be publicly notified and shall be limited notified only to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator (absent its written approval).</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. The National Grid transmission lines and identified electricity distribution lines are shown on the planning maps.</li> <li>2. Vegetation to be planted around the National Grid or the identified electricity distribution lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines and identified electricity distribution lines. Buildings and activities in the vicinity of the National Grid transmission lines or identified electricity distribution lines must comply with the NZECP 34:2001.</li> </ol>

## 17.6.3 Built form standards for all activities - Rural Quarry Zone

### 17.6.3.1 Site coverage — all activities

The maximum % of the net site area and zone area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	<b>Applicable to</b>	<b>Standard</b>
a.	All sites in the Rural Quarry Zone — Miners Road and Pound Road areas	<p>For all activities, except for quarrying activities; buildings, impervious surfaces and outdoor storage areas shall cover no more than 5% of the net site area or 2,000m<sup>2</sup>, whichever is the lesser.</p> <p>For quarrying activities, buildings shall cover no more than 5% of the</p>

	Applicable to	Standard
		net site area or 2,000m <sup>2</sup> , whichever is the lesser.
b.	All sites in the Rural Quarry Zone — McLeans Island area	<p>For all activities, except for quarrying activities; buildings, impervious surfaces and outdoor storage areas shall cover no more than 5% of the zone area.</p> <p>For quarrying activities, buildings shall cover no more than 5% of the zone area.</p> <p>For the purposes of this rule bird aviaries are excluded from the site coverage rule in the Peacock Springs Conservation Area (Appendix 17.9.1) provided that they are not located over an impervious surface.</p>

## 17.6.4 Activity specific standards for Quarrying activity - Rural Quarry Zone

### 17.6.4.1 Building height — Quarrying activity

- a. The maximum height of any building for quarrying activity shall be 9 metres measured from original ground level.

### 17.6.4.2 Setback from road boundaries — Quarrying activity

- a. The minimum building setback from road boundaries for quarrying activity shall be 20 metres.

### 17.6.4.3 Building footprint — Quarrying activity

- a. The maximum building footprint for any individual building for quarrying activity shall be 500m<sup>2</sup>.

### 17.6.4.4 Hours of operation — Quarrying activity

The hours of operation for quarrying activity shall be limited to the following:

	Applicable to	Standard
a.	Rural Quarry Zone — Miners Road area	<p>i. 0600–1800 Monday to Saturday, except that maintenance of quarry plant may occur at any time; and</p> <p>ii. All other hours Monday to Saturday for the loading and transportation of extracted and/or processed materials only, on no more than six occasions in a calendar year; and</p> <p>iii. 1200–1800 Sundays until 30 April 2018, on no more than six occasions in a calendar year and confined to a two hour period on each occasion.</p>
b.	Rural Quarry Zone – Pound Road and McLeans Island Road	<p>i. 0600–1800 Monday to Saturday and 1800–2200 Monday</p>



	Applicable to	Standard
	areas	<p>to Saturday until 30 April 2018, except that maintenance of quarry plant may occur at any time; and</p> <p>ii. All other hours Monday to Saturday for the loading and transportation of extracted and/or processed materials only, on no more than six occasions in a calendar year; and</p> <p>iii. 1200–1800 Sundays until 30 April 2018, on no more than six occasions in a calendar year and confined to a two hour period on each occasion.</p>

#### 17.6.4.5 Site access — Quarrying activity

- a. Vehicular access points for quarrying activity shall be limited to those existing at 2 May 2015.

#### 17.6.4.6 Depth of excavation — Quarrying activity

- a. The maximum depth of excavation for quarrying activity shall be no greater than one metre from the highest recorded groundwater level.

Note: The highest recorded groundwater level will be determined in consultation with the Canterbury Regional Council.

#### 17.6.4.7 Excavation setbacks — Quarrying activity

The minimum excavation setbacks for quarrying activity shall be as follows:

	Applicable to	Standard
a.	All sites	<p>i. 20 metres from zone boundary if visual screening option a. in Rule 17.6.4.12 is employed; or</p> <p>ii. 10 metres from zone boundary if either visual screening option b. or c. in Rule 17.6.4.12 is employed.</p>
b.	Quarrying activity on all sites in the same zone	<p>i. 6 metres from the boundary of an adjoining allotment in the same zone, unless it is held in common ownership or the written agreement of the adjoining owner has been obtained.</p>

Note: refer to Chapter 5 Natural Hazards for excavation setbacks from stopbanks.

#### 17.6.4.8 Setback from a waterbody — Quarrying activity

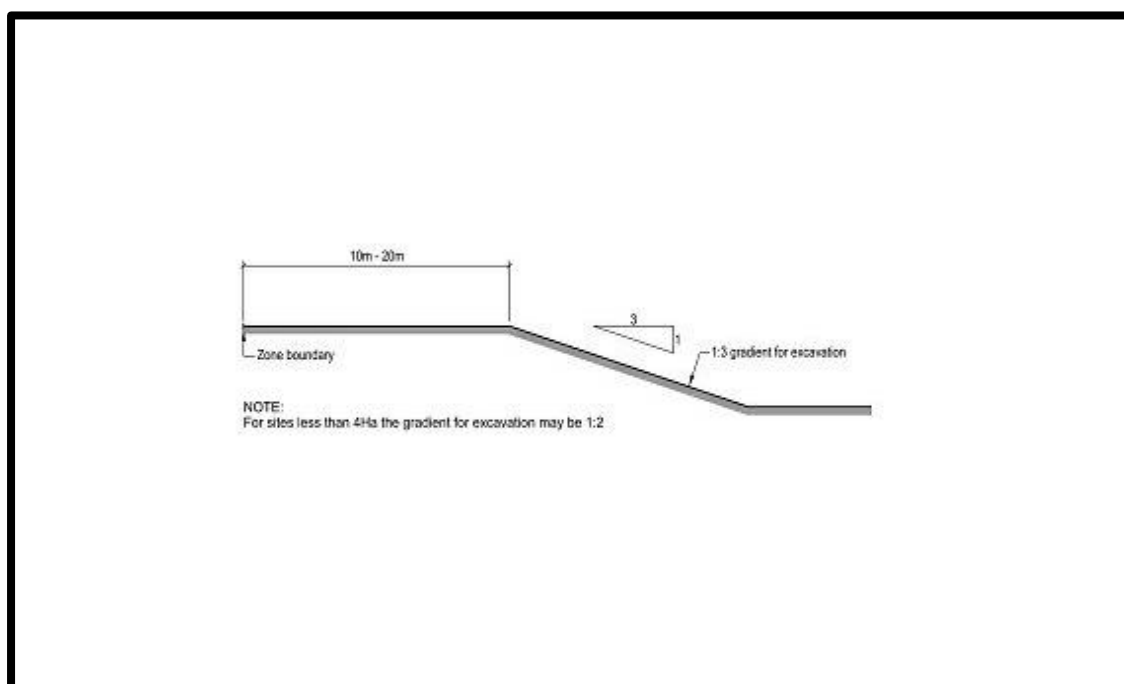
- a. The minimum setback from the bank of a waterbody for quarrying activity shall be:
- i. 150 metres from the bank of an Environmental Asset Waterway; and
  - ii. 50 metres from the bank of a Network Waterway

### 17.6.4.9 Internal batter slope — Quarrying activity

The maximum internal batter slope for quarrying activity shall be as follows:

	Applicable to	Standard
a.	Quarrying activity on allotments of four hectares or more	1 vertical:3 horizontal*
b.	Quarrying activity on allotments less than four hectares	1 vertical:2 horizontal*

\*measured from a point 10–20 metres from the zone boundary (depending on the required setback in Rule 17.6.4.7) as indicated by the diagram below.



### 17.6.4.10 Location of crushing and screening plant — Quarrying activity

- a. All crushing and screening plant for quarrying activity shall be located a minimum of 100 metres from a zone boundary and below original ground level.

### 17.6.4.11 Stockpile height and setback of stockpiles — Quarrying activity

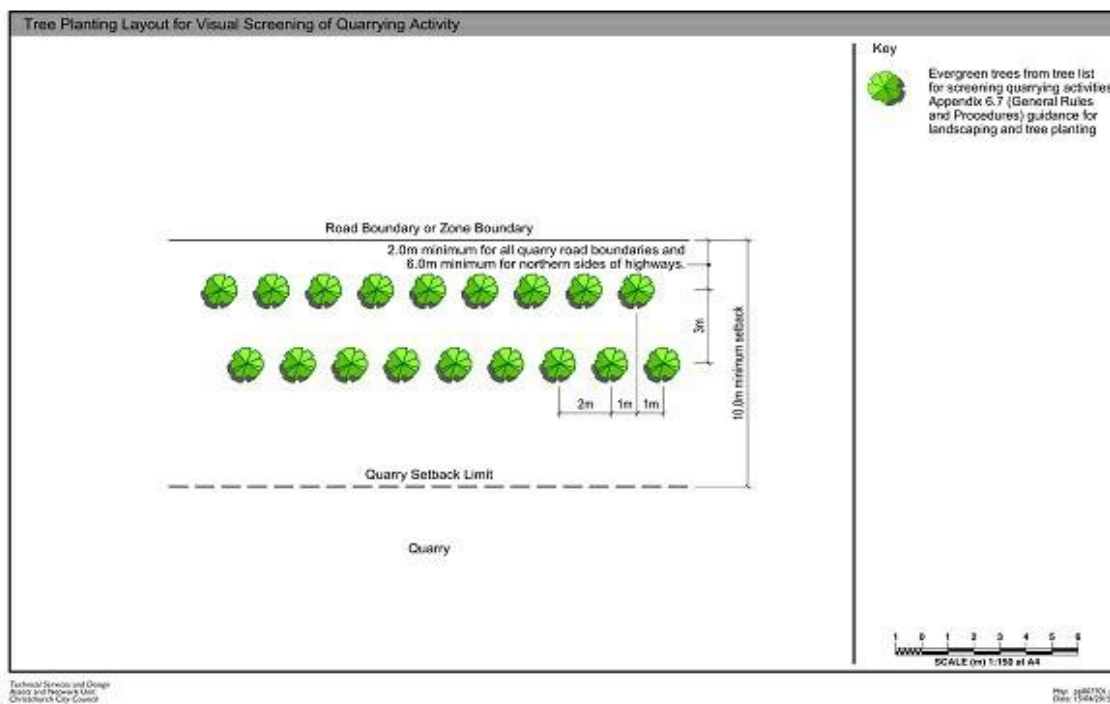
The maximum height of a stockpile and the minimum setback of a stockpile from a zone boundary shall be as follows:

	Activity	Standard
a.	Maximum stockpile height	5 metres above original ground level
b.	Minimum setback of a stockpile from a zone boundary	50 metres

### 17.6.4.12 Visual screening — Quarrying activity

All quarrying activity shall be screened from zone and road boundaries by one or more of the following:

	Standard
a.	Grass covered earth bunds of a minimum 3 metre height and with a minimum 1 metre wide flat top and sides capable of being grazed and mowed with a slope not exceeding 1:3; and/or
b.	Tree planting in the form of existing shelter belts of at least 3 metres height that achieve full screening from ground level to full height of tree; and/or
c.	Tree planting in the form of new shelter belts to be planted in double staggered rows at 2 metre spacings between trees and 3 metre spacings between rows (refer diagram below), provided that: <ol style="list-style-type: none"> <li>where located on the northern side of a state highway, these are planted a minimum of 6 metres from the road boundary;</li> <li>trees are selected from the list contained in Appendix 6.11.6 (Chapter 6 – General Rules and Procedures) specific to ‘trees suitable for visual mitigation of Quarrying activities’; and</li> <li>no quarrying activity is undertaken within 100 metres of any zone or road boundary until trees have reached a minimum height of 3 metres.</li> </ol>



### 17.6.4.13 Maintenance of visual screening — Quarrying activity

Visual screening required by Rule 17.6.4.12 shall be maintained as follows:

	Standard
a.	Any trees used for visual screening purposes shall:

	Standard
	<ul style="list-style-type: none"> <li>i. maintain foliage from ground level to the full height of tree; and</li> <li>ii. replace any dead, damaged or diseased trees within the next planting season of March through to October.</li> </ul>
b.	Any grassed earth bunds shall be grazed or mown and watered to maintain a tidy and uniform appearance.

#### 17.6.4.14 Quarry site rehabilitation — Quarrying activity

- a. Quarry site rehabilitation shall be undertaken for all quarry sites in accordance with the following:

Applicable to	Standard
a. All quarry sites	<ul style="list-style-type: none"> <li>i. A quarry site rehabilitation plan shall be: <ul style="list-style-type: none"> <li>A. prepared by a suitably qualified or adequately experienced person(s),</li> <li>B. certified by Council as containing methods and processes capable of achieving full quarry site rehabilitation and containing the matters listed under clause iv.; and</li> <li>C. implemented by quarry operators; and</li> </ul> </li> <li>ii. The quarry site rehabilitation plan shall be submitted to Council for certification within 2 years of <i>[insert date of decision]</i>, or for new quarries prior to commencement of quarrying; and</li> <li>iii. The quarry site rehabilitation plan shall include: <ul style="list-style-type: none"> <li>A. The quarry rehabilitation objectives for the site;</li> <li>B. A description of the proposed rehabilitation works including: <ul style="list-style-type: none"> <li>1. The proposed final landform;</li> <li>2. Whether clean fill or other material will be used in the rehabilitation;</li> <li>3. The type of land uses that the rehabilitated quarry could support following rehabilitation;</li> <li>4. The patterns of surface drainage and subsoil drains; and</li> <li>5. Any landscaping and planting.</li> </ul> </li> <li>C. A program and reasonable timescales for progressive rehabilitation.</li> <li>D. Measures to mitigate any potential effects arising from undertaking rehabilitation other than those already addressed through quarry site mitigation.</li> <li>E. Measures to mitigate potential ongoing adverse effects on the stability of adjoining land and its susceptibility to subsidence and erosion.</li> </ul> </li> </ul>

Applicable to	Standard
	F. A process for review of the quarry site rehabilitation plan.

### 17.6.4.15 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).
- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS:4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.6A Rules – Rural Quarry Templeton Zone

### 17.6A.1 Pre-requisite conditions for zone to apply

- a. Unless, and until, the conditions in Rule 17.6A.1c. are satisfied, the land shown on the Planning Maps as “OSCP or Ru Q Templeton” shall be zoned Open Space Community Parks Zone.
- b. If, and when, the conditions in Rule 17.6A.1c. are satisfied, the land shown on the Planning Maps as “OSCP or Ru Q Templeton” shall be zoned Rural Quarry Templeton Zone. The Rural Quarry Templeton Zone shall take effect from the date that the conditions in Rule 17.6A.1c. are satisfied.
- c. The following conditions must all be satisfied prior to 31 December 2021:
  - i. The Recreation Reserve status has been uplifted from the land shown on the Planning Maps as “OSCP or Ru Q Templeton” and placed upon the land shown on the Planning Maps as “Ru Q or OSCP (Templeton)”, pursuant to the Reserves Act 1977;
  - ii. Any resource consent(s) to clear or fell indigenous vegetation, that is/are required to undertake quarrying activity within the land shown on the Planning Maps as “OSCP or Ru Q Templeton”, has/have been granted;
  - iii. The delivery to the Council of an executed contract between Fulton Hogan Limited and/or Templeton Golf Club and the party responsible for constructing a new golf course and associated facilities, including clubhouse, on the land shown on the Planning Maps as “Ru Q or OSCP (Templeton)”. The contract shall include provision for the following:
    1. The construction of an 18 hole golf course and associated facilities, including clubhouse, to be constructed in 3 stages over 3 years;
    2. An endorsement from Golf Tourism New Zealand (or its successor) that the designed course and associated facilities, including clubhouse, will meet Marquee standard, or its equivalent, when completed and will merit inclusion in the marketing of Golf Trails to International visitors;
    3. Provision in the design and construction of the golf course for an area or areas set aside for biodiversity conservation, as follows:
      - A. a minimum area of 1 ha; comprising no more than four separate areas, set aside for biodiversity conservation purposes;
      - B. construction of at least half of this area or areas to be carried out as part of the first stage of the golf course construction;
      - C. the area or areas to be outside the areas of play for golf; and
      - D. the areas to be located away from the boundary of the zone or from the facilities, and to be clearly identifiable on the ground;
 and
    4. Provision for an area to be established within, and at the northern end of, the zone for potential recreation comprising:
      - A. at least 15 ha of contiguous open space land set aside for non-golf activities;
      - B. the land required by A. to be located adjoining the two Council-owned gravel reserves (which are on land outside of, but adjoining, the zone);
      - C. the land required by A. to be rehabilitated to a state suitable for grazing at the time the third stage of golf course is completed; and

- D. the facilities associated with the golf course to be located in a manner which enables shared use of the facilities by users of both the golf course and the non-golf land required by A.

### 17.6A.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Quarry Templeton Zone if they meet any activity specific standards set out in the following table, the built form standards in Rule 17.6A.3 and the activity specific standards for quarrying activity in Rule 17.6A.4.

Activities may also be controlled, restricted discretionary, discretionary or noncomplying as specified in Rules 17.6A.2.2 to 17.6A.2.5.

Activity		Activity specific standards
<b>P1</b>	Farming	a. Shall comply with the activity and built form standards for P1 and P2 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8) ; and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1.
<b>P2</b>	Farm building	
<b>P3</b>	Rural produce retail	a. Shall comply with the activity specific standards and built form standards for P3 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8); and b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1.
<b>P4</b>	Rural produce manufacturing	a. Shall comply with the activity specific standards and built form standards for P4 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8); and b. The total maximum area of land occupied by all buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1
<b>P5</b>	Conservation activity	a. Shall comply with the activity specific standards and built form standards for P9 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8); and

Activity		Activity specific standards
		b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1.
<b>P6</b>	Recreation activity	<p>a. Shall comply with the activity specific standards and built form standards for P10 of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8) ; and</p> <p>b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1.</p>
<b>P7</b>	Emergency services facilities	<p>a. Shall comply with the Activity and built form standards of the Rural Urban Fringe Zone set out in Rules 17.3.2.1 and 17.3.3 (except for maximum site coverage Rule 17.3.3.8); and</p> <p>b. The total maximum area of land occupied by buildings and/or covered by impervious surfaces on the site shall not exceed the standard specified in Rule 17.6.7.1.</p>

### 17.6A.2.2 Controlled activities

The activities listed below are controlled activities if they meet the built form standards in Rule 17.6A.3 and the activity specific standards for quarrying activity in Rule 17.6A.4.

Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table.

Any application arising from these rules shall not be publicly notified and shall be limited notified only to the owners and/or occupiers of land immediately abutting the Rural Quarry Templeton Zone (absent written approval).



Activity		The matters over which Council reserves its control:
C1	<p>Quarrying activity provided that:</p> <ol style="list-style-type: none"> <li>a. construction of six golf course holes within the Open Space Community Parks Zone (Templeton) is completed; and</li> <li>b. a bond is entered into between the Council and Fulton Hogan Limited and/or Templeton Golf Club to ensure completion of construction of the golf course and associated facilities described in Rule 17.6A.1 c. iii..</li> </ol>	<ol style="list-style-type: none"> <li>a. The extent to which conditions are required in order to give effect to: <ol style="list-style-type: none"> <li>i. The Development Plan and its requirements in Appendix 17.9.3 (as specified in Rule 17.6A.4.8);</li> <li>ii. The Noise Management Plan, including the noise limits (as specified in Rule 17.6A.4.9);</li> <li>iii. The Landscape and Ecological Management Plan (as specified in Rule 17.6A.4.10); and</li> <li>iv. The quarry site rehabilitation plan (as specified in Rule 17.6A.4.11).</li> </ol> </li> <li>b. Details of a bond or other security instrument of sufficient sum to ensure completion of construction of the golf course and associated facilities in accordance with Rule 17.6A.1 c. iii.;</li> <li>c. The extent to which conditions are required to ensure that 18 golf course holes are available for play at all times across the Rural Quarry Templeton Zone and the Open Space Community Parks Zone (Templeton).</li> </ol>

### 17.6A.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, as set out in the following table.

<b>Activity</b>		<b>The Council's discretion shall be limited to the following matters:</b>
<b>RD1</b>	<p>Quarrying activity specified in Rule 17.6A.2.2 C1 that does not meet one or more of the built form standards in Rule 17.6A.3 and/or the activity specific standards in Rule 17.6A.4, except as specified in Rule 17.6A.2.5 NC1.</p> <p>Refer to relevant built form and activity specific standards in 17.6A.3 and 17.6A.4 for provisions regarding notification.</p>	<p>As relevant to the built form or activity specific standard that is not met:</p> <ol style="list-style-type: none"> <li>For Rules 17.6A.3.1 and 17.6A.4.3, Site coverage and building footprint - Rule 17.8.1.6;</li> <li>Water supply for firefighting - Rule 17.8.1.11.</li> <li>Building height – Rule 17.8.1.1;</li> <li>Setbacks from road boundaries - Rule 17.8.1.2;</li> <li>Hours of operation – Rule 17.8.2.13;</li> <li>Depth of excavation - Rule 17.8.2.14</li> <li>Maximum internal batter slope - Rule 17.8.2.8; and</li> <li>Stockpile height and setbacks - Rule 17.8.2.10.</li> </ol>
<b>RD2</b>	<p>Concrete batching and/or asphalt manufacturing activity that utilises natural resources extracted and / or processed on the property as the principal raw material for the activity.</p>	<ol style="list-style-type: none"> <li>Scale of activity - Rule 17.8.2.1;</li> <li>Hours of operation -Rule 17.8.2.13; and</li> <li>Activities associated with quarrying - Rule 17.8.2.15.</li> </ol>
<b>RD3</b>	<p>Any activity listed in Rule 17.6A.2.1 P1 - P2 that does not meet the built form standards required to be met by activity specific standard a.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<p>As relevant to the built form standard that is not met:</p> <ol style="list-style-type: none"> <li>Building height - Rule 17.8.1.1;</li> <li>Setbacks from road boundaries - Rule 17.8.1.2;</li> <li>Building setbacks from internal boundaries - Rule 17.8.1.4;</li> <li>Separation distances – Rule 17.8.1.5;</li> <li>Site coverage and building footprint - Rule 17.8.1.6.</li> </ol>

<b>Activity</b>		<b>The Council's discretion shall be limited to the following matters:</b>
		<ul style="list-style-type: none"> <li>f. Traffic generation and access –Rule 17.8.1.7; and</li> <li>g. Water supply for firefighting - Rule 17.8.1.11</li> </ul>
<b>RD4</b>	<p>Any activity listed in Rule 17.6A.2.1 P1 - P2 that does not meet activity specific standard b.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Site coverage and building footprint - Rule 17.8.1.6.</li> </ul>
<b>RD5</b>	<p>Any activity listed in Rule 17.6A.2.1 P3 - P7 that does not meet one or more of the activity specific standards and/or the built form standard in Rule 17.6A.3.2.</p> <p>Any application arising from this rule shall not be publicly notified.</p>	<p>As relevant to the activity specific or built form standard that is not met:</p> <ul style="list-style-type: none"> <li>a. Scale of activity – Rule 17.8.2.1;</li> <li>b. Site coverage and building footprint - Rule 17.8.1.6;</li> <li>c. Building height - Rule 17.8.1.1;</li> <li>d. Setbacks from road boundaries - Rule 17.8.1.2;</li> <li>e. Building setbacks from internal boundaries - Rule 17.8.1.4.</li> <li>f. Traffic generation and access – Rule 17.8.1.7; and</li> <li>g. Water supply for firefighting - Rule 17.8.1.11.</li> </ul>

#### 17.6A.2.4 Discretionary activities

The activities listed below are discretionary activities.

<b>Activity</b>	
<b>D1</b>	Concrete batching, asphalt manufacturing activity and aggregates-processing activity, other than as provided for by Rule 17.6A.2.3 RD2.

### 17.6A.2.5 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Quarrying activity that does not meet one or more of the activity specific standards in Rules 17.6A.4.8 - 17.6A.4.11.
NC2	Quarrying activity, other than as specified in Rule 17.6A.2.2 C1.
NC3	Any activity not provided for as a permitted, controlled, restricted discretionary or discretionary activity.

### 17.6A.3 Built form standards for all activities – Rural Quarry Templeton Zone

#### 17.6A.3.1 Site coverage - all activities

The maximum percentage of the net site area and zone area, and the maximum total area, covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Activity	Standard
a	For all activities, other than quarrying activities, for buildings, impervious surfaces and outdoor storage areas	5% of the net site area or 2,000m <sup>2</sup> , whichever is the lesser.
b.		5% of the zone area.
c.	For quarrying activities, for buildings only	5% of the net site area or 2,000m <sup>2</sup> , whichever is the lesser.
d.		5% of the zone area.

#### 17.6A.3.2 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable)

buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).

- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZPAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS 4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## **17.6A.4 Activity specific standards for quarrying activity - Rural Quarry Templeton Zone**

### **17.6A.4.1 Building height**

The maximum height of any building shall be 9 metres measured from original ground level.

### **17.6A.4.2 Setback from road boundaries**

The minimum building setback from road boundaries shall be 20 metres.

### **17.6A.4.3 Building footprint**

The maximum building footprint for any individual building shall be 500m<sup>2</sup>.

### **17.6A.4.4 Hours of operation**

Quarrying activity shall be limited to the following hours of operation, except that maintenance of quarry plant may occur at any time:

- a. 0600-1800 Monday to Saturday;  
and
- b. All other hours Monday to Saturday for the loading and transportation of extracted and/or processed materials only, on no more than six occasions in a calendar year.

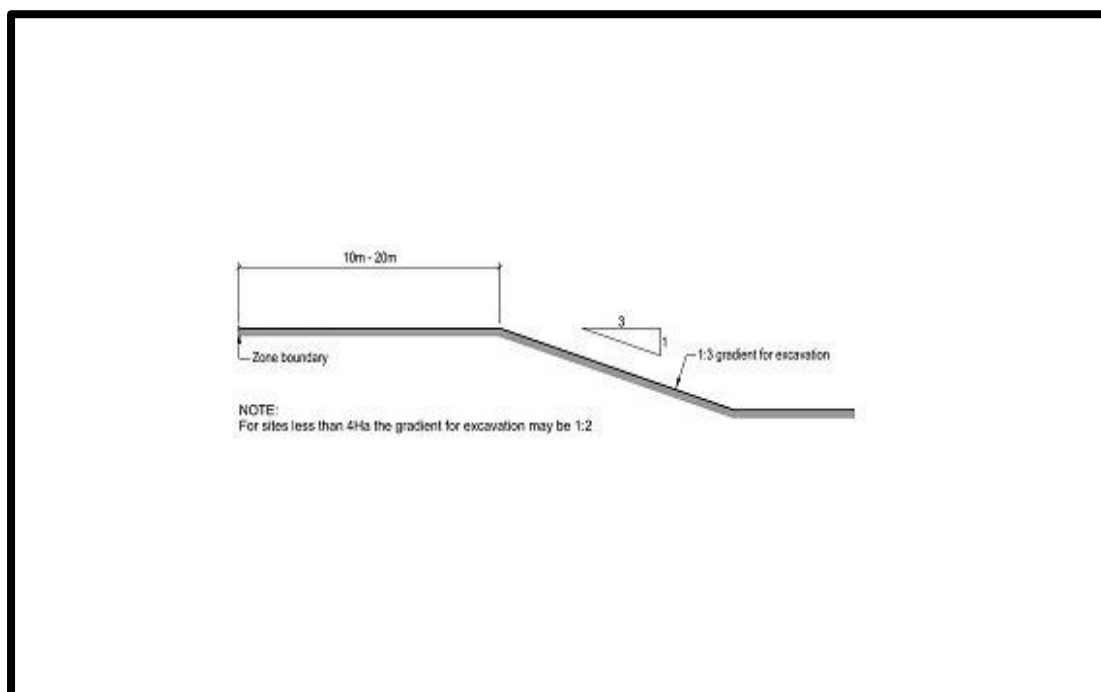
### **17.6A.4.5 Depth of excavation**

The maximum depth of excavation shall be no greater than one metre from the highest recorded groundwater level.

Note: The highest recorded groundwater level will be determined in consultation with the Canterbury Regional Council.

### 17.6A.4.6 Internal batter slope

Quarrying activity shall not result in an internal batter slope that is steeper than 1 vertical : 3 horizontal, measured from the inside edge of the required excavation setback from the zone boundary shown on the Development Plan in Appendix 17.9.3, as indicated by the diagram below.



[Note:

The dimensions across the top of the diagram are to be "20 - 30m".

The Note is to be removed from below the diagram.]

### 17.6A.4.7 Stockpile height and setback of stockpiles

The maximum height of a stockpile and the minimum setback of a stockpile from a zone boundary shall be as follows:

	Activity	Standard
a.	Maximum stockpile height	5 metres above original ground level
b.	Minimum setback of a stockpile from a zone boundary	50 metres

### 17.6A.4.8 Development plan

Quarrying activity shall be in accordance with the Development Plan and its requirements in Appendix 17.9.3, including:

- a. the locations of the quarry access from Pound and Hasketts Roads;
- b. the location of the processing plant area for all crushing, screening and processing plant;

- c. the location, depth, planting, existing tree retention, maintenance and other requirements for the landscape and ecological strips;
- d. the excavation setbacks from zone boundaries.

#### 17.6A.4.9 Noise management

Noise from quarrying activity shall be managed in accordance with a Noise Management Plan prepared by a suitably qualified and experienced person. The Noise Management Plan shall:

- a. demonstrate how compliance with the following noise limits (measured in accordance with Rule 6.1.3.3) will be achieved:
  - i. 50 LAeq and 75 LAm<sub>ax</sub> from 0700 – 2200 and 40 LAeq and 65 LAm<sub>ax</sub> from 2200 – 0700 at any point within the notional boundary of any residential unit in a rural zone (other than in the Rural Quarry Templeton Zone) receiving noise from the quarrying activity; and
  - ii. 55 LAeq from 0700 – 2200 and 45 LAeq and 70 LAm<sub>ax</sub> from 2200 – 0700 at the boundary of any site in a rural zone (other than in the Rural Quarry Templeton Zone) receiving noise from the quarrying activity;
- b. preclude of the use of tonal reversing beepers on equipment which is permanently located within the Rural Quarry Templeton Zone; and
- c. incorporate a procedure for transparently and expediently responding to any complaints received in relation to noise from the quarrying activity.

#### 17.6A.4.10 Landscape and ecological management

The boundaries of the zone, including the road boundaries, shall be planted and maintained in accordance with a Landscape and Ecological Management Plan prepared by a suitably qualified and experienced expert. The Landscape and Ecological Management Plan shall:

- a. demonstrate how the location, depth, planting, existing tree retention, maintenance and other requirements for the landscape and ecological strips will be achieved in accordance with the Development Plan and its requirements in Appendix 17.9.3,
- b. incorporate a maintenance schedule for: weed and pest control, grass mowing, replacement planting; topping-up of mulch; and replacing weed mat and other plant protection;
- c. include tree pruning and management requirements; and
- d. include requirements for the maintenance and management of irrigation.

Quarrying activity shall not be undertaken within 100 metres of any zone or road boundary, unless the planting at that boundary (in accordance with the Landscape and Ecological Management Plan) has established, and is maintained, to a predominant height of at least 3 metres.

#### 17.6A.4.11 Quarry site rehabilitation

No quarrying activity shall be carried out within the zone until a quarry site rehabilitation plan is prepared and submitted to the Council in accordance with Rule 17.6.4.14. In addition to the requirements of Rule 17.6.4.14, the quarry site rehabilitation plan shall provide for:

- a. a finished landform no lower than 8m (on average) below natural ground level;
- b. a finished internal batter slope no steeper than 1 vertical : 3 horizontal;
- c. no more than 15 ha of exposed excavation at any one time;
- d. a finished stable and free-draining landform capable of supporting light pastoral farming or an alternative permitted or consented activity; and
- e. all quarrying activity (including rehabilitation) to be completed within 20 years from the date upon which quarrying activity commences.

The commencement date of the quarrying activity shall be provided to the Council in writing within one month of quarrying activity commencing within the zone.

Quarry site rehabilitation shall be progressively undertaken, as part of the quarrying activity, in accordance with the quarry site rehabilitation plan.



## 17.7 Rules — Rural Templeton Zone

### 17.7.1 [This number is not used]

### 17.7.2 Activity status tables — Rural Templeton Zone

#### 17.7.2.1 Permitted activities

The activities listed below are permitted activities in the Rural Templeton Zone if they meet any activity specific standards set out in the following table and the built form standards in Rule 17.7.3.

Activities may also be controlled, restricted discretionary or non-complying as specified in Rules 17.7.2.2, 17.7.2.3 or 17.7.2.4 below.

	Activity	Activity specific standards
<b>P1</b>	Templeton rural activity	<p>Templeton rural activity shall:</p> <ol style="list-style-type: none"> <li>a. comply with the elements on the Templeton Development Plan (Appendix 17.9.2)</li> <li>b. limit the location of any food and beverage outlets to the Rural Templeton Facilities Precinct only;</li> <li>c. limit the location of any recreation hall, gym/pool to the Rural Templeton Facilities Precinct;</li> <li>d. limit the GLFA of any administrative and professional offices servicing farming activities to 250m<sup>2</sup>;</li> <li>e. limit the display and sale of goods for any retail activity or trade supplier to: <ol style="list-style-type: none"> <li>i. a GLFA for retail activities not exceeding 250m<sup>2</sup> per site;</li> <li>ii. any outdoor display area not exceeding 250m<sup>2</sup> per site; and</li> <li>iii. the total GLFA and outdoor display area for retail activities within the zone not exceeding 5,000m<sup>2</sup>;</li> </ol> </li> <li>f. limit any vehicle movements for retail, manufacturing or heavy goods to the hours of 0600 to 2200.</li> <li>g. within the National Grid Transmission Line corridor (shown on the Templeton Development Plan (Appendix 17.9.2), activities and buildings shall be limited to: <ol style="list-style-type: none"> <li>i. Farming;</li> <li>ii. Farm buildings and horticultural structures that are: <ol style="list-style-type: none"> <li>A. not commercial greenhouses, wintering barns, milking/dairy sheds, produce packing buildings or structures associated with irrigation infrastructure (excluding mobile irrigators);</li> <li>B. not with within 12 metres a 220kV National Grid transmission line support structure foundation.</li> </ol> </li> </ol> </li> </ol>

	Activity	Activity specific standards
		<p>except B. above shall not apply where buildings and structures meet the requirements of Clause 2.4.1 of NZECP34:2001.</p> <p>iii. Fencing that is more than 5 metres from a National Grid transmission line support structure foundation (except where it meets the requirements of Clause 2.3.3 of NZECP34:2001).</p>
<b>P2</b>	Templeton rural activity – residential units	<p>Residential units shall:</p> <p>a. comply with the elements on the Templeton Development Plan (Appendix 17.9.2)</p> <p>b. be limited to no more than two residential units established within the zone for the purpose of security/custodial purposes; and</p> <p>c. have a gross floor area of no more than 65m<sup>2</sup>.</p>
<b>P3</b>	Templeton strategic infrastructure	<p>a. Any Templeton strategic infrastructure shall:</p> <p>i. comply with the elements on the Templeton Development Plan (Appendix 17.9.2)</p> <p>ii. be limited to an associated outdoor storage area less than 20,000m<sup>2</sup> within the zone; and</p> <p>iii. not locate any outdoor storage between the primary building and any street frontage, including Kirk and Maddisons Roads.</p>
<b>P4</b>	Emergency service facilities	<p>a. Comply with the elements on the Templeton Development Plan (Appendix 17.9.2)</p>

### 17.7.2.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 17.8, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Any activity listed in Rule 17.7.2.1 P1 – P4 that does not meet one or more of the built form standards in Rule 17.7.3, except as provided for in Rule 17.7.2.5 below.</p> <p>Refer to relevant built form standard for provisions regarding notification.</p>	<p>As relevant to the built form standard that is not met:</p> <p>a. Building height – Rule 17.8.1.1;</p> <p>b. Setbacks from road boundaries – Rule 17.8.1.2;</p> <p>c. Building setbacks from internal boundaries – Rule 17.8.1.4;</p> <p>d. Site coverage and building footprint– Rule 17.8.1.6; and</p> <p>e. For Rules 17.7.3.5, 17.7.3.6, 17.7.3.7 (<i>deferred</i>), 17.7.3.8 (<i>deferred</i>), and 17.7.3.9, Rural Templeton – Rule 17.8.2.7</p>

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
		f. Water supply for firefighting – Rule 17.8.1.11
<b>RD2</b>	<i>[Deferred to Chapter 6 General Rules]</i>	<i>[Deferred to Chapter 6 General Rules]</i>

### 17.7.2.3 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any activity not provided for as a permitted, controlled, restricted discretionary, discretionary or prohibited activity.
<b>NC2</b>	Development and use of land not in accordance with the Templeton Development Plan in Appendix 17.9.2
<b>NC3</b>	Any activity listed in Rules 17.7.2.1 P1 that does not meet one or more of activity specific standards b. – g.
<b>NC4</b>	Any activity listed in Rules 17.7.2.1 P2 that does not meet one or more of the activity specific standards b. and c.
<b>NC5</b>	Any activity listed in Rules 17.7.2.1 P3 that does not meet one or more of the activity specific standards a. ii. and iii.
<b>NC6</b>	Buildings, impervious surfaces and outdoor storage areas in the Rural Templeton Business 1 and Rural Templeton Facilities Precincts in excess of 30% of the net site area.
<b>NC7</b>	Buildings, impervious surfaces and outdoor storage areas in the Rural Templeton Business 2 Precinct in excess of 20% of the net site area.
<b>NC8</b>	Residential activities except those provided for by Rule 17.7.2.1 P2.
<b>NC9</b>	<p>a. Buildings, activities and horticultural structures not permitted by Rule 17.7.2.1 P1 within the National Grid transmission line corridor (shown on the Templeton Development Plan in Appendix 17.9.2).</p> <p>b. Fencing within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Any application arising from this rule shall not be publicly notified and shall be limited notified only to Transpower New Zealand Limited (absent its written approval).</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>The National Grid transmission lines are shown on the planning maps.</li> <li>Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</li> <li>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activities in the vicinity of National Grid transmission lines must comply with the NZECP 34:2001.</li> </ol>

## 17.7.3 Built form standards — Rural Templeton Zone

### 17.7.3.1 Building height

- a. The maximum height of any building shall be 9 metres.

Any application arising from this rule shall not be limited or publicly notified.

### 17.7.3.2 Building setback from precinct and internal boundaries

- a. The minimum building setback from precinct and internal boundaries shall be as follows:

	Applicable to	Standard
a.	Rural Templeton Business 1 Precinct	5 metres from internal or precinct boundaries
b.	Rural Templeton Business 2 and Rural Templeton Facilities Precincts	10 metres from internal or precinct boundaries
c.	Rural Templeton Business 1 Precinct with frontage to internal road boundaries.	10 metres from internal road boundaries

Any application arising from this rule shall not be limited or publicly notified.

### 17.7.3.3 Building setback from Rural Templeton Zone boundaries

- a. The minimum building setback for all buildings shall be 5 metres from the Rural Templeton Zone boundaries, in addition to the 20 metres buffer shown on the Templeton Development Plan in Appendix 17.9.2.

Any application arising from this rule shall not be publicly notified.

### 17.7.3.4 Site coverage

- a. The maximum % of the net site area covered by buildings, impervious surfaces and outdoor storage areas shall be as follows:

	Applicable to	Standard
a.	Buildings, impervious surfaces and outdoor storage areas in the Rural Templeton Business 1 and Rural Templeton Facilities Precincts	Less than 20% of net site area
b.	Buildings, impervious surfaces and outdoor storage areas in the Rural Templeton Business 2 Precinct	Less than 10% of net site area

Any application arising from this rule shall not be limited or publicly notified.

### 17.7.3.5 Landscaping

- a. Landscaping for each allotment shall cover a minimum of 20% of the site, up to a maximum of 2,000m<sup>2</sup>.
- b. A minimum of 80 existing established trees shall be retained within the zone, excluding shelterbelts and existing trees within the 20 metre landscape buffer.
- c. A 20m landscape buffer shall be established and maintained in accordance with the cross-section forming part of the Templeton Development Plan in Appendix 17.9.2.
- d. Shelter belt planting shall be retained, maintained along the zone boundary.
- e. No building, car parking or outdoor storage area shall be located within the 20 metre landscape buffer.

Any application arising from this rule shall not be limited or publicly notified.

Note: Vegetation to be planted within the transmission corridor shown on the Templeton Development Plan in Appendix 17.9.2 should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

### 17.7.3.6 Servicing

- a. Trade waste disposal shall not exceed a daily average sewage flow of 0.09 litres/second/hectare.
- b. Provision shall be made for the disposal of wastewater via the Council's reticulated wastewater system.

### 17.7.3.7 Stormwater ponding areas and water bodies

*[Deferred to Chapter 6 General Rules].*

### 17.7.3.8 Stormwater system

*[Deferred to Chapter 6 General Rules].*

### 17.7.3.9 Vehicle trips

- a. The maximum number of vehicle trips per site for all non-rural activities shall be 100 per day

Any application arising from this rule shall not be publicly notified.

### 17.7.3.10 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all buildings (excluding accessory buildings that are not habitable buildings) via Council's urban reticulated system (where available) in accordance with the New Zealand Fire

Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008).

- b. Where a reticulated water supply compliant with SNZ PAS:4509:2008 is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with SNZ PAS:4509:2008, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of SNZ PAS:4509:2008.

Any application arising from this rule shall not be publicly notified and shall be limited notified only to New Zealand Fire Service Commission (absent its written approval).

## 17.8 Matters of discretion

### 17.8.1 Matters of discretion for built form standards

#### 17.8.1.1 Building height

- a. The extent to which an increase in building height and the potential resultant scale and bulk of the building:
  - i. maintains rural character and amenity values;
  - ii. is visually mitigated through the topography, location, design and appearance of the building;
  - iii. enables more efficient use of the site or the functional needs of the building to be met; and
  - iv. is compatible with the scale, proportion and context of buildings and activities in the surrounding area.

#### 17.8.1.2 Setbacks from road boundaries

- a. Whether the reduced setback would result in buildings and/or outdoor storage area that remain compatible with rural character and amenity values taking into account:
  - i. the necessity to enable more efficient or practical use of the remainder of the site or the long term protection of significant trees, listed heritage buildings or natural features on the site;
  - ii. the visual effects of the building and/or outdoor storage area on the appearance of the site as viewed from the road, including the layout and scale of other buildings and sites in the vicinity, and the location of existing buildings on site;
  - iii. the degree to which the topography, location, design and appearance of the building mitigates the visual effects of the reduced setback; and
  - iv. any other mitigation proposed including visual screening.

#### 17.8.1.3 Shading of State highway

- a. The extent to which vegetation including, trees, shelter-belts or forestry being planted will cause unreasonable shading to the adjoining road in frost and snow-prone areas.
- b. The extent to which the location, orientation, species and maximum height of the proposed tree(s) will result in shading of the carriageway and a potential for icing which could endanger the safety of motorists.

#### **17.8.1.4 Building setbacks from internal boundaries**

- a. The extent to which the reduced setback will detract from rural character and amenity values when viewed from neighbouring sites.
- b. The extent to which the topography location, design and appearance of the building mitigates the visual effects of the reduced setback.
- c. The extent to which the reduced setback is to facilitate practical use of the building or day to day management of the site, including the need to align with existing buildings in the vicinity and their associated use.
- d. The need for the reduced setback to allow more efficient or practical use of the remainder of the site or the long term protection of significant trees, listed heritage buildings or natural features on the site.
- e. Whether a reduced setback from boundaries with the rail corridor will enable buildings, balconies or decks to be construction or maintained without requiring access above, on, or over the railway corridor.
- f. Any other mitigation proposed including visual screening.
- g. The extent to which the reduced setback will cause or exacerbate reverse sensitivity effects with adjoining rural production activities.

#### **17.8.1.5 Separation distances**

- a. Whether a reduced separation distance will provide adequate separation between nearby residents and rural productive activities to enable continuation of activities taking into account:
  - i. how the proposal promotes best practice in terms of any industry guidelines;
  - ii. the extent to which a reduced separation distance will adversely impact on adjoining rural and residential activities including potential loss of views, visual impact, odour, noise and shading;
  - iii. the extent to which topography, natural features or existing vegetation reduces the effect of any reduced separation distance or makes it difficult to achieve compliance with the setback; and
  - iv. the necessity to have an appropriate legal instrument registered on the title for the residential activity to enable continued operation of the intensive farming or quarrying activity unhindered.

#### **17.8.1.6 Site coverage and building footprint**

- a. Whether the increase in site coverage or building footprint will result in a building scale and size that maintains rural character and amenity values and enables the site to remain dominated by open space rather than buildings, hard surfaces and outdoor storage taking into account:
  - i. the extent to which the topography and the location, scale, design and appearance of the building, landscaping or natural features mitigate the visual effects of increased site coverage or the size of the building;



- ii. if any alternative siting has been considered or is available on the site that would mitigate any visual effects of the increased site coverage or the size of the building;
- iii. the extent to which increased site coverage or the size of the building will diminish the productive potential of the land, the soil pattern or make it difficult for quarrying activity to establish or operate in the vicinity;
- iv. the extent to which increased site coverage will adversely affect groundwater and flood management areas; and
- v. any other mitigation proposed including visual screening.

### **17.8.1.7 Traffic generation and access**

- a. The extent to which any additional traffic generation will:
  - i. adversely affect rural character and amenity values and/or safety and efficient functioning of the road network; and
  - ii. result in any adverse effects in terms of noise, vibration, dust, nuisance, glare and fumes that are incompatible with the amenity values on residents in the vicinity and local rural environment.
- b. Whether the location, design and use of access will adversely affect rural character and amenity values and/or safety and efficient functioning of the road network.

### **17.8.1.8 Identified building area**

- a. The extent to which there is a need for the residential unit, minor residential unit or other buildings to be located outside of the identified building area or the area to be moved.
- b. Whether moving the identified building area will result in any adverse visual effects on landscape values or surrounding rural character and any measures to mitigate these.
- c. The extent to which the proposed building location will result in adverse effects on ecosystems and indigenous biodiversity or result in reverse sensitivity on surrounding activities.

### **17.8.1.9 Building reflectivity — Rural Banks Peninsula**

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### **17.8.1.10 Important identified ridgelines — Rural Banks Peninsula**

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### **17.8.1.11 Water supply for firefighting**

- a. Whether sufficient firefighting water supply is available to ensure the health and safety of the community, including neighbouring properties.

## 17.8.2 Matters of discretion for activity specific standards

### 17.8.2.1 Scale of activity

- a. The extent to which the scale of the operation and building/s is compatible with, and maintain, rural character and amenity values of the surrounding area, including any relevant built form and noise standards.
- b. The extent to which the scale of the proposed activity will remain accessory to the predominant activity on the site and remain connected to or dependent upon the rural environment.
- c. Whether the proposed hours of operation are compatible with the local rural environment.
- d. The extent to which the site layout and building design will mitigate effects including noise, lighting and traffic.
- e. The need for the additional employment as an integral and necessary part of activities being undertaken on the site and its assistance in providing alternative home-based employment and income generating opportunities.
- f. The extent to which the scale of the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the district or locality.
- g. Whether the activity will protect, restore or enhance any natural feature, indigenous vegetation or landscapes and the need for any legal instruments or management plans to protect such values.
- h. The extent to which monitoring would assist with management of potential adverse environmental (including amenity) effects, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.

### 17.8.2.2 Minor residential unit

- a. Whether the minor residential unit would remain ancillary to the primary residential unit and maintain rural character taking into account:
  - i. the scale and location of the minor residential unit in relation to the primary residential unit;
  - ii. the necessity to have a separate vehicle access and car parking for the family flat; and
  - iii. the necessity of an appropriate legal instrument to prevent subdivision that would create a separate title for the minor residential unit from the primary residential unit.
- b. The extent to which the minor residential unit will cause or exacerbate reverse sensitivity effects with adjoining rural production activities.

### 17.8.2.3 Intensive farming, equestrian facilities and boarding of domestic animals

- a. The extent to which the proposal takes into account:

- i. the number and type of animals;
  - ii. building design, including soundproofing and ventilation;
  - iii. effluent management and disposal;
  - iv. prevailing climatic conditions and topography of the site and surrounding area that may affect odour and noise generation;
  - v. existing and proposed landscaping;
  - vi. the frequency and nature of management and supervision; and
  - vii. the sensitivity of the receiving environment.
- b. The extent to which the scale of the operation and location of associated building/s maintain rural character and amenity values, including relevant zone built form standards.
  - c. The extent to which buildings, compounds or part of a site used for animals are sufficiently designed and located or separated from sensitive activities, residential activities, identified building area and residential zone boundaries to avoid adverse effects on residents.
  - d. The effects of the hours of operation and public visiting the site on the surrounding environment.
  - e. Any other mitigation proposed including visual screening.

#### **17.8.2.4 Plantation forestry**

- a. Whether the plantation forestry promotes best practice in terms of any recognised industry standards or guidelines and any management plan for the operation.
- b. The extent to which wilding conifers will be managed taking into account the potential for the spread of wilding conifers.
- c. The effects of the plantation forestry taking into account:
  - i. the scale and extent of the proposed forestry and any cumulative effects taking into account existing forestry in the vicinity;
  - ii. any adverse effects of tracking or roading, including visibility, scarring, the extent to which existing contours are followed and any proposed measures to remedy or mitigate the effects;
  - iii. any adverse effects on the landscape values of the site and surrounding environment, including outstanding natural landscapes and features, significant features and the coastal environment;
  - iv. the relationship of the planted area to existing landforms including ridgelines and in particular identified ridgelines.
- d. The effects of forestry activities, in particular harvesting, on infrastructure and rural amenity, in terms of traffic generation and safety, noise, dust and nuisance and proposed management methods to mitigate the potential effects.
- e. The extent to which indigenous biodiversity and waterways, including sites of ecological

significance, will be protected particularly during harvesting, including through the maintenance of adequate buffers with existing or additional planting of indigenous vegetation.

- f. Any relevant Rural Chapter objectives and policies, including 17.1.1.9 Policy — Plantation forestry.

### **17.8.2.5 Residential activities on Banks Peninsula**

- a. The extent to which the density, location and design of the residential activity will maintain the rural character and amenity values taking into account:
- i. Whether the location of the residential activity, including accessory buildings:
    - A. enables maintenance of rural production potential, and protection of significant indigenous biodiversity or outstanding natural landscape or features, natural coastal environment or significant cultural or heritage features; and
    - B. provides adequate separation to adjoining farming activities; and
    - C. where appropriate, maintains existing or future public access connections to walking/cycling tracks including aligning with the Christchurch City Council Public Open Space Strategy 2010–2040.
  - ii. Whether a covenant has been/will be registered against the title to protect in perpetuity any natural, cultural and heritage features, waterways, rural production potential, open character or public access connections and to avoid any further subdivision or residential units;
  - iii. The degree to which the residential unit has the potential to create rural residential character taking into account any surrounding site sizes and development; and
  - iv. The scale, size, height and external finish of the building and its compatibility with the surrounding rural character and amenity values.

### **17.8.2.6 Residential activities on existing small sites**

- a. Whether the density, location and design of the residential activity will maintain the rural character and amenity values of the surrounding environment taking into account:
- i. the effects of a residential unit on the site contributing to a change in the rural character and amenity values towards a more urban character;
  - ii. the extent to which the site is capable of providing a residential building platform and curtilage that complies with relevant built form standards, including separation distances;
  - iii. the extent to which the current use of the site is for a rural activity and its ability to continue;
  - iv. the potential for reverse sensitivity effects on rural productive activities in the surrounding environment, including cumulative effects of additional sensitive activities.
- b. In addition to the matters above, the following matters shall apply to the Rural Port Hills Zone;
- i. The extent to which the residential activity will maintain the contrast between the urban and rural environments, including a distinct urban/rural boundary on the Port Hills;

- ii. The scale, size, height and external finish of the building and its compatibility with the surrounding rural character and amenity values, including any adjoining Rural Amenity Landscape or Outstanding Natural Landscape.
  - iii. The extent to which natural elements such as landforms, existing vegetation and proposed planting within the site mitigate the visibility of development;
  - iv. The extent to which it is appropriate to cluster built development in relation to, adjoining, or close to areas of existing built development, including in proximity to the urban environment.
- c. In addition to the matters above, the following matter shall apply to the sites at 9 and 15 Barters Road, Templeton (Rule 17.3.2.2, RD10):
- i. The extent to which appropriate indoor noise insulation is provided with regard to Appendix 14.14.4.

### 17.8.2.7 Rural Templeton

- a. Landscaping and building reflectivity:
  - i. the extent to which buildings will be visible from roads, parks, public places and the surrounding land, both internal and external to the zone;
  - ii. the appropriateness of the selected 80 established trees in terms of location, condition, type and proximity to roads or services where the health of the tree or driver visibility may be affected; and
  - iii. the effects of removing any identified trees, their health and significance of the tree(s) and whether appropriate replacements are provided and the impact on the character of the site and locality.
- b. Templeton strategic infrastructure:
  - i. the effects of traffic generated and the development on the road network in terms of safety, efficiency and capacity;
  - ii. the extent to which the scale and dimensions of buildings and the visual impact on the surrounding area, taking into account the extent of landscaping and the degree to which it screens or softens the buildings; and
  - iii. the extent to which materials will be stored, taking into account the type and volume of material.
- c. *[Deferred to Chapter 6 General Rules]*

### 17.8.2.8 Maximum internal batter slope

- a. Whether a steeper gradient would compromise:
  - i. the stability of any adjoining land or roads, taking account of potential slope erosion or collapse;
  - ii. the ability to achieve quarry site rehabilitation; and/or

- iii. the potential of the land to be redeveloped for other activities compatible with a rural zone.
- b. The extent of any visual impacts of a steeper gradient.

### **17.8.2.9 Location of crushing and screening plant**

- a. The extent of any adverse visual impacts resulting from the location of crushing plant with specific regard to:
  - i. the appearance and size of the plant; and
  - ii. the period of time in which the plant is proposed to be located closer to the zone boundary, or above ground level.
- b. Whether the location of crushing plant would give rise potential noise disturbance.
- c. The degree to which any proposed mitigation measures would reduce the visual or noise impacts of the plant to be used.

### **17.8.2.10 Stockpile height and setbacks**

- a. The extent of any visual effects resulting from the location and height of stockpiles with particular regard to:
  - i. the visibility of the stockpile from residential units, roads or other public vantage points such as walking tracks and parks;
  - ii. the quality and effectiveness of any existing or proposed screening (e.g. planting or mounding) on the zone or site boundary;
  - iii. the collective extent and appearance of all on-site stockpiling; and
  - iv. the proposed duration of stockpiling in the proposed location(s).

### **17.8.2.11 Minimum excavation setbacks**

- a. Whether a reduced setback would ensure:
  - i. sufficient landscaping and distance to mitigate any adverse amenity effects; and
  - ii. the stability of any adjoining land or roads, taking account of potential slope erosion or collapse.

### **17.8.2.12 Visual screening and maintenance**

- a. The extent to which the site is screened by planting or other satisfactory means to mitigate the adverse visual impacts of lower areas of the quarry, or any aggregates processing, concrete batching or asphalt manufacturing activities, as viewed from public roads
- b. Whether alternative methods of screening, or a lack thereof, is sufficient to maintain rural amenity and character having particular regard to:

- i. the type, scale and appearance of vegetation proposed for screening;
  - ii. the visibility of the quarry, buildings, plant and machinery from properties in the adjoining rural zone or from external roads; and
  - iii. the likely visual impacts of reduced screening or mounding, and its implications for increasing actual or perceived noise from quarrying, aggregates processing, concrete batching or asphalt manufacturing activities.
- c. Whether any rural land use has been established on the site since restoration, making screen planting or mounding unnecessary.
  - d. Whether any proposed planting (type and location) would pose a risk to highway safety from shading during winter months.

### **17.8.2.13 Hours of operation**

- a. The extent of any amenity impacts (including cumulative with other activities) on residents in adjoining zones which may result from:
  - i. the intensity, frequency and duration of operating hours; and
  - ii. the likely additional or prolonged adverse effects associated with quarrying, aggregates processing, concrete batching or asphalt manufacturing activities, including lighting, noise and traffic generation that are incompatible with surrounding activities.
- b. The duration of any extended hours, or of hours of operation associated with aggregates processing, concrete batching or asphalt manufacturing activities, including whether any hours of operation are temporary.
- c. Any positive effects associated with the hours of operation including in relation to earthquake recovery and avoidance of adverse effects (such as efficiency of the transport network).
- d. The extent to which monitoring would assist with management of potential amenity impacts, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.

### **17.8.2.14 Depth of excavation**

- a. Whether excavating to a greater depth would affect the ability to effectively rehabilitate the quarry site for a range of permitted land uses and within reasonable timeframes including consideration as the suitability and availability of fill and topsoil material and the ability to achieve an appropriate final landform.

### **17.8.2.15 Activities associated with quarrying**

- a. The degree of association with a quarrying activity on site.
- b. Whether the activity is of a scale, function, intensity or character typical of those in rural areas.
- c. The extent and duration of any additional or more intensive adverse environmental (including amenity) effects resulting from the activity.

- d. The extent of any benefits such as infrastructure efficiencies which result from close or co-location with a principal quarrying activity and support for earthquake recovery.
- e. The extent to which monitoring would assist with management of potential adverse environmental (including amenity) effects, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.

### **17.8.2.16 Rehabilitation and end use**

- a. The extent to which the property will be rehabilitated in accordance with a quarry site rehabilitation plan, prepared by a suitably qualified or adequately experienced person, having regard to the requirements of Rule 17.6.4.15.
- b. The extent to which the quarry site rehabilitation plan will:
  - i. enable the land to be returned to a state suitable for use by other permitted activities having regard to the nature of fill material and degree of compaction.
  - ii. require the rehabilitation of those parts of the property which are not required for processing to be completed within 5 years of the activity commencing.
  - iii. require the rehabilitation of those parts of the property used for processing to be completed within a reasonable timeframe, being no more than 3 years after the processing ceases.
  - iv. result in an improved environmental outcome for the quarry and processing site and the surrounding community, including measures to mitigate any consequential environmental (including amenity) effects of the rehabilitation.
- c. The extent to which the rehabilitation timescale would prolong any adverse effects on surrounding land uses including as a result of traffic, noise and dust.
- d. The extent and duration of any adverse visual impacts of exposed worked out areas of the quarry as seen from rural properties, roads or other public vantage points, including any mitigation.

### **17.8.2.17 Reverse sensitivity effects on Radio New Zealand's operations**

- a. The risk that a new residential building near Radio New Zealand's established facilities on Gebbies Pass Road could generate reverse sensitivity effects on Radio New Zealand's facilities, leading to Radio New Zealand having to limit operations, or undertake mitigation measures.
- b. Whether the location of a proposed new residential building (and/or any measures to be undertaken by the applicant as a condition of consent) will sufficiently mitigate the effects on Radio New Zealand facilities to the extent that residents of the building are unlikely to experience such effects as adverse, noting that such effects may include:
  - i. Noise from Radio New Zealand's emergency power generator;
  - ii. Visual impact from Radio New Zealand's buildings and mast; and
  - iii. Potential interference with electrical equipment.



### **17.8.2.18 Adverse effects on the National Grid**

- a. Whether the proposed activity is managed to avoid adverse effects, including reverse sensitivity effects, on the National Grid, including by:
  - i. Avoiding any risk to the structural integrity of the National Grid;
  - ii. Complying with NZECP34:2001, including in relation to stockpiles and the operation of mobile plant;
  - iii. Avoiding the use of explosives and the generation of dust that may impact conductors and insulators in the vicinity of the National Grid; and
  - iv. Avoiding risks of electrical hazards affecting public or individual safety, and the risk of property damage.
- b. Whether the proposal ensures that the operation, maintenance, upgrading and development of the National Grid is not compromised by the proposal, including by:
  - i. Providing for on-going safe and direct access to the National Grid, including for heavy machinery necessary to maintain towers and conductors;
  - ii. Providing for the long-term integrity of the National Grid; and
  - iii. Taking into account the outcomes of any consultation with, and the implications of any technical advice provided by, Transpower New Zealand Limited.
- c. In relation to electricity distribution lines:
  - i. The risk to the structural integrity of the electricity distribution lines;
  - ii. The effects on the ability of Orion New Zealand Limited to operate, maintain, upgrade and develop their electricity distribution lines, including on-going safe and direct access;
  - iii. The risk of electrical hazards affecting public or individual safety, and the risk of property damage;
  - iv. Compliance with NZECP 34:2001; and
  - v. Any implications arising from technical advice provided by Orion New Zealand Limited.

## **17.8.3 Coastal environment, significant landscapes and indigenous biodiversity**

### **17.8.3.1 Public access to the coastal environment**

*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### **17.8.3.2 Significant landscapes — Rural Banks Peninsula**

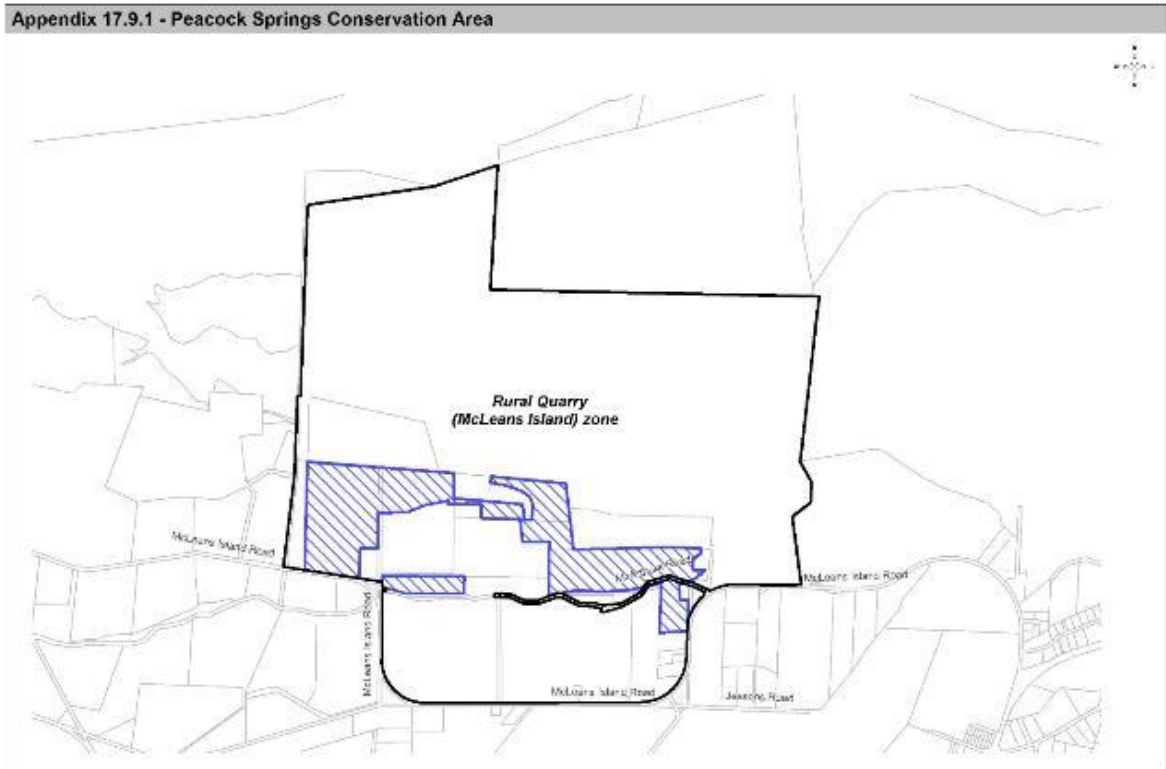
*[Stage 3 - Chapter 9 Natural and Cultural Heritage]*

### 17.8.3.3 Ecosystems and indigenous biodiversity

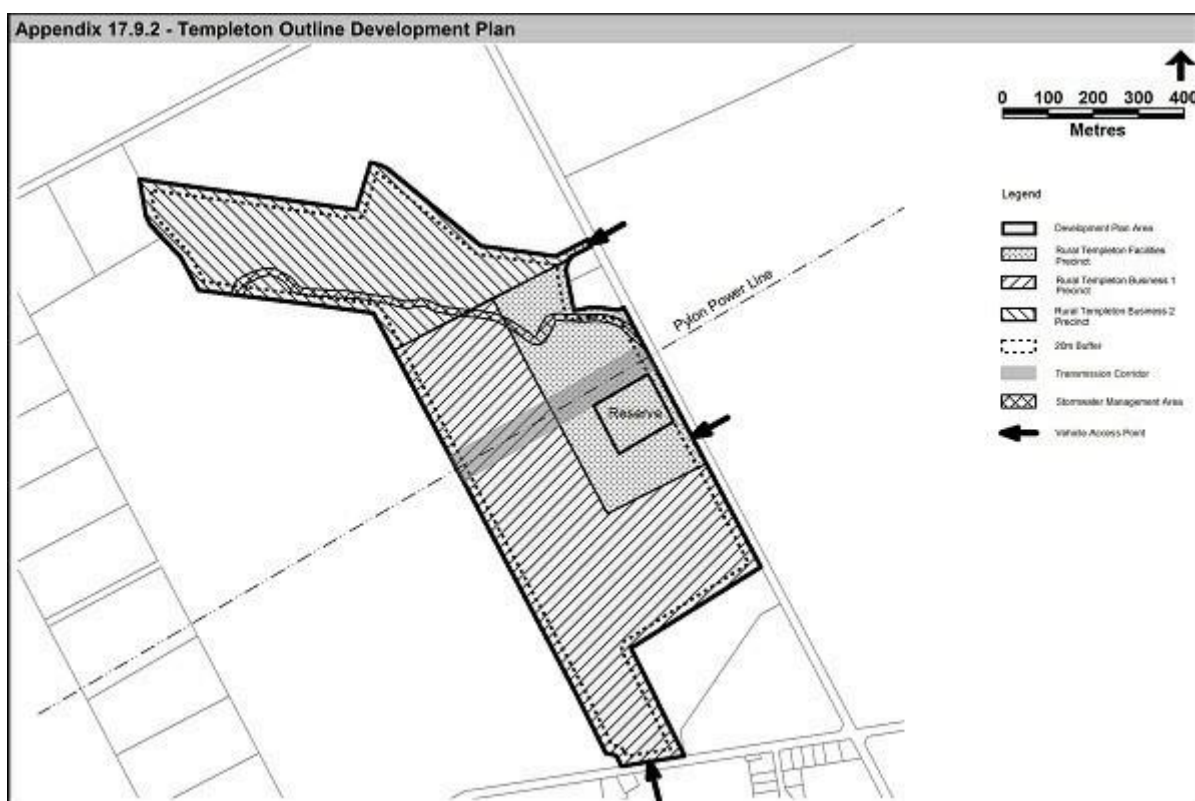
- a. The extent to which the nature, scale, intensity and location of the proposed activity will adversely affect indigenous vegetation, including the loss of, taking into account:
  - i. the overall natural character of an area;
  - ii. landscape values of an area;
  - iii. indigenous ecosystem integrity and function;
  - iv. cultural values; and
  - v. natural character associated with a water body;
- b. The effects of the proposal on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages;
- c. The extent to which the activities may protect, maintain or enhance any ecosystems or indigenous biodiversity, including through the use of covenants and/or restoration and enhancement; and
- d. Any relevant objectives and policies of Chapter 9 Natural and Cultural Heritage.

## 17.9 Appendices

### Appendix 17.9.1 Peacock Springs Conservation Area



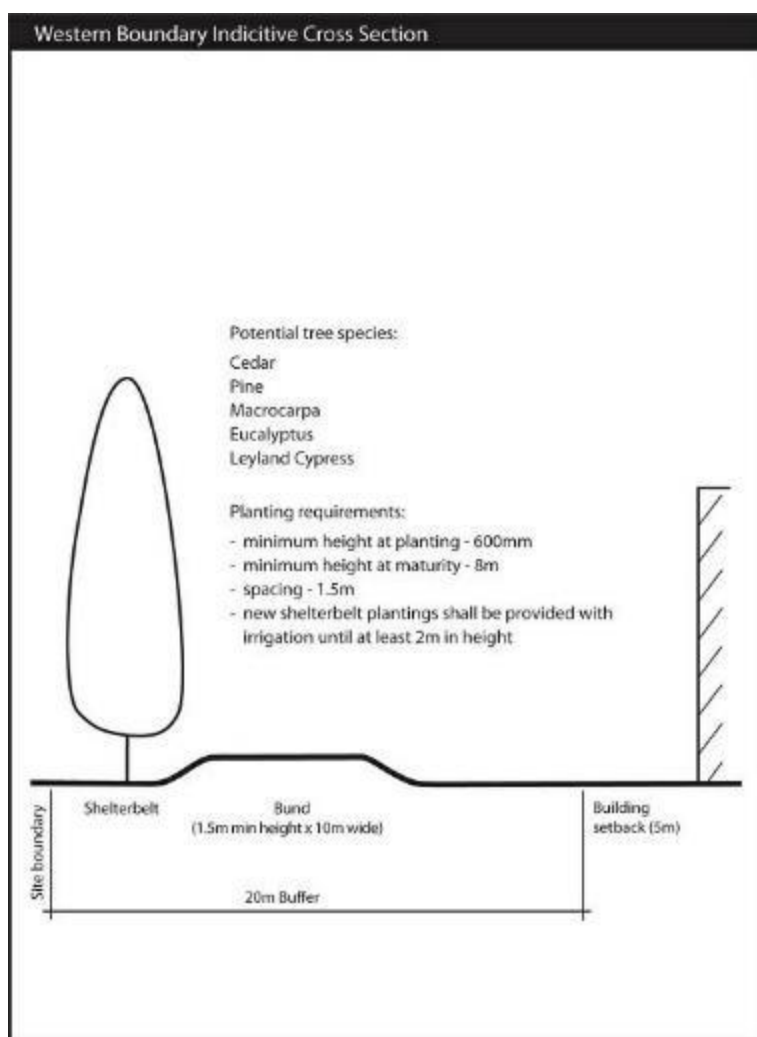
## Appendix 17.9.2 Templeton Development Plan



The Templeton Development Plan seeks to guide subdivision and development of the site, particularly with regard to stormwater management, landscaping and buffers, and the internal road network. The diagram also shows the Rural Templeton Business 1, 2 and Facilities Precincts.

1. Stormwater:
  - a. The site has been assessed as being suitable for on-site stormwater management. Each allotment will have individual on-site stormwater management systems in line with the requirements outlined below, and there will be communal stormwater management to handle stormwater from the public realm. The communal system will include a contingency amount for unusually heavy rainfall events. Rule 17.7.3.8 stormwater ponding areas and water bodies include design criteria for the system.
  - b. The diagram shows a stormwater management area in the north of the site, in an existing natural swale, but communal detention and management will need to occur elsewhere within the site also. The transmission corridor mid-site provides an opportunity for this.
2. Landscaping and the 20m buffer:
  - a. The Templeton Development Plan shows a 20 metre buffer on the perimeter of the Rural Templeton Zone. This is designed to protect adjoining landowners from adverse effects, and vice versa. The zone is adjoined by the Brackenridge Residential Estate, Nova Trust Rehabilitation Centre, Waitaha Learning Centre, a chapel, and farmland, making it particularly important to manage adverse effects. The buffer should not contain hard stand, outdoor storage or buildings. It may count towards the landscaping component.

- b. The existing shelterbelt is largely within the buffer and is to be retained and maintained. It is an integral part of the buffering effect and is also important for the retention of rural character and visual amenity at the site.
- c. The site also contains numerous established trees, identified through previous subdivision. The rules provide that 80 trees must be selected for retention. The shelterbelt and any other tree within the buffer cannot be included in the list of 80 trees.
- d. Any fencing at the site should be uniform and typical of the rural area.



### 3. Road network:

- a. The diagram shows access and egress points from the site to Kirk and Maddisons Roads. The final internal road layout is dependent on various factors and the developer is afforded the flexibility to reflect this. The developer will need to consider the re-use of the existing internal road network and the relocation of a large private sewer line which traverses the site (serving the prison and other land) amongst other things.
- b. The internal roadway will include footpath/cycleway provision, landscaping, underground services (where appropriate) and stormwater management facilities. Provision shall also be made for a bus

- stop, even if just making space available to create a bus stop if the service to the hospital and prison is restored.
- c. Internal roads shall also be designed in accordance with Council requirements and should have a clear hierarchy and layout.
4. National Grid Transmission Line Corridor
- a. The National Grid Transmission Line Corridor shown on the ODP shall be defined as 12 metres from the centre line of the transmission line and 12 metres from the foundation of the associated support structures.

## Appendix 17.9.3 Rural Quarry Templeton Development Plan

### Directions:

- Include the outline development plan attached to the closing legal submissions for Fulton Hogan (Appendix 1 page 13) as Appendix 17.9.3.
- The plan is to be titled as “*Rural Quarry Templeton Development Plan*”.
- The plan is to be tidied up, so that all unnecessary details in the footer / banner across the bottom are removed, and it is in a similar form to other Development Plans - eg Templeton Development Plan, Appendix 17.9.2.
- All writing is to be legible at A4.

## Planning Maps — Rural Quarry Templeton Zone

On the Planning Maps, the land identified below is to be shown as having two possible zones - one being the notified zone, the other being the future zone if the pre-requisite conditions in Rule 17.6A.1 are met:

### Directions:

- The wording on the Planning Maps shall be as follows:
  - *OSCP or RuQ Templeton [pre-requisite conditions for RuQ Templeton to apply are set out in Rule 17.6A.1] - for Res. 2418; Res. 5094; RS 38609.*
  - *RuQ or OSCP (Templeton) [pre-requisite conditions for OSCP (Templeton) to apply are set out in Rule 18.2.4.1] - for Lot 3 DP 34025; Lot 2 DP 54768; Lot 2 DP 19504; Lot 3 DP 19504; Lot 4 DP 19504; Part Lot 5 DP 19504; Lot 6 DP 19504; Lot 7 DP 19504; Lot 8 DP 19504; Lot 1 DP 20191; Lot 2 DP 20191.*



## Chapter 2 — Definitions

Include the following Definitions:

### **Artificial crop protection structures**

means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

### **Boarding of domestic animals**

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

### **Crop support structures**

means open structures on which plants are grown.

### **Equestrian facility**

means the use of land and buildings for training, racing or showing horses competitively and may include:

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

It excludes:

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

### **Existing forestry**

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

### **Farm building**

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

### **Farming**

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

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

- f. horticultural structures.

Farming excludes intensive farming.

**Farm stay**

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

**Greenhouse**

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

**Horticultural structures**

Means artificial crop protection structures and crop support structures.

**Intensive farming**

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

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

**Mobile irrigators**

Means irrigators that are vehicles and includes pivot or linear irrigators.

**Minor residential unit**

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

**Plantation forestry**

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

**Rural productive activities**

means farming, plantation forestry, intensive farming and quarrying activity

**Rural produce manufacturing**

means the use of land and/or buildings for the manufacturing of products from rural produce grown on the same site or:

- a. on other sites in the same ownership; or
- b. on other sites leased by the owner of the primary site

### **Rural produce retail**

means the use of land and/or buildings on, or in which, rural produce grown or produced on site, and products manufactured from it, are offered for sale.

### **Rural tourism activity**

means the use of land and/or buildings for agri-tourism, eco-tourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes:

- a. guiding, training, education and instructing;
- b. ancillary services such as booking offices and transportation;
- c. ancillary retail activity, including sale of alcohol to participants; and
- d. walking and cycling tracks.]

### **Rural tourism facility**

means land and/or buildings used for rural tourism activity.

### **Templeton rural activity**

means the use of land and/or buildings within the Rural Templeton Zone for:

- a. farming;
- b. activities that directly and primarily service farming, including offices and the warehousing (excluding general freight or distribution activities), wholesale and retail activity of rural supplies or rural produce;
- c. food and beverage outlets, excluding taverns;
- d. private parks, reserves and recreation facilities;
- e. a limited number of residential units for security/custodial purposes;
- f. boarding of domestic animals; and
- g. rural research facilities and laboratories that do not have an education or health care component.

### **Templeton strategic infrastructure**

in relation to the Rural Templeton Zone, means the use of land and/or buildings for small-scale facilities, services and installations ancillary to strategic infrastructure.

### **Aggregates-processing activity**

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

### **Ancillary aggregates-processing activity**

means the ancillary processing and associated storage, sale and transportation of natural sand,

gravel, clay, silt and rock and / or recycled/recovered aggregates brought in from other properties provided that at least 50% of the total volume of aggregates processed on the property originates from that property.

### **Clean fill**

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

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

### **Quarrying activity**

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

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

### **Quarry Site Rehabilitation**

means returning the land to a stable and free-draining landform capable of supporting light pastoral farming or an alternative permitted or consented activity

### **Property**

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

**Quarry**

Means a site or property where quarrying activity is undertaken.

**Exposed excavation**

Means land where the overburden has been removed and left without grass or tree cover.

**SCHEDULE 2**

This list has been prepared from the index of appearances recorded in the Transcript, and from the evidence and submitter statements shown on the Independent Hearing Panel's website.

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
CCC	2123	S Camp	Acoustics engineer	Filed/Appeared
		J Cook	Planner	Filed/Appeared
		A Craig	Landscape architect	Filed/Appeared
		G Cunningham	Quarrying	Filed/Appeared
		J Dray	Landscape architect	Filed/Appeared
		R English	Quarrying	Filed/Appeared
		M Gregory	Transport planner	Filed/Appeared
		D Hogan	Planner	Appeared
		B Margetts	Ecologist	Filed/Appeared
		T Partridge	Ecologist	Filed/Appeared
		R Potts	Hydrologist	Filed/Appeared
		A Radburnd	Planner	Filed/Appeared
		H Rutter	Hydrogeologist	Filed/Appeared
		R Wedge	Planner (Parks)	Filed/Appeared
Maryn van Herel & Anna van Herel-Wooning	2038	A van Herel-Wooning		Appeared
David & Caroline Stockman	2056	D Stockman		Appeared
Kerrie and Antonio Rodrigues	2070	K Rodrigues		Filed/Appeared
Judy van Beek	2099	T Hickling		Appeared
Cathedral City Development Limited	2129	P Aston	Planner	Filed/Appeared
Kate Whyte	2136	K Whyte		Appeared
Mark Porter	2139	M Porter		Appeared
Richard Newbold on behalf of Balmoral Limited	2140	L Williams	Planner/Transport Planner	Filed
Paul Devine on behalf of South New Zealand Conference of Seventh Day Adventists	2141			
Isaac Conservation and Wildlife Trust	2146	Dr J Dowding	Ecologist	Filed/Appeared
		B Rule	Operations manager	Filed/Appeared
		K Seaton	Planner	Filed/Appeared
Sara Harnett	2162	S Harnett		Filed/Appeared
Horticulture New Zealand	2165	V Hodgson	Planner	Filed/Appeared
GK Riach, and AJ & JR Van der Leij	2184	J Van der Leij		Appeared
YRRA	2206	R Cross		Filed/Appeared
		J Turpin		Filed/Appeared

Submitter Name	Nº	Person	Expertise or Role if Witness	Filed/ Appeared
Transpower New Zealand Limited	2218	A McLeod	Planner	Filed/Appeared
		R Noble	Company representative	Filed/Appeared
JJT & HJ Glass	2223	T Glass		Appeared
LA & SP Glass	2224	L Glass		Appeared
Peter and Vivian Mahoney	2239	P Mahoney		Filed/Appeared
KiwiRail Holdings Limited	2246	D Hewett	Company representative	Filed
Radio New Zealand Limited	2248	G Fowles	Company representative	Filed
Akaroa Civic Trust	2285	J Cook		Filed
Federated Farmers	2288	F Mackenzie	Policy advisor	Filed/Appeared
Rod Donald Banks Peninsula Trust	2311	J Cook		Filed
Keith & Annette Woodford	2314	K Woodford		Appeared
Carey Jones	2316	J Cook	Planner	Filed/Appeared
Canterbury Aggregate Producers Group	2331	R Chilton	Air quality scientist	Filed/Appeared
		M Copeland	Economics	Filed/Appeared
		R English	Quarrying	Filed/Appeared
		T Ensor	Planner	Filed/Appeared
		W Field	Landscape architect	Filed/Appeared
		J Francis	Quarrying	Filed/Appeared
		D Humpheson	Acoustic consultant	Filed/Appeared
		M Rossiter	Transport engineer	Filed/Appeared
B Warren	Company representative	Filed/Appeared		
Waterloo Park Limited	2336	L Buttimore	Planner	Filed/Appeared
Maurice R Carter Limited	2338	J Phillips	Planner	Filed/Appeared
Orion New Zealand Limited	2340	G Butcher	Economics	Filed/Appeared
		L Buttimore	Planner	Filed/Appeared
		S Watson	Company representative	Filed/Appeared
Christchurch International Airport Limited	2348	M Bonis	Planner	Filed/Appeared
		R Boswell	Company representative	Filed
		C Day	Acoustics engineer	Filed/Appeared
Lyttelton/Mt Herbert Community Board	2354	P Smith		Appeared
Riccarton/Wigram Community Board	2363	M Mora		Appeared
Crown	2387	V Barker	Planner	Filed/Appeared
		S Bowie	Ecology	Filed
		A Cameron	Planner	Filed/Appeared
		N Head	Ecologist	Filed
		A McLeod	Planner	Filed
		P Rough	Landscape architect	Filed

Submitter Name	№	Person	Expertise or Role if Witness	Filed/ Appeared
Fulton Hogan Limited	2455	K Bligh	Planner	Filed/Appeared
		S Camp	Acoustics engineer	Filed/Appeared
		R Chilton	Air quality scientist	Filed/Appeared
		D Chrystal	Planner	Filed/Appeared
		M Copeland	Economist	Filed/Appeared
		S Douglass	Hydrogeologist	Filed/Appeared
		R English	Quarrying	Filed/Appeared
		W Field	Landscape architect	Filed/Appeared
		R Greenaway	Tourism	Filed/Appeared
		J Hodge	Greenkeeper	Filed/Appeared
		D Moore	Golf consultant	Filed/Appeared
		Dr J Roper-Lindsay	Ecologist	Filed/Appeared
		M Rossiter	Transport engineer	Filed/Appeared
		P Savage	Company representative	Filed/Appeared
Eric Janssen	2483	E Janssen		Appeared
Brandon Hutchison	2487	B Hutchison		Appeared
Luke Pickering	2510	L Pickering		Filed/Appeared
Kathleen Clinton	2842	K Clinton		Appeared
Dr EJ & SF Stevens	3274	Dr J Stevens		Appeared
Kathryn Snook	2533 FS28 34	K Snook		Filed/Appeared



**SCHEDULE 3**

## Provisions considered in other hearings

Notified Version Stage 3	Decision Version
<b>Natural and Cultural Heritage<sup>1</sup></b>	
Rule 17.2.2.3 new matters of discretion RD1-RD5	Rule 17.2.2.3 new matters of discretion for RD1- RD9
Rule 17.2.2.4 references added to matters of discretion D1-D5	Matters of discretion removed for discretionary activities.
Rule 17.2.3.2 building reflectivity	Rule 17.2.3.2 Building reflectivity
Rule 17.2.3.3 identified important ridgelines	Rule 17.2.3.3 Identified important ridgelines
Rule 17.2.3.4 landscape buffer	Rule 17.2.3.4 Landscape buffer
Rule 17.2.3.5 new matters of discretion	Matters of discretion removed for all built form standards.
Rule 17.2.3.6 new matters of discretion	
Rule 17.2.3.8 new matters of discretion	
Rule 17.2.3.9 new matters of discretion	
Rule 17.2.3.12 new matters of discretion	
Rule 17.2.3.13 new matters of discretion	
Rule 17.4.2.3 new matters of discretion in RD1 – RD5	Rule 17.4.2.2 new matters of discretion in RD1 – RD6
Rule 17.4.2.4 new matters of discretion in D1-D4	Matters of discretion removed for discretionary activities.
Rule 17.4.3.2 – 17.4.3.5 new matter of discretion	Matters of discretion removed for all built form standards.
Rule 17.4.3.8 new matter of discretion	
Rule 17.5.2.3 new matters of discretion in RD1 – RD5	Rule 17.5.2.2 new matters of discretion in RD1 – RD7
Rule 17.5.3.2 – 17.5.3.5 new matter of discretion	Matters of discretion removed for all built form standards.
Rule 17.5.3.7 new matter of discretion	
Matter of Discretion 17.8.1.9 Building reflectivity – Rural Banks Peninsula	Matter of Discretion 17.8.1.9 Building reflectivity – Rural Banks Peninsula
Matter of Discretion 17.8.1.10 Important identified ridgelines – Rural Banks Peninsula	Matter of Discretion 17.8.1.10 Important identified ridgelines – Rural Banks Peninsula
Matter of Discretion 17.8.3.1 Coastal Environment	Matter of Discretion 17.8.3.1 Coastal Environment
Matter of Discretion 17.8.3.2 Significant landscape Banks Peninsula	Matter of Discretion 17.8.3.2 Significant landscape Banks Peninsula

<sup>1</sup> Minute approving CCC application for order updating allocation of notified provisions from the Central City Proposal to General Rules and the Natural and Cultural Heritage Hearings (including updated Appendix B), 24 November 2015.

Notified Version Stage 3	Decision Version
<b>Deferred to Chapter 6 General Rules Hearing<sup>2</sup></b>	
50 and 55dBA Ldn Airport Noise Contours shown on Planning Maps	
65 dB Ldn/95dB Lae Air Noise Boundary shown on Planning Maps	
All provisions related to 50, 55, and 65dB Ldn engine testing noise contours shown on Stage 2 Planning Maps	
All provisions relating to Birdstrike	

<sup>2</sup> Minute relating to an application by the Council for an order confirming the allocation of notified provisions to Stage 3 and combined Stage 2 and 3 hearings, 3 November 2015, Schedule A.

**SCHEDULE 4**

Properties/Areas where decision is to retain notified zoning

Map	Address	Zoning Decision	Submitter Name
<b>Notified Zone: Rural Urban Fringe</b>			
Not specified	Rural Urban Fringe Zone as a whole	Rural Urban Fringe	2535: Pauline and Ray McGuigan
45	Land block between Cashmere Stream, Sparks Road, Sutherlands Road and Henderson's Road	Rural Urban Fringe	2017: David & Christobelle Gale
<b>Notified Zone: Rural Waimakariri</b>			
6	15 & 17 Earlham Street	Rural Waimakariri Zone	2069: Justine McKelvey
<b>Notified Zone: Rural Banks Peninsula</b>			
58, 59, 61 & 62	Diamond Harbour southern bays	Rural Banks Peninsula	2339: Diamond Harbour Community Association
R1	468 Governors Bay-Teddington Road	Rural Banks Peninsula	2144: Teddington Quarry Limited

Properties/Areas where decision is to rezone

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
R1, 53	1020 Summit Road, 226F Taylors Mistake Road	Open Space Natural	Rural Port Hills	2128: Taylors Mistake Association Land Company Limited 2134: M Slemint