

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: 11–18, 22 and 23 March, 24 May and 4 August 2016

Date of decision: 10 November 2016

Hearing Panel: Environment Judge Hassan (Chair), Ms Sarah Dawson, Mr Stephen Daysh, Ms Jane Huria

DECISION 57

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

(and relevant definitions and associated Planning Maps)

Outcomes: **Proposals changed as per Schedules 1 and 2**

Directions to Council made

COUNSEL APPEARANCES

Mr D Laing, Mr H Harwood, Mr M Leslie	Christchurch City Council
Mr D Allen, Ms L Bazalo	Crown
Ms J Appleyard	Pacific Park Investments Limited, Lyttelton Port Company Limited
Ms J Appleyard, Ms A Hill	Christchurch International Airport Limited, Orion New Zealand Limited
Mr A Beatson	Transpower New Zealand Limited
Mr J Gardner-Hopkins, Mr E Hudspith	Air New Zealand Limited
Ms H Marks	Carter Group Limited, Scentre New Zealand Limited, Kiwi Property Holdings Limited, Bunnings NZ Limited, NPT Limited
Mr G Cleary	Radford Family Trust
Mr J Leckie	Canterbury District Health Board, Te Rūnanga o Ngāi Tahu and Ngā Rūnanga
Mr D van Mierlo	Te Rūnanga o Ngāi Tahu and Ngā Rūnanga
Ms J Crawford	Kennaway Park Joint Venture Partnership, Go Media
Mr D Caldwell, Ms A Limmer, Ms J King	Isaac Conservation and Wildlife Trust
Ms A Arthur-Young	KiwiRail Holdings Limited
Mr E Chapman, Ms G Hall	University of Canterbury
Ms J Robinson	Commodore Airport Hotel
Mr D Pedley	K & B Williams

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INTRODUCTION

[1] This decision¹ ('decision') is one of a series by the Independent Hearings Panel ('Hearings Panel'/'Panel')² for the formulation of the Christchurch Replacement District Plan ('CRDP'). It follows our hearing of submissions and evidence concerning Christchurch City Council's ('Council') notified Stages 2 and 3 General Rules and Procedures proposals ('Notified Version'). It deals with:

- (a) Noise (6.1, Stage 3), including:
 - (i) the general noise provisions; and
 - (ii) airport noise, including from aircraft engine testing;
- (b) Temporary activities, buildings and events (6.2, Stages 2 and 3);
- (c) Aircraft protection (6.7, Stage 2), including:
 - (i) aircraft protection surfaces (the 'in air' protections) and runway and protection surfaces (the 'on ground' obstacle protections); and
 - (ii) birdstrike.

[2] It also deals with the following (which we include in our references to 'Notified Version' and 'Revised Version'):

- (a) Related definitions;
- (b) Noise sensitive activities in the Special Purpose (Tertiary Education) zone;³ and

¹ 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, 26 February 2015 ('Strategic Directions decision').

² Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

³ Deferred for determination in this decision, as recorded in Pre-hearing Report and Directions – Stage 2 Chapter 21: Specific Purpose Zone Proposal (part) (and related definitions and associated planning maps), 10 August 2015, at [5].

- (c) The Specific Purpose (Golf Resort) zone as it relates to Clearwater Golf Resort.

[3] The Panel's companion Decision 56, released with this one, deals with other provisions of the Notified Version.

Status of Revised Version and the Decision Version

[4] As we explain, for some topics, there were extensive processes of expert conferencing and mediation that resulted in the Council making substantial changes in what it ultimately proposed to us in its closing submissions ('Revised Version').⁴ Those changes were particularly in relation to the topic of aircraft engine testing. Given that context, we treat the Revised Version as effectively superseding the Notified Version, insofar as the Council's position is concerned. The changes we make to the Revised Version are in Schedules 1 and 2 ('Decision Version').⁵

Effect of decision and rights of appeal

[5] The Decision Version will become operative as part of the CRDP, as soon as reasonably practicable, upon release of this decision and the expiry of the appeal period.⁶

[6] Under the OIC,⁷ the following persons may appeal our decision to the High Court (within the 20 working day time limit specified in the Order), but only on questions of law (and, for a submitter, only in relation to matters raised in the submission):

- (a) Any person who made a submission (and/or further submission) on the relevant provisions of the Notified Version;
- (b) The Council; and
- (c) The Ministers.⁸

⁴ Closing submission for the Council, dated 27 July 2016.

⁵ Also included in Schedules 1 and 2 are provisions included in Chapter 6 by the Panel's Companion Decision 56.

⁶ We refer to and adopt Strategic Directions decision at [5]–[9] on this matter.

⁷ OIC, cl 19.

⁸ The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

Provisions deferred

[7] This decision does not defer any matters, other than those subject to directions in [545](b) and (c).

Identification of parts of Existing Plan to be replaced

[8] The OIC requires that our decision also identifies the parts of the existing Banks Peninsula District Plan and existing Christchurch City Plan (together ‘Existing Plan’) that are to be replaced by the Decision Version.⁹ We have had regard to what the Council identified for replacement. However, that was in respect to the Notified Version which, as we have noted, has been essentially superseded by the Revised Version insofar as the Council is concerned. We identify that all general rules of the Existing Plan pertaining to this decision are replaced by the Decision Version.

Conflicts of interest

[9] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.¹⁰ 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. Because much of this decision is concerned with matters concerning Christchurch International Airport Limited (‘CIAL’) and Hands Off Hagley Inc, Hon. Sir John Hansen has recused himself from this decision.

[10] As has been disclosed, Judge Hassan acted for Transpower New Zealand Limited (‘Transpower’) and CIAL prior to his judicial appointment. As Transpower and CIAL differed on the matter of ‘protection surfaces’ in Sub-chapter 6.7 (Aircraft Protection), he re-enquired of counsel and submitter representative, Mr Lawry, whether anyone would have any concerns about his involvement in those matters. All counsel and Mr Lawry confirmed there were no concerns. As such, Judge Hassan continued in these matters, which are addressed at [397]–[422] of this decision.¹¹

⁹ OIC, cl 13(3).

¹⁰ The website address is www.chchplan.ihp.govt.nz.

¹¹ Transcript, page 592, line 43 to page 593, line 31.

REASONS

STATUTORY FRAMEWORK

[11] The OIC directs that we hold a hearing on submissions on a proposal, and make a decision on that proposal.¹²

[12] It sets out what we must and may consider in making that decision.¹³ It qualifies how the Resource Management Act 1991 ('RMA') is to apply and modifies some of the RMA's provisions, both as to our decision-making criteria and processes.¹⁴ It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 ('CER Act').¹⁵ The OIC also specifies additional matters for our consideration.

[13] Decision 1 (Strategic Directions), which was not appealed, summarised the statutory framework for that decision.¹⁶ As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision as we address various issues in this decision. On the requirements of ss 32 and 32AA of the RMA, we endorse and adopt [48]–[54] of Decision 6 (Natural Hazards).¹⁷

Submissions

[14] In reaching our decision, we have considered all of the submissions on those provisions of the Notified Version addressed in this decision. Several submitters exercised their right to

¹² OIC, cl 12(1).

¹³ OIC, cl 14(1).

¹⁴ OIC, cl 5.

¹⁵ 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. The CER Act was repealed and replaced by the Greater Christchurch Regeneration Act 2016 ('GCRA'), which came into force on 19 April 2016. However, s 148 of the GCRA provides that the OIC continues to apply and the GCRA does not effect any material change to the applicable statutory framework for our decision or to related Higher Order Documents. That is because s 147 of the GCRA provides that the OIC continues in force. Further, Schedule 1 of the GCRA (setting out transitional, savings and related provisions) specifies, in cl 10, that nothing in that Part affects or limits the application of the Interpretation Act 1999 which, in turn, provides that the OIC continues in force under the now-repealed CER Act (s 20) and preserves our related duties (s 17).

¹⁶ At [25]–[28] and [40]–[62].

¹⁷ Decision 6: Natural Hazards — Stage 1, 17 July 2015, pages 20–21.

be heard. Schedule 3 lists those witnesses who gave evidence for various parties, and submitter representatives. We appreciate the efforts of several residents concerned about airport engine testing noise to co-ordinate their representation, and their calling of expert evidence. We deal with the issues that submitters raised (and their related representations, legal submissions, and evidence) in the context of our s 32AA evaluations of the different provisions, in topic order.

Council's s 32 Report

[15] As required, we have had regard to the Council's s 32 Report,¹⁸ but it carries little weight (beyond some non-contentious provisions) in view of the extent to which the Revised Version changes the Notified Version.

Relationship of objectives to evaluation of other provisions under s 32AA

[16] Under s 32AA RMA, we must evaluate the provisions for this decision in terms of whether these “are the most appropriate way to achieve the [relevant CRDP] objectives”, and the objectives for whether they are most appropriate for achieving the RMA's purpose. Further, ss 75 and 76 RMA describe a hierarchical relationship between objectives, policies and rules; namely that rules are to implement and achieve objectives and policies and policies are to implement objectives.

[17] Our evaluation of provisions is against the objectives that we determine as the most appropriate for Chapter 6 General Rules and Procedures, and other relevant objectives now in effect. Chapter 6 is intended to work in conjunction with various zone or topic specific chapters and with Chapter 3 Strategic Directions. Therefore, our evaluation of whether provisions are the most appropriate for achieving related objectives includes the objectives of those other chapters.

[18] Our following evaluation to determine the most appropriate provisions does not strictly follow the order of the Revised Version, as it is more logical to deal with all noise and Christchurch Airport matters together.

¹⁸ Stage 2: Draft Section 32 Report, Chapter 6 General Rules and Procedures, and separate Addendum — Noise, Appendix 2.3 Engine Testing Provisions; Stage 3: Section 32 Report, Chapter 6 General Rules and Procedures Addendum.

SECTION 32AA — SUB-CHAPTER 6.1: NOISE OVERVIEW

Summary of Revised Version Sub-chapter 6.1

[19] As part of its s 32 RMA evaluation, the Council commissioned Marshall Day Acoustics to review the Existing Plan regime, and the review concluded that it was reasonable and working well. Hence, the noise provisions of the Notified Version essentially update and fine-tune, rather than significantly change, the regime of the Existing Plan.¹⁹

[20] The Council made a number of significant revisions to the noise provisions at various stages prior to, during and subsequent to, the hearing. That was, for instance, in response to mediation, expert witness conferencing and testing of evidence. In particular, the Council filed updated provisions on 9 May 2016 ('9 May Version'), and on 29 June 2016 ('29 June Version') (the 29 June Version being in relation to Airport Noise provisions, and filed following a chronology of steps described at [26]). Those versions were finally updated with the Council's closing submissions (i.e. the Revised Version).

[21] Closing submissions revealed that, in their overall design and in much of their substance, the noise provisions of the Revised Version were not contentious. We have made changes to some of these provisions where we found that necessary, and for the reasons we explain. Mostly however, we have accepted the related evidence of the Council to find the provisions most appropriate (subject to some drafting clarity and consistency changes). Whilst some matters of contention were significant, they were confined to certain topics and submitters (mainly in regard to airport noise and reverse sensitivity matters).

[22] To provide context for our findings on those contentious aspects, we summarise Sub-chapter 6.1 of the Revised Version as follows:

- (a) Objective 6.1.1.1 is as to the management of the adverse effects of noise on people and communities.
- (b) Related policies address general and topic-specific noise matters:

¹⁹ Opening submissions for the Council, 10 March 2016, at 2.1–2.2.

- (i) 6.1.1.1.1, 6.1.1.1.2 and 6.1.1.1.4²⁰ are general policies as to managing noise effects, night time noise and activities in key locations outside the Central City;
 - (ii) Policy 6.1.1.1.5 is specific to airport noise;
 - (iii) Provision 6.1.2 is on how to use the rules, Rule 6.1.3 is on general rules, Rule 6.1.3.4 is on the application of the rules, and Rule 6.1.3.2 lists exempt activities.
- (c) Rule 6.1.3.3 is on the measurement and assessment of noise. It incorporates NZS 6801:2008 Acoustics — Measurement of Environmental Sound ('NZS 6801') and NZS 6802:2008 Acoustics — Environmental Noise ('NZS 6802'), for those purposes (with the proviso that the 'Special Audible Characteristics' provisions of NZS 6802 do not apply). It also specifies where, in relation to site boundaries, the standards apply.
- (d) The related rules on activity classes and standards are grouped.
- (e) The first grouping is a general one, divided into activities outside and inside the Central City. For activities outside the Central City, Rule 6.1.4.1.1.1 and associated Tables 1 and 2 specify certain permitted activities (P1 and P2), activity specific standards and 'zone noise limits'. Inside the Central City, noise standards are specified for various categories within the entertainment and hospitality precincts. For this grouping, Rules 6.1.4.1.1.2 to 6.1.2.1.1.4 specify related restricted discretionary, discretionary and non-complying activities.²¹
- (f) The second rule grouping pertains to specific types of activity:
- (i) Rule 6.1.4.2.1.1 P1 encompasses 'generators for emergency purposes', 'temporary military training activities',²² 'temporary activities', 'rural

²⁰ 6.1.1.1.3 is as to entertainment and hospitality activities, rather than noise per se, and is addressed by our companion Decision 56.

²¹ 6.1.4.1.1.5 is headed 'prohibited activities' but simply says there are none.

²² Which we note as differently expressed from related activity specific standard 6.1.4.2.3 'temporary military training or emergency management activities'.

activities’, ‘aircraft noise’, ‘engine testing’ and ‘helicopter landings’, ‘sensitive activities in the Central City’ and ‘licensed premises outdoor areas in the Central City’. The activity specific standards for these activities are specified in Rules 6.1.4.2.2–6.1.4.2.12.

- (ii) Rule 6.1.4.2.1.1 P2 concerns ‘construction activities’. The activity specific standard for this activity is the relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics — Construction Noise, when measured and assessed in accordance with that standard.
 - (iii) Rules 6.1.4.2.1.2–6.1.4.2.1.4 specify related restricted discretionary, discretionary and non-complying activities.²³
 - (iv) Rules 6.1.4.2.2–6.1.4.2.12 (and related Tables), as noted, are activity specific standards for ‘generators for emergency purposes’, ‘temporary military training or emergency management activities’, ‘temporary activities’, ‘rural activities’, ‘aircraft noise from operations at Christchurch International Airport’, ‘engine testing at Christchurch International Airport’, ‘helicopter movements’, ‘sensitive activities — noise in the Central City’, and ‘licensed premises outdoor areas in the Central City’.
- (g) Rule 6.1.4.3 specifies matters of discretion for consent determination purposes.
- (h) Rules 6.1.5.1.1–6.1.5.1.5 and 6.1.5.2–6.1.5.3.1 concern two sources of ‘reverse sensitivity’ for strategic infrastructure, namely ‘sensitive activities near roads and railways’ and ‘activities near Christchurch Airport’:
- (i) Central to this set are Rules 6.1.5.2 and 6.1.5.3. Rule 6.1.5.2 specifies a range of standards (as to external to internal sound insulation and vibration) for sensitive activities near roads and railways to be a ‘permitted activity’ for the purposes of Rule 6.1.5.1.1. Rule 6.1.5.3 fulfils a similar purpose for activities near the airport, but is confined to indoor design sound levels within the 55 dB L_{dn} airport noise contour or engine testing noise contour.

²³ 6.1.4.1.2.5 is headed ‘prohibited activities’ but again simply says there are none.

- (ii) Rules 6.1.5.1.2 and 6.1.5.1.4 specify related restricted discretionary and non-complying activities.²⁴
- (iii) Rule 6.1.5.1.5 specifies as prohibited activities ‘any new sensitive activities within the Air Noise Boundary shown in the Planning Maps’ (PA1) and ‘Any new sensitive activities within the 65 dB L_{dn} engine testing noise contour line’ shown in the Planning Maps.
- (i) Appendices 6.11.14 and 6.11.15, in conjunction with related rules, specify requirements for ‘... an Airport Noise Management Plan’ and ‘... the Acoustic Treatment of Residential Units within the Christchurch International Airport Annual Aircraft Operational Noise Contours or Engine Testing Contours’.
- (j) A definition of ‘aircraft operations’ is included.

Our consideration of issues raised

[23] Although the matters in contention concerning the noise provisions of the Revised Version are confined both in terms of topic and submitters, some submissions call for determination of matters going beyond those provisions. In addition, on certain of the matters in contention (particularly on Airport Noise), there are a range of preliminary legal issues calling for determination. Therefore, our following evaluation is also on a topic-specific basis, rather than following the order of provisions in Sub-chapter 6.1.

SECTION 32AA — SUB-CHAPTER 6.1: AIRPORT NOISE

Context and chronology

[24] The Airport Noise provisions were the most contentious of those we determine in this decision. That contention centred on the following matters:

²⁴ 6.1.5.1.3 is headed ‘discretionary activities’, but there are none.

- (a) The provisions for aircraft engine testing noise ('Engine Testing Provisions'), in respect of which there were two dimensions to issues as to the most appropriate provisions:
 - (i) The human health and wellbeing dimension for residents living in proximity to the Christchurch Airport; and
 - (ii) The avian health and wellbeing dimensions for the operation of Isaac Conservation Wildlife Trust's nearby Peacock Springs avian wildlife sanctuary.
- (b) The Specific Purpose (Tertiary Education) zone ('SPTEZ'), and CIAL's request that we include non-complying activity rules for noise sensitive activities within the 50 L_{dn} Air Noise Contour ('50 contour').

[25] Despite extensive pre-hearing expert conferencing and mediation, fundamental differences remained, at the time of hearing, between various parties and their respective experts. Those differences were as to:

- (a) The tolerability and reasonableness (or otherwise) of receiving environment noise;
- (b) The appropriateness or otherwise of various New Zealand Standards and approaches to the measurement, assessment and management of aircraft engine testing noise;
- (c) What the CRDP should reasonably require CIAL and aircraft operators such as Air New Zealand Limited ('Air NZ') to do to manage noise;
- (d) What account should be taken of reverse sensitivity considerations, particularly concerning the strategic importance of the airport and implications for the reasonable ability to use and develop land for noise-sensitive activities; and
- (e) Related legal principles and directions of Higher Order Documents.

[26] Following an adjournment, we took a number of measures to try to narrow and better focus matters in contention, so as to help determine the most appropriate planning outcome:

- (a) On 18 March 2016, we issued a Minute giving directions for two further expert witness conferencing sessions,²⁵ facilitated by Dr Alex Sutherland.²⁶ One was to address technical and planning issues concerning the proposed Engine Testing Provisions. The other was to address planning issues concerning the SPTEZ. The Minute directed experts to consider a list of questions and report back.
- (b) On 22 April 2016, following receipt of the joint expert conferencing statement (and facilitator’s report) on the Engine Testing Provisions, the Chair convened a conference with counsel and representatives of the parties. This followed a request from Air NZ, and was prompted by the reported inability of the planning experts in conferencing to progress development of planning provisions, in view of key points of disagreement between the noise experts.
- (c) On 27 April 2016, a planning experts conferencing statement on the SPTEZ was filed (‘SPTEZ joint statement’).²⁷ As directed, the statement included an analysis of which noise sensitive activities at the University of Canterbury campus were classified as permitted activities under the Existing Plan.²⁸ It identified some activities where the planners were not able to draw firm conclusions on “resource management significance”. Although the experts proposed that we consider getting further advice from the noise experts with a view to further witness conferencing, we satisfied ourselves that we would be in a position to make all necessary determinations on the evidence already before us.

²⁵ Minute re further expert witness conferencing regarding aircraft engine testing noise, activities at the University, and Transpower and Christchurch International Airport Limited (this third matter is addressed later in this decision).

²⁶ To whom the Panel again records its sincere thanks.

²⁷ Chapter 6 General Rules and Procedures Activities at the University of Canterbury within the 50dBA Airport Noise Contour Expert Conferencing Statement, 27 April 2016, signed by Glenda Dixon (the Council’s planning witness), Matthew Bonis (CIAL’s planning witness) and Darryl Millar (the University of Canterbury’s planning witness).

²⁸ The activities so identified were performance activities, conference activities, recreation activities, pre-school activities, outdoor education activities, and “accommodation activities, only insofar as they relate to outdoor amenity effects”.

- (d) On 24 May 2016, the hearing was resumed for the specific purpose of having the noise experts cross-examined and questioned on their conferencing statement concerning the Engine Testing Provisions (in a process known as ‘hot-tubbing’ where the experts were called at the same time).²⁹
- (e) We directed the Council to file an updated set of provisions and set a timetable for the sequential filing of closing submissions. The updated provisions were filed on 29 June 2016 (‘29 June Version’). Closing submissions were filed by CIAL, Air NZ, University of Canterbury (‘UC’), various residents living in the vicinity of Christchurch Airport (‘Submitter Group’),³⁰ and the Council. The Council also filed an update of the 29 June Version to respond to some matters raised in other closing submissions (i.e. the Revised Version).
- (f) On 4 August 2016, the hearing was resumed concerning the Engine Testing Provisions to give opportunity to parties to speak to their closing submissions and respond to other closing submissions.

[27] Given that context, our evaluation below commences with our findings on a range of preliminary legal issues and evidential issues that parties raise or are in any case relevant to our determination of the most appropriate planning outcomes.

Relevance or otherwise of the RMA s 16 duty and ‘best practicable option’

[28] Section 16 of the RMA reads:

16 Duty to avoid unreasonable noise

- (1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.
- (2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may

²⁹ The hearing resumption was according to directions in the Panel’s 27 April 2016 Minute.

³⁰ We use the term ‘Submitter Group’ as a term used during the hearing. The Submitter Group was represented during the hearing by Mr David Lawry and together called acoustic expert, Professor John-Paul Barrington Clarke. Those who filed closing submissions were Gerrit Venema (2091), John Sugrue (2567), Bruce Campbell (2489), Vanessa Payne (2191), Mike Marra (2054) and David Lawry (2514) (each of whom reiterate their membership of the Submitter Group in their closing submissions).

prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).

[29] The RMA (s 2) defines ‘best practicable option’ (or ‘BPO’), relevantly as:

best practicable option, in relation to ... an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) the nature of the ... emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

[30] The relevance or otherwise of the s 16 duty (and the BPO) to the determination of the most appropriate noise provisions arose in the context of consideration of the Airport Noise provisions. During the 22 April 2016 conference on the Airport Noise issues, the Chair made preliminary observations that the BPO duty went beyond plan rules and was, by nature, a duty that is never completed (in the sense that it is responsive to technical and financial dynamics).

[31] Resident submitter, Mr Gerrit Venema, and other members of the Submitters Group, proposed various changes to provisions specifically to implement the s 16 duty.³¹ CIAL made reasonably extensive submissions on the duty and why, on the basis of its evidence, the provisions it sought satisfied the duty. Air NZ submitted that we were not required to be satisfied that plan provisions gave effect to the s 16 duty for CIAL and Air NZ, as the duty was separate and ongoing.³²

[32] On its face, the duty in s 16 applies to occupiers of land and is ongoing. Nothing in the RMA obliges us to be satisfied that the CRDP will assist occupiers of land to comply with the duty. The extent to which provisions may do so is a relevant consideration in our evaluation of what is most appropriate under s 32AA. However, as in this case, our ability to enquire into that is significantly limited by the evidence. Even the best of evidence on this topic would have limited value because the duty is inherently ongoing and dynamic, and hence not able to

³¹ For example, the (undated) closing submissions of David Lawry, at his un-numbered pages 6–11; closing submission of Gerrit Venema and other like minded submitters, 8 July 2016,

³² Closing submissions for Air NZ in relation to Chapter 6: General Rules and Procedures (Airport Noise), 8 July 2016.

be prescribed in plan provisions. Therefore, we accept Air NZ's submissions on those matters insofar as they go.

[33] Inherently, however, questions as to what constitutes 'reasonable' noise and what is practicably achievable in noise mitigation are central to the determination of the most appropriate noise provisions, under RMA s 32AA. In particular, enquiry into what is reasonable and practicable is inherent in s 32AA's directions that we identify 'other reasonably practicable options for achieving the objectives', assess 'the efficiency and effectiveness of the provisions in achieving the objectives', and 'identify and assess the benefits and costs' of the effects anticipated from implementation of the provisions.³³

[34] Much of the evidence we heard on the noise provisions concerned those questions. The Canterbury Regional Policy Statement 2013 ('CRPS') gives relevant directions on how they should be answered. We return to those matters shortly.

Relevance or otherwise of concepts of 'reverse sensitivity' and 'mitigation at source'

[35] 'Reverse sensitivity risk' can be broadly described as the risk that an established use becomes subject to legal restriction through an introduction into its receiving environment of new uses that are sensitive to and, hence, likely sources of complaint about, its environmental effects.

[36] The influence of CRPS policies about reverse sensitivity risk for strategic infrastructure was a central issue in relation to the SPTEZ. This concept, and the concept of 'mitigation at source', were also central issues in the consideration of the Engine Testing Provisions.

The SPTEZ

[37] We start with the SPTEZ matter, as it turns on the proper interpretation of the CRPS.

[38] Decision 19: (Specific Purpose Zones (Stage 2)), issued on 30 March 2016, provides a broadly enabling plan regime for the SPTEZ. It includes the listing of tertiary education and research activities and facilities, and associated community activities, as permitted activities

³³ RMA, s 32(1)(b)(i) and (ii) and s 32(2)(a).

(Rule 21.7.3.1). CIAL seeks that the SPTEZ be modified to specify ‘noise sensitive activities’ within the 50 contour as non-complying activities. That was opposed by the University of Canterbury (‘UC’).

[39] The 50 contour passes over two portions of UC’s Ilam Road campus. One is east of Ilam Road, covering extensive teaching, academic, and communal and ancillary support spaces. Significant new ‘RSIC’ and ‘CETF’ buildings are under construction here.³⁴ The 50 contour also affects the part of the campus west of Ilam Road, including the ‘University Hall’ halls of residence.³⁵ UC is currently undertaking a major repair and remediation programme at the campus. Not simply as a response to earthquakes, UC expects building changes to occur for some time into the future. It has also developed a related Master Plan.³⁶

[40] The material differences between CIAL and UC were as to the interpretation of relevant policy directions, rather than matters of expert evidence or the relative merits of provisions.

[41] There was little material difference between the respective noise experts (Mr Christopher Day for CIAL, Dr Trevathan for UC,³⁷ and Dr Chiles for the Council). CIAL did not lead any evidence in chief from a noise expert on matters in relation to UC. In his rebuttal, Mr Day took issue with one matter, concerning Dr Trevathan’s assumptions concerning intermittent use of Runway 29 and its relationship to annoyance. However, he prefaced that by noting his agreement with most of Dr Trevathan’s evidence. He noted agreement that lecture theatres are “inherently well insulated”, and that those living in student accommodation could be less sensitive to noise than a normal residential receiver (with a rider that the extent of sensitivity was unknown).³⁸

[42] CIAL’s planning witness, Mr Matthew Bonis,³⁹ acknowledged the evidence of Dr Chiles that specific acoustic treatment would likely be unnecessary for school and educational buildings between the 50 contour and 55 dB L_{dn} contour (‘55 contour’); and that standard

³⁴ ‘Regional Science and Innovation Centre’ and ‘Canterbury Engineering the Future’, respectively.

³⁵ Evidence in chief of Darryl Millar on behalf of UC at paras 9–11.

³⁶ Opening submissions for UC at para 8.

³⁷ Dr Jeremy Trevathan was an acoustic engineer and Director of Acoustic Engineering Services Limited (AES), an acoustic engineering consultancy based in Christchurch.

³⁸ Rebuttal evidence of Christopher Day, for CIAL, dated 25 February, at 36–39.

³⁹ Mr Bonis has appeared before the Panel on a number of occasions. We have set out Mr Bonis’s qualifications and experience as a planning expert in our earlier decisions.

measures are available to achieve appropriate internal levels for such buildings within the 55 contour.⁴⁰ In cross-examination, Mr Bonis confirmed:⁴¹

The concern that I am raising is a policy hurdle and nothing else.

...

As I have indicated, I do not think that there is any mischief. The only hurdle I have from a policy planning point of view is this particular policy.

I have been very clear in my evidence, and I think all the acoustic experts appear to agree that there is not mischief that the University's development and recovery post-earthquake, could occur in terms of the strategic infrastructure identified by the Airport. It is the policy that is causing me the issue.

[43] We also note the following exchange as to whether there was any resource management purpose to be served by imposing the rule sought by CIAL:⁴²

JUDGE HASSAN: Just on the basis of those answers, Mr Bonis, is it your view that you cannot conceive of a relevant resource management purpose for regulation?

MR BONIS: Based on the evidence of Mr Trevathan, Mr Day, and Dr Chiles it would be very, very limited and I think it would be at the margins in terms of accommodation and preschools, from what I understand.

[44] In its closing submissions, CIAL confirmed that it did not have concern about the merits of UC's building proposals, although noting it had not seen detailed plans. It supported a "bespoke" set of rules providing an "easy and quick" path for the consenting of a building or buildings, and that provided a mechanism for CIAL to be consulted.⁴³

[45] On the basis of the relative lack of disagreement between the noise experts concerning UC, we are satisfied that UC's present activities and future plans do not pose a material reverse sensitivity risk for the airport. On that basis, we find CIAL's position is only tenable to the extent that the CRPS effectively requires such an outcome (as Mr Bonis would appear to have assumed).

[46] As we have noted, the CRPS includes directions on reverse sensitivity risk in relation to strategic infrastructure, to which we must give effect.

⁴⁰ Referring to Dr Chiles's evidence in chief on behalf of Council at paras 10.4 and 10.5.

⁴¹ Transcript, page 623, lines 28; page 625, lines 37–45. Referred to in the supplementary closing submissions for UC, 8 April 2016, at 78.

⁴² Transcript, page 629, lines 8–14.

⁴³ Closing submissions for CIAL, 8 July 2016, at 110.4.

[47] CRPS Policy 6.3.5(4) states:

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

...

- (4) Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A.

[48] CRPS Chapter 5 also includes related objectives and policies, including:

- (a) Objective 5.2.2, on integration of land-use and regionally significant infrastructure, which, relevantly, refers to:

- (2) ... achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:

- (a) development does not result in adverse effects on the operation, use and development of regionally significant infrastructure.
- (b) adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.
- (c) there is increased sustainability, efficiency and liveability.

- (b) Policies 5.3.2 and 5.3.9 are similar in their directions to:

5.3.2: ... enable development including regionally significant infrastructure which:

...

- (2) avoid or mitigate [sic]

...

- (b) reverse sensitivity effects and conflicts between incompatible activities ...

5.3.9: In relation to regionally significant infrastructure (including transport hubs):

- (1) avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety...

[49] Our s 32AA evaluation is also to be by reference to the Strategic Directions objectives.

Objective 3.3.12 relevantly reads:

- b. Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things:

...

- iii. avoiding noise sensitive activities within the 50dBA Ldn noise contour for Christchurch International Airport, except:

...

- C. for permitted activities within the Open Space 3D (Clearwater) Zone of the Christchurch City Plan, or activities authorised by a resource consent granted on or before 6 December 2013.

[50] The objective includes a rider that the above aspect will be reconsidered as part of the Panel's further hearing of relevant proposals. We return to that matter at [335].

[51] In regard to CRPS Policy 6.3.4(4), the differences between the respective planning witnesses for CIAL and UC were particularly as to the words we have highlighted in the following excerpt:

Only providing for **new development** that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including **by avoiding noise sensitive activities** within the 50 dBA Ldn airport noise contour ...

[52] Mr Bonis noted that universities were a form of 'education activity' and, hence, by definition are a 'sensitive' activity for the purposes of the CRPS. He pointed out that CRPS Policy 6.3.5(4) did not specify any exemption for activity within an education zone, by contrast to the exemption it affords existing or priority greenfield residential areas.

[53] Similarly, he noted that Strategic Objective 3.3.12(b)(iii) seeks to avoid noise sensitive activities within the 50 contour, and does not specify any exception for activity within existing Education zoned areas.⁴⁴

[54] In his planning evidence for UC, Mr Darryl Millar explained that CIAL’s requested relief would introduce consenting requirements where none had previously existed, including under former planning instruments.⁴⁵ He characterised CIAL’s request as being for “a paradigm shift away from 40 years of permissive planning mechanisms”. He said it would increase uncertainty, transaction costs and project delays, including by requiring project-by-project engagement with CIAL, and potentially associated public notification of applications.⁴⁶ This was at a critical time in terms of UC’s recovery programme. He also referred to related evidence to other hearings on behalf of UC which generally supported his concerns on these matters.

[55] In terms of the Higher Order Documents, Mr Millar argued that CIAL’s requested relief was contrary to the OIC Statement of Expectations, including its reference to reducing reliance on consenting processes.⁴⁷ Turning to CRPS Policy 6.3.5(4), he reasoned that its reference to “new development” did not extend to the nature of what UC proposed. That was particularly in view of the largely developed nature of the campus and the specific intention of the SPTEZ to provide for tertiary education activities.⁴⁸

[56] Consistent with that interpretation, UC argued that the relief sought by CIAL would undermine the “whole of campus approach” underpinning the SPTEZ, and introduce at least uncertainty for UC. It argued that CIAL’s request for non-complying activity status was not necessitated by CRPS Policy 6.3.5(4), as the policy was directed to truly new development within the 50 contour. It noted that the Ilam campus has been held for university purposes since the 1950s.

⁴⁴ Evidence in chief of Matthew Bonis on behalf of CIAL at paras 124–127.

⁴⁵ Darryl Millar is a director and senior planning with Resource Management Group Limited, and his qualifications and experience are also set out in our earlier decisions.

⁴⁶ Evidence in chief of Darryl Millar at paras 23–25.

⁴⁷ Evidence in chief of Darryl Millar at para 31.

⁴⁸ Evidence in chief of Darryl Millar at para 42.

[57] With reference to the High Court decision in *Nanden*,⁴⁹ UC submitted that we should prefer an interpretation of the policy that avoided absurdity or an anomalous outcome, is likely to be consistent with expectations of property owners, and is practical for administration. Referring to Oxford Dictionary definitions of ‘new’ and ‘development’, UC submitted that its present and future building work was not caught. That was in the sense that its building programme (including additions) was for improvement to, or replacement of, pre-existing development at a long-established site to recover and also respond to the university’s growth and changing needs.⁵⁰

[58] We start by considering the use of the words ‘development’ and ‘new development’ in the CRPS. The CRPS does not define ‘development’ (or ‘new development’). The issue that raises is whether that allows us discretion to adjudge whether, on the merits, new buildings on the campus involving noise sensitive activities, are to be assigned to a resource consenting track (in terms of both activity class and notification dimensions).

[59] CRPS Chapters 5 and 6 (containing the relevant objectives and policies earlier noted) take a different approach to that of other CRPS chapters. In Chapters 8, 11 and 12 (respectively dealing with The Coastal Environment, Natural Hazards and Landscape), the typical approach in the drafting of objectives, policies and other provisions is to use the phrase ‘subdivision, use and development’, without distinction, when dealing with land. By contrast, several objectives and policies of Chapters 5 and 6 (including those we identify as relevant) use only the word ‘development’.

[60] There are several indications in CRPS Chapters 5 and 6 that this difference in drafting approach is deliberate and for the purposes of focusing related objectives and policies on the appropriate nature and scale of land use change in issue. In particular, various passages indicate that ‘development’ refers to a scale of land use change that impacts on community social, economic or cultural wellbeing and health and safety and/or is relevant in terms of urban form or structure, and/or impacts on land use and infrastructure integration. For instance, we refer to:

⁴⁹ *Nanden v Wellington City Council* [2000] NZRMA 562 (HC) at [48].

⁵⁰ Opening submissions for UC, 15 March 2016, at paras 21–29.

- (a) Issue 5.1.2 and its associated explanation, Objectives 5.2.1 (and its associated ‘principal reasons and explanation’) and 5.2.2 (which we acknowledge also uses ‘land use’), and Policies 5.3.1, 5.3.2, 5.3.3 (and its associated ‘principal reasons and explanation’), 5.3.5 and 5.3.9; and
- (b) Issues 6.1.1 and 6.1.2, Objectives 6.2.1 and 6.2.2, and Policies 6.3.1 to 6.3.5 (and their associated ‘principal reasons and explanation’ text).

[61] We acknowledge that other provisions in those chapters also use the word ‘land use’, but we consider there is an overall pattern that indicates an intention that ‘development’ is of a scale in terms of which strategic level resource management issues, of the type we have described, could be in issue. We do not need to determine that other than to the extent of determining what UC proposes and would be enabled at the UC campus under the SPTEZ would constitute ‘development’.

[62] In addition to the fact that ‘development’ is not defined by the CRPS, that related CPRS objectives and policies in Chapters 5 and 6 allow for judgment to be exercised, as to these matters of scale, in the formulation of the CRDP. That is an important dimension would appear to have been overlooked by Mr Bonis in his interpretation of CRPS Policy 6.3.5(4).

[63] In considering how ‘development’ is used in its RMA context, we note the word appears in the definition of ‘sustainable management’, in s 5(2) of the RMA, (i.e. ‘managing the use, development, and protection of natural and physical resources’). The RMA does not define the word. However, the fact of its placement in s 5(2) following the word ‘use’ is a pointer to its intended meaning for that provision.

[64] Unlike ‘development’, ‘use’ is defined for the purposes of specified RMA sections dealing with land use restrictions and existing use rights. Relevant to our purposes, the definition of ‘use’ is broad and encompasses:⁵¹

- (i) alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over land;

...

⁵¹ RMA, s 2.

- (v) any other use of land.

[65] Coupled with that, s 10 as to existing use rights, explicitly allows for forms of limited land use development, such as reconstruction or alteration of, or extension to, any building provided this does not increase the degree to which the building fails to comply with any rule in a district plan or proposed district plan.

[66] We find those interpretations are consistent with the ordinary meaning of the word:

- (a) The *Shorter Oxford* offers the following relevant meanings:⁵²

Develop

- 3(e) Convert (land) to new use, so as to realize its potentialities; construct buildings etc on land.

Development

- 8 The actions of developing land etc so as to realize its potentialities; speculative building; a development site; esp a new housing estate.

- (b) *Black's Law Dictionary* offers the following definitions of 'development':⁵³

1. A substantial human created change to improved or unimproved real estate, including the construction of buildings or other structures.
2. An activity, action, or alteration that changes undeveloped property into developed property.

[67] Those definitions indicate that, in its ordinary sense, 'development' (in relation to land) can refer to land that is both in an undeveloped or developed state. It refers to human intervention, by way of building or other physical works, for the purposes of realisation of the land's potential. The word allows for judgment to be applied as to the scale or nature of intervention constituting development.

[68] Consistent with that ordinary meaning, we find that the RMA intends 'development' to refer to a more significant scale of intervention than is encompassed by its defined term 'use' and its application in related RMA provisions (especially s 10). In terms of its usage within the CRPS, we find 'development' to apply where the scale of land use change is such as to give

⁵² *Shorter Oxford English Dictionary*, Sixth Edition.

⁵³ *Black's Law Dictionary*, Tenth Edition.

rise to the community wellbeing, health and safety, urban form or structure, and/or infrastructure integration issues that related CRPS objectives and policies (and associated explanations) refer to.

[69] That is unlikely to be the case where the nature of what is at issue here is a continuation of a long-established facility in keeping with the zone intentions and contemplated within relevant permitted, controlled, restricted discretionary, or discretionary activity classes. We do not definitively say ‘development’ is irrelevant in those scenarios. It depends on the application of sensible judgment on the evidence. We find that the CRPS’s use of the undefined word ‘development’ allows us to exercise sensible judgment in determining provisions for the CRDP.

[70] Contrary to Mr Bonis’s interpretation, the fact that education activities are a form of defined ‘noise sensitive activity’ does not lead to a consequence that new UC campus buildings for those purposes are to be avoided within the 50 contour in order to give effect to the CRPS (including Policy 6.3.5(4)).

[71] That consequence does not follow because:

- (a) We find on the evidence that none of the permitted, controlled, restricted discretionary and discretionary activities in the SPTEZ constitute ‘development’ (or, for that matter, ‘new development’), for the purposes of the CRPS. That is because:
 - (i) the listed activities (including new buildings) reflect, rather than change, the well-established use of the campus as a tertiary institution; and
 - (ii) the evidence satisfies us that none of those activities present strategic level resource management issues of the type contemplated by Chapters 5 and 6 of the CRPS, particularly given the lack of any material reverse sensitivity risk for the airport.
- (b) Therefore:

- (i) the first part of CRPS Policy 6.3.5(4) does not apply (i.e. this does not constitute ‘new development that [affects or potentially affects] ... the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure’; and
- (ii) consequentially, the policy’s subordinate phrase ‘including **by avoiding noise sensitive activities** within the 50 dBA Ldn airport noise contour’ does not apply.

[72] On a similar basis, we find that none of the other CRPS provisions requires us to provide for a consenting regime as sought by CIAL. In particular, given the evidence as to the nature and scale of the relevant activities and the lack of evidence as to material reverse sensitivity risks associated with them, we are satisfied that none of Objective 5.2.2, or Policies 5.3.2 and 5.3.9, or any other CRPS reverse sensitivity provision concerning development, is applicable.

[73] On a similar basis, we are also satisfied that the consenting regime as sought by CIAL is not required to achieve Strategic Directions Objective 3.3.12. Specifically, we are satisfied that none of the relevant activities constitute ‘incompatible activities’ in the sense intended by that objective. Hence, there is no associated requirement to avoid those activities within the 50 contour.

[74] At this point, we briefly return to [26](c) of the contextual chronology where we note that the SPTEZ joint statement records that the planning witnesses could not draw firm conclusions on the significance of certain specified activities on the UC campus on which they recommended we direct further conferencing by the noise experts. In view of our findings, we are satisfied there was no value in making such a direction. In particular, we are satisfied that the evidence before us (including from the noise experts) was sufficiently informed as to be reliable in all material respects. As we have noted, that evidence also underpinned Mr Bonis’s opinion at the hearing, to the effect that none of the UC’s actual or proposed activities give rise to any concern on the merits, and the issue is purely one of the proper legal interpretation of the CRPS in regard to what is proposed for the UC campus and would be enabled under the SPTEZ. We do not take the SPTEZ joint statement to mean that Mr Bonis changed his opinion about that. On the evidence, we are satisfied that none of the activities that the SPTEZ joint statement lists (performance activities, conference activities, recreation activities, pre-school

activities, outdoor education activities, and ‘accommodation activities, only insofar as they relate to outdoor amenity effects’) are in any sense material.

[75] We are satisfied that our findings on these matters are materially consistent with our findings concerning noise sensitive activities and the 50 contour, at [237] of Decision 10 (concerning the Residential Stage 1 proposal). In that decision, on our interpretation of the same CRPS provisions, we made special provision for certain noise sensitive activities where these were within the 50 contour. Those included the addition of related assessment matters for residential activities that were classed as restricted discretionary activities and a reclassification of educational activities, pre-school facilities and healthcare facilities from permitted and controlled, to restricted discretionary activities.

[76] Those findings effectively assumed that each of those noise sensitive activities was a form of ‘development’ for the purposes of the CRPS. However, the evidential context for that decision was materially different. Specifically, it involved a zone-wide, rather than a UC campus-specific, question.

[77] Therefore, we reject CIAL’s requested relief in relation to the SPTEZ and find the most appropriate approach for achieving related CRDP objectives (including the version of Objective 6.1.1.1 confirmed by this decision) is to not include its requested non-complying activity (or any variation of it proposed in its closing submissions).

Engine Testing Provisions and ‘reverse sensitivity’

[78] Turning to the Engine Testing Provisions, part of CIAL’s submission was that this presented a “classic reverse sensitivity scenario”. It characterised the issue as being one of long-standing strategic infrastructure now experiencing complaint from “newer, noise-sensitive land uses”.⁵⁴

[79] CIAL emphasised the importance of protecting and enabling the sustainable management of the airport as “an existing and lawfully established activity, and as an activity of significant local, regional and national importance”.⁵⁵ Referring to the evidence of Messrs Boswell (CIAL

⁵⁴ Closing submissions for CIAL, 8 July 2016, at para 22.

⁵⁵ Closing submissions for CIAL, 8 July 2016, at paras 22–25.

representative), Morgan (Air NZ operations) and Copeland (economics), it pointed out that no other party had adduced evidence as to the practical and financial implications of constraints sought by the Submitter Group (i.e. on airport operations, including engine testing). It submitted that this emerging reverse sensitivity risk was precisely why it was important to impose noise contours and associated rules to regulate land use.

[80] CIAL submitted that the evidence demonstrates that “mitigation at source”, as sought by various submitters, is impracticable, and that this further underlies the importance of reverse sensitivity land use controls.⁵⁶

[81] Members of the Submitter Group urged that we require CIAL to mitigate at source. They saw reliance on engine testing contours as an unjust victimisation of residents the Council should be protecting.⁵⁷ For instance, Mr Venema submitted that engine testing noise “needs to be contained within the polluter’s boundaries according to a reasonable set of noise limits and a compliance regime” (as proposed in an attachment to his submission).⁵⁸

[82] The Council submitted that, insofar as aircraft engine testing was concerned, this was a problem significantly of CIAL’s own making. That was with reference to the circumstances of the relatively recent shift of most engine testing to the present location significantly closer to existing residential areas. The Council noted that, in cross-examination, Mr Boswell conceded that he was not aware of any analysis having been done at that time about the noise implications of the move.⁵⁹ As to the matter of the airport’s acknowledged strategic importance, the Council submitted that, on the matter of engine testing, CIAL had itself put this strategic infrastructure at risk by failing to properly manage the relocation of that engine testing.⁶⁰

[83] As we address shortly, these various positions on the concepts of ‘reverse sensitivity’ and ‘mitigation at source’ primarily pertain to those parties’ related positions on the most

⁵⁶ Closing submissions for CIAL, 8 July 2016, at paras 25–29.

⁵⁷ Closing submission of Gerrit Venema and other like minded submitters, 8 July 2016. The submission recorded that it was also on behalf of David Bastin (2078), Bruce Campbell, David Lawry, Mike Marra, Vanessa Payne and John Sugrue. Each of these submitters, apart from Mr Bastin, filed separate closing submissions that also recorded their association with the Submitter Group: above, n 30.

⁵⁸ Closing submission of Gerrit Venema at page 5.

⁵⁹ Closing legal submissions for Christchurch City Council on the General Rules and Procedures (Stages 2 and 3) Proposals and the Specific Purpose (Golf Resort) Proposal, Part 3: Noise and airport related matters, 27 July 2016 (‘Council closing submissions’), at para 3.5, referring to the Transcript, page 338.

⁶⁰ Closing submissions for the Council (Part 3), 27 July 2016, at para 3.6.

appropriate Engine Testing Provisions. To some extent, they also pertain to other Airport Noise provisions, but those other provisions are significantly less contentious.

[84] At [90], we explain why we find that CIAL’s closing submission on the reverse sensitivity risk for aircraft engine testing is not supported on an analysis of the evidence and the CRPS.⁶¹ For completeness, we also agree with the Council’s closing submissions that CIAL’s position is not supported on an analysis of relevant RMA principles as to the management of noise emissions.

[85] To give proper perspective to these matters, it is not CIAL’s position that there should be no mitigation at source. In substance, the changes it seeks to provisions reflect a ‘mitigation at source’ approach. Its position concerning ‘reverse sensitivity’ concerns what CIAL considers to be reasonable and practicable ‘mitigation at source’ provisions.

[86] As we have noted, what is ‘reasonable and practicable’ is at the core of our task in determining the most appropriate Airport Noise provisions, including on engine testing. It is particularly important that we calibrate that according to a sound understanding of relevant RMA principles.

[87] Starting with the CRPS, CIAL did not support its closing submissions by reference to its reverse sensitivity provisions. We find the CRPS does not provide any support for CIAL’s position. The evidence informs us that the emerging complaint risk referred to by CIAL is from residents in the established residential areas, such as Bishopdale, in relevant proximity to CIAL’s relocated engine testing pad. By any sensible analysis, existing and replacement residential, educational or other noise sensitive activities in those receiving environments does not constitute ‘development’.

[88] We accept that policy support under a Higher Order Document such as the CRPS (or a National Policy Statement) is not a necessary prerequisite for addressing reverse sensitivity risk under the RMA. The strategic importance that an established activity has for people and communities could be sufficient, of itself, to warrant such regulatory intervention in terms of the RMA’s sustainable management purpose. However, in the absence of any specific statutory

⁶¹ Closing legal submissions for CIAL, 8 July 2016, at [22].

or Higher Order Document directive, we also find that the evidence does not demonstrate a sufficient case for doing so.

[89] We must bear in mind that the management of reverse sensitivity inevitably involves making a choice between competing rights and interests.⁶² As such, there are fundamental questions of equity and fairness to consider. In regard to the matter of the Engine Testing Provisions, several provisions of the RMA cause us to be cautious in that they give a reasonably strong emphasis to a mitigation at source approach to noise management:

- (a) The s 16 duty to avoid unreasonable noise, here borne by CIAL and Air NZ, is one expression of this (together with the s 17 duty to avoid, remedy, or mitigate adverse effects). In essence, reverse sensitivity risk results from the operation of the RMA (such as RMA enforcement action in relation to these duties or for breach of CRDP rules or resource consent conditions).
- (b) Another is in ss 31(1)(d) and 72 which, respectively, describe a Council statutory function of ‘the control of the emission of noise and the mitigation of the effects of noise’ and a related CRDP purpose to assist the Council to carry out its functions in order to achieve the RMA’s purpose.
- (c) Finally, there are several indications in favour of a ‘mitigation at source’ approach in Part 2 of the RMA. We are directed to have particular regard to the maintenance and enhancement of amenity values and quality of the environment (s 7(c) and (f)). ‘Sustainable management’, in s 5, encompasses the wellbeing (including in social and economic terms) and ‘health and safety’ of people and communities and ‘avoiding, remedying, or mitigating any adverse effects of activities on the environment’. ‘Environment’ includes ‘amenity values’, and the latter term encompasses consideration of noise impacts in that it refers to the qualities and characteristics that contribute to an area’s pleasantness.

[90] Considering all those matters, we find CIAL’s characterisation of its engine testing as a “classic reverse sensitivity scenario” artificial and invalid. That is particularly given Mr Boswell’s concessions concerning the lack of analysis of the noise implications of the move,

⁶² As we also discuss in Decision 29: Residential New Neighbourhood Zones at [66]–[68].

the evidence as to the noise impact consequences of that move for established residential areas,⁶³ and the direct evidence we heard from residents as to those impacts.⁶⁴

[91] We accept the Council's related submission that, to the extent indicated by Mr Boswell's concession, CIAL has been instrumental in putting this strategic infrastructure at reverse sensitivity risk. The particular force in that submission is in the fact that the CRPS ultimately seeks to protect the airport, as strategic infrastructure, through effective land use integration. We are directed to have particular regard to the 'ethic of stewardship' (s 7(aa) of the RMA). The steward of the airport resource, for and on behalf of the community it serves, is CIAL. It is particularly important, including for the protection of the airport as strategic infrastructure, that the Engine Testing Provisions reasonably and practicably ensure CIAL fulfils this stewardship role, including by mitigation at source. In the circumstances, we find it contrary to RMA principles and inappropriate to water down this responsibility through an artificial 'reverse sensitivity' construct.

[92] Those findings pertain to several of the provisions in dispute between CIAL and the Council.

[93] However, it does not follow that we must accept the Submitter Group's call for a Ground Run-up Enclosure ('GRE') or for rejection of the use of Engine Testing Contours ('ETCs'). The appropriateness or otherwise of such approaches to the control engine testing noise emissions are matters for evaluation on the evidence, and in light of the Higher Order Documents (including the CRPS).

Evidence concerning engine testing and related noise effects

[94] The issues concerning aircraft engine testing, and its related effects, concern both residents and avian wildlife.

[95] There are two separate forms of engine testing at the airport: off-wing testing in a purpose-built Engine Test Cell Facility ('ETCF'), and what is termed 'on-wing' engine testing.⁶⁵ Our concern, on the matters in contention, focuses on the latter.

⁶³ Discussed at [114]–[118].

⁶⁴ Discussed at [94]–[115], [119]–[121].

⁶⁵ Evidence in chief of Christopher Day on behalf of CIAL at paras 71–72.

[96] Mr Eric Morgan, an aviation consultant with experience in planning and development of airports, gave evidence for Air NZ. He explained in detail the importance of Air NZ’s engine testing operations and the nature of them; flight schedules; current engine testing activity; what Air NZ is currently doing to mitigate the effects of engine testing operations and what further action it is able to take; the possibility of constructing an engine testing enclosure (including feasibility and the degree of noise attenuation this might provide, and a response to issues raised by Council evidence).

[97] There can be no doubt about the importance of Air NZ’s engine testing operations, being an inherent and essential element of ensuring aircraft reliability and safety, with maintenance performed according to programmes defined by manufacturers and regulatory authorities. We accept Mr Morgan’s evidence that compliance with such requirements is mandatory.

[98] Air NZ operates a very significant maintenance base at the airport, maintaining several different kinds of aircraft arriving on scheduled services. Seven hundred staff are employed in the facility, and there are long-term leases and significant infrastructure. Off-wing engine maintenance, repair and overhaul, is undertaken in joint venture with aero engine manufacturer Pratt & Whitney, the business known as the Christchurch Engine Centre (‘CEC’). Major overhauls of aircraft engines are undertaken, with testing to follow to ensure that specifications and parameters are met.

[99] In addition, Air NZ carries out engine testing in the course of routine maintenance during aircraft layover between operational days. This testing is called “ground running” and is less extensive than the CEC testing. The ground running is also known as on-wing testing.

[100] The Auckland and Christchurch maintenance bases are, amongst New Zealand airports, the only options available for comprehensive jet maintenance.

[101] Work must often fit between flight schedules, which of course are numerous at Christchurch Airport. Night time maintenance (2200 hours to 0600 hours) is regularly required. Mr Morgan said that any requirement to service aircraft outside of those hours would result in a reduction of available services between Christchurch and Australian cities to facilitate daytime running, or alternatively the necessity to acquire additional aircraft at significant cost and with consequential uneconomic reduction and utilisation.

[102] Domestic jet schedules operate in such a way as to give a slightly longer night time window; regional turboprop schedules similarly.

[103] Air NZ's operations result on average in eight aircraft laying over at Christchurch each night, of which half may require some form of engine-related maintenance.⁶⁶

[104] Mr Morgan told us that Air NZ currently conducts an average of 26 engine ground runs per week at Christchurch, and in addition an average of two heavy maintenance related engine runs per week during daytime hours. It also undertakes engine ground runs on behalf of other airlines, on average two per week.

[105] CIAL has, in the manner we shall describe, defined the rules and requirements for engine ground running over time, including as to acceptable locations. There is a sensitivity to wind direction, such that aircraft must be positioned facing into the wind and in an area that does not interfere with other operations or navigation aids.

[106] Mr Morgan said that the airport rules of operation include the measuring of performance concerning noise complaints, in respect of which he suggested the complaint levels about engine testing were relatively low when compared with overall complaint levels.⁶⁷ We shall describe some controversy regarding that statement, arising in other evidence.

[107] Mr Morgan described mitigation practices, suggesting that Air NZ strives to be a "good neighbour". Together with CIAL's acoustic witness Mr Day, he described the implementation of an automatic engine testing compliance regime ('ETMS'), as including:⁶⁸

- (a) Increased emphasis on the use of daylight hours where practicable;
- (b) Ensuring ground running requirements are known to maintenance teams;
- (c) Endeavouring to limit night time engine running activities to essential requirements;

⁶⁶ Evidence in chief of Eric Morgan for Air NZ, dated 17 February 2016 at 1.10–4.11.

⁶⁷ Ibid at 5.1–5.9.

⁶⁸ Ibid at 6.6.

- (d) Undertaking idle ground engine running during taxi of aircraft to the terminal stands;
- (e) Undertaking any significantly longer turboprop engine runs at the western Runway 11 ('RWY11') location (subject to operational requirements);
- (f) Spreading maintenance works over several days where possible;
- (g) Balancing the work across maintenance bases where reasonably practicable; and
- (h) Reporting all activities to CIAL for oversight purposes.

[108] He stressed that there were limits on what can be done given that Christchurch Airport is “a 24/7 airport”; also that constraining maintenance operations can have far-reaching implications at local, regional and national level.⁶⁹

[109] Mr Morgan said that, from Air NZ’s perspective, engine testing is a necessary part of airport and aircraft operations. The two activities are intertwined — one cannot be undertaken without the other.

[110] Mr Morgan discussed a recognised method of mitigation of ground running noise, the use of a GRE. Mr Day dealt with the acoustic properties of such equipment, and Mr Morgan focused on the practicality from a user perspective. He sounded a caution about claims by GRE manufacturers as to noise reduction benefits, citing a number of complex factors. One particular limitation is that, where the wind direction is such that an established GRE cannot be used, or when larger aircraft cannot be accommodated within it, a second fallback location somewhere on the airport is required. Typically, these locations do not have mitigation structures.

[111] The structures are sizeable, and issues of land availability and position relative to other airport operations and navigational aids arise. Design and development is therefore a major task involving a variety of disciplines. The approximate cost of one at Christchurch Airport would, he said, be NZ\$8m exclusive of site, access and infrastructure works (extras would

⁶⁹ At paras 6.1–6.8.

consume approximately another NZ\$2m). Given that the airport would have to pay for it, Mr Morgan considered that there would be a substantial effect on the cost of travel to and from Christchurch.

[112] He said that manufacturer claims of a 15 dB reduction at 150m from the structure needed to be tempered by other environmental factors.⁷⁰ He did, however, sensibly defer to the acoustic engineers on the topic.

[113] Through this evidence, we gained the distinct impression that Air NZ holds a very negative view about the use of such technology. Even though we finally found ourselves somewhat in agreement, we were concerned with Mr Morgan's statement that the management decisions about how to achieve ongoing compliance with contours should ultimately be a matter for CIAL in consultation with operators as appropriate, and not something that should be determined in the course of the CRDP process. As will be seen, that is not a view we share.⁷¹

[114] Mr Boswell, CIAL's General Manager of Strategy and Sustainability, gave evidence that touched on the history of engine testing operations, methodology and location. His description of the issue in general terms largely accorded with the evidence of Mr Morgan and Mr Day, including his description of the importance of the aircraft maintenance facility at this airport, including provision for engine testing.

[115] Picking up on evidence of the acoustic engineer called by the Council, Dr Chiles, that there had been a change in the location of the airport's engine run-up pad a little over ten years ago,⁷² Mr Boswell offered some comment.⁷³ The change involved the establishment of a dedicated engine run-up pad west of Hangar 1, prior to which on-wing engine testing had occurred in a variety of locations around the airport, including taxiways, runway thresholds and open areas. Locations and durations had been governed by the Christchurch International Airport Bylaws Approval Order 1989, in particular by Bylaw 52. Mr Boswell's comments were largely confined to the operational desirability of the change, including as to the provision of a concrete ground surface to prevent heat damage from engines, the size of aircraft able to

⁷⁰ Evidence in chief of Eric Morgan, for Air NZ, dated 17 February 2016 at 7.2.

⁷¹ From evidence in chief for Air NZ, dated 17 February 2016, at 7.1–7.19.

⁷² Evidence in chief of Dr Chiles for the Council at 3.8.

⁷³ Evidence in chief of Rhys Boswell for CIAL at 71–77.

use the facility, and operational limitations on the previous main site by RWY11 when that was in use.

[116] What Mr Boswell seemed to avoid commenting on at this juncture was the allegation by Dr Chiles that, since 2004, a significant proportion of engine testing had been conducted on the new purpose-built run-up pad adjacent to the Air NZ maintenance hangar in the east sector of the airport; and in particular that he was not aware of any noise assessment having been undertaken when it was built, or any noise mitigation implemented. Dr Chiles had commented that the run-up pad is approximately twice as close to parts of the residential zone as the original RWY11 test location, being 1-2 kilometres further from the zone. He said this would result in correspondingly greater noise disturbance.⁷⁴

[117] This was confirmed, significantly, when Mr Boswell was questioned by the Panel. Ms Dawson elicited from Mr Boswell that he was working for CIAL when the shift was made. Mr Boswell conceded that he was not aware of any analysis done of noise implications and effects on residents at the new location.⁷⁵ He conceded that the principal driver was that engine testing was causing damage to certain parts of the runway system. Mr Boswell told us in rather unsatisfactory terms:⁷⁶

... I would not say there was no consideration of possible noise effects, but it was at a fairly high level ... there were very few complaints historically about engine testing, and rightly or wrongly, that was taken as an indicator of annoyance.

[118] He further conceded that consideration of alternatives for testing locations and costings was done only at a very rudimentary level and that there was no formal report or structured process that systematically looked at the various options in the development of the constraint contours.⁷⁷

[119] In other evidence, we heard that the complaints system at the airport at around that time was unsatisfactory. It is likely that it was a significant part of the reason there was little record of complaint. Mr Boswell, under questioning by Mr Lawry, acknowledged that quite frankly.⁷⁸

⁷⁴ Evidence in chief of Dr Chiles for the Council dated 4 February 2016 at 3.8.

⁷⁵ Transcript, page 388.

⁷⁶ Transcript, page 389, lines 11–16.

⁷⁷ Transcript, pages 389 and 390.

⁷⁸ Transcript, page 398.

[120] The evidence of Mr Morgan and Mr Boswell about the nature of engine testing operations was largely confirmed in introductory evidence by Mr Day.⁷⁹ In particular, Mr Day described the differences between off-wing testing in the engine test cell facility, an industrial building with specialist silencers designed by his firm many years ago, and on-wing testing where the engine remains on the aircraft and the aircraft is standing in the open. Mr Day acknowledged that noise mitigation for on-wing engine testing is difficult in a similar way to aircraft operational noise, because of its location.⁸⁰

[121] Mr Day discussed the historical reliance on Bylaw 52 previously referred to, for the control of on-wing engine testing at the airport; recorded the desire of the Council to retire the bylaw and implement the controls through the CRDP, and general agreement to that on the part of CIAL. He was closely involved with the development of the draft controls.

Effects of engine testing claimed by residents

[122] We heard from a number of people who reside in properties relatively near to the airport. These were Ms Vanessa Payne, Mr Mike Marra, Mr Bruce Campbell, Mr John Sugrue, and Mr Venema. Mr David Lawry, whose dwelling at a relatively greater distance from the airport also spoke about his own concerns and those of this submitter group.⁸¹

[123] These witnesses adopted and relied on the expert acoustic evidence of Professor Clarke and largely also the evidence of Dr Chiles.

[124] The residents' dwellings are at varying distances from the longstanding engine testing area at the end of RWY11 and the pad near Hangar 1. Otherwise, their evidence was quite similar.

[125] We mean no disrespect by quoting detail from the evidence of only some of them. To do otherwise would be for us to become unduly repetitive. We assure those whose evidence we have not described in detail, that we have carefully considered all written material placed before us.

⁷⁹ Evidence in chief of Christopher Day, for CIAL at 71–76.

⁸⁰ Evidence in chief of Christopher Day at para 74.

⁸¹ Mr Bastin was also represented by Mr Venema's closing submissions: see also Transcript, page 1565, line 36 to page 1566, line 18.

[126] We describe first the evidence of Ms Payne, because her evidence raises a jurisdictional point of some importance.

[127] She and her family have lived at 73B Trafford Street since March 2006. She asserted that engine testing noise interrupts sleep; that the complaints process is very off-putting, indeed virtually non-existent; that no special consultation was undertaken when the engine testing noise contour was put forward; that costs of noise mitigation appeared to be left to be borne by residents; and that placing the contour over properties like hers would negatively impact their values.

[128] Ms Payne described the prior controls through Bylaw 52, noting that it sets limits on night testing times, and limits on duration. In contrast, she considered that the addition of engine testing noise contours was designed to negate such controls, and impose the cost and burden on residents.

[129] Referring to evidence in chief of Dr Chiles, she said that she concurred with his paragraphs 5.3 and 5.4, which read:⁸²

- 5.3 The worst case weeks can be dominated by one engine testing event lasting 30 minutes for example; but in the seven-day L_{dn} the sound from that event is averaged over 10,080 minutes. In this example, the sound level would be reduced by approximately 15 dB due to the averaging if the testing occurred at night, and would be reduced by 25 dB if the testing occurred during the day.
- 5.4 I consider it would be more appropriate for engine testing noise to be assessed and controlled using the same parameters used for all other industrial sites as specified in NZS 6802:2008 and adopted in the pRDP; being $L_{Aeq(15 \text{ min})}$ and L_{AFmax} . The $L_{Aeq(15 \text{ min})}$ would better represent the adverse noise effects experienced by residents during testing.

[130] The one thing she took issue with Dr Chiles on was his statement that, while he held the above concerns, there were apparently “no submissions seeking to change from the seven-day L_{dn} parameter”.⁸³ Ms Payne went out of her way to point out to us that her original submission had done just that.

⁸² Evidence in chief of Vanessa Payne dated 11 February 2016, at 8.6–8.7, quoting the evidence in chief of Stephen Chiles on behalf of the Council at 5.3–5.4.

⁸³ Evidence in chief of Vanessa Payne at 8.8–8.9.

[131] We have looked at her submission (2191), and agree with her that it did.⁸⁴ Under the heading ‘Decision Requested’ she particularly referred, amongst other things, to criticism of the rolling seven-day period, which she recorded indicated to her that there would be no restrictions on testing times and lengths. The submission states, “We 100% disagree if this is the case”.

[132] Ms Payne was critical that Marshall Day Acoustics apparently reported to CIAL on notional rather than actual engine testing noise levels at her property, because she said she was not aware that any testing had been done (or indeed on the property of any neighbour). The one thing she accepted from the Marshall Day Acoustics table was the extent of engine testing noise generated in one week, or during the night, and with durations ranging from 15 minutes to 90 minutes. She agreed that these were realistic times, and said that 90 minutes of constant engine noise droning on and on was a real issue.⁸⁵

[133] Ms Payne offered us some second-hand opinion on the importance of sleep, quoting from the US Department of Health and Human Services, including as to belief that people who are sleep deficient are less productive at work and school, take longer to finish tasks, and have a slower reaction time and make more mistakes. We have no real difficulty with that expression of second-hand opinion, but wondered a little why Ms Payne and the other residents were not greatly forthcoming in their prepared statements of evidence about actual effects experienced by them until questioned by members of the Panel. We will come back to that shortly.

[134] Ms Payne gave evidence about noise being disruptive of day time activities at local schools. She gave an example, albeit of the kind that “does not occur all the time”, of the testing of a Hercules military prop engine aircraft on a particular date in 2015, which she said was disruptive for children of the local school, indoors and out.⁸⁶

[135] As did other residents, Ms Payne gave evidence about CIAL largely ignoring complaints made by residents during night time.

⁸⁴ Submission 2191 on behalf of Vanessa and Andrew Payne, Wendy McNaughton — Breens Road.

⁸⁵ Evidence in chief of Vanessa Payne at 9.3. We note Ms Payne refers to this as “439 hours”, whereas the Marshall Day table reports 439 minutes per week.

⁸⁶ Evidence in chief of Vanessa Payne at 11.1.

[136] Ms Payne maintained consistent views under cross-examination. However, it was under questioning by the Panel that she offered the first real concrete information about effects actually experienced by her and her family.⁸⁷ On it being recorded that we had inferred from her comments that she was woken up around 2 a.m. from time to time, Ms Payne said that the levels of the effects were very up and down. There might be a couple of nights of noise in a row, but then possibly nothing for a month. Over a period of years she felt it was fairly regular, especially combining with a north-westerly wind when windows might be open due to the heat, and the noise could be “like a jet engine is in our backyard”:⁸⁸

And even if it is not a roar, it just goes on and on, you lie there and think it is all right, it is going to stop, but it doesn’t ... by which stage you are angry, that doesn’t help.

[137] Ms Payne said that she and her husband had double glazed their house at some cost, which has made a difference. However, she said that if they were woken with windows open, the sound would still be audible when they shut the windows, although the double glazing has made a difference. In answer to a further question about leaving the windows open, Ms Payne confirmed that the direction from the airport to their property is down the path of the north-westerly wind.

[138] Mr Campbell lives at 542 Yaldhurst Road, where he has lived for the last 11 years, operating an apple orchard on a small acreage.

[139] Based on his reading of some of the expert evidence (he expressed support for the evidence of Professor Clarke and Dr Chiles), Mr Campbell offered his views about what he understood to be best practice, worldwide, in relation to on-wing engine testing. He strongly supported mitigation and minimisation at source, as being such best practice. He considered that sleep was the final arbiter of whether noise is excessive or not, not financial considerations.⁸⁹

[140] He was particularly concerned that engine testing noises were of variable pitch and intensity and varied from low to full power settings which continue for what he called

⁸⁷ Transcript, pages 467–468.

⁸⁸ Transcript, page 468, line 6 and 10–15.

⁸⁹ Evidence in chief of Bruce Campbell at 1.

“indeterminable times”. He was also concerned about night time testing between 1 a.m. and 4 a.m.⁹⁰

[141] Mr Campbell has lived in close proximity to the airport for 11 years and claimed not to have been annoyed by aircraft flight movements, but badly affected by unmitigated engine testing noise. He was concerned that CIAL’s primary focus concerning mitigation of engine testing noise was cost. He commented that CIAL was essentially expecting the neighbouring community to bear the cost, rather than doing so itself, as the polluter. He noted that CIAL is highly profitable, citing the evidence of Mr Boswell to the Chapter 17: (Rural) hearing.

[142] Mr Campbell spoke about apparent breaches of the previously utilised Bylaw 52. He offered an example of one particular aircraft test being carried out between 1 a.m. and 3 a.m. His evidence recalls that at 3 a.m., after the test had been running for approximately an hour, he drove his car to see what was making the noise, and observed a white Boeing 737 with no airline markings that subsequently took off in the early hours of the morning. On the basis of that take-off time, he considered it could not have been an urgent scheduled flight.⁹¹ Mr Campbell was highly critical of lack of monitoring and observance of the bylaw. He was equally critical of an alleged lack of responsibility exhibited by the Council, with the complaints procedure appearing to be no more than a notification exercise.

[143] Mr Campbell expressed gratitude to the Chair, for endeavouring to partially rectify a power imbalance as between the Council and CIAL on the one hand, and submitters on the other, by directing the Council to appoint an independent acoustic expert different from that appointed by CIAL.

[144] While Mr Campbell was being questioned, we sought elaboration of the sorts of experience he had rather generally touched on in his evidence in chief. He said:⁹²

... [noise nuisance] wakes me up at night and it happens quite frequently, although I will admit that it is less frequent and since they shifted to the run-up pad.

⁹⁰ At 2.

⁹¹ At 4.

⁹² Transcript, page 480, lines 1–3.

[145] He acknowledged that the area previously the subject of greater use, at the end of the north western runway area, was closer to his property than the newer run-up pad.⁹³ He said that the double glazing on his house did not entirely alleviate the situation. He gave an example of a half-hour testing period at around 3 a.m. the previous Friday and said that it was difficult to get back to sleep afterwards, and that this was probably happening twice a week.

[146] Mr Sugrue has lived on a small lifestyle property at 311 Wooldridge Road, Harewood, for 31 years. Christchurch Airport is just under two kilometres from his property. He considers that aircraft movements add interest to the area, and that he has never been annoyed by them. He has previously held a light aircraft pilot licence, and is keen on aviation. He expressed criticism that mapping of air noise contours as between 2008 and now had lifted from 50 dB, to 55 dB. He did however note that NZS 6805:1992 recommends two airport noise contours, the 65 dB air noise boundary and the 55 dB outer control boundary.

[147] Mr Sugrue spoke at some length about the history of airport noise regulation since 1989; alleged that CIAL's noise management plan is a flawed document; and was critical of the complaints system and the dearth of knowledge about it exhibited by the company.⁹⁴

[148] In presenting his 'highlights package' to this evidence, Mr Sugrue related the following:⁹⁵

It is quite a regular occurrence to be woken up from a deep sleep midway through the night from an engine testing noise. Sometimes this lasts for quite a long time, sometimes it maybe only 10 minutes or 15 minutes, but just because the noise stops does not mean you go straight back to sleep. Sometimes I can still be awake an hour to an hour and a half later. On some occasions when about to go to sleep, engine testing make my normal habit quite impossible.

[149] Mr Sugrue joined Mr Campbell in asserting that GRE systems have become recognised best practice around the world for mitigating noise from aircraft engine testing.

[150] We have carefully considered Mr Sugrue's several statements of evidence, including those dated 17 February and 26 February 2016, and the transcript.

⁹³ Transcript, pages 479–481.

⁹⁴ Transcript, pages 485–490.

⁹⁵ Transcript, page 489, lines 26–32.

[151] Given that he had been more specific about sleep interference effects actually experienced, we were not as driven to question him on that as we were for other submitters.

[152] Mr Marra lives 1.8 kilometres from the engine testing pad by Hangar 1. During a career spanning 46 years with Air NZ, he was employed first as an engineer and later as a pilot on international long haul routes.

[153] Mr Marra described the engine testing (not including the Air NZ/Pratt & Whitney engine test cell) as producing noise of a volume, quantity and pitch as to be disruptive to normal sleep. He said that this is cumulative and debilitating.⁹⁶ Mr Marra's evidence was given not only as a resident, but also in his claimed capacity as an expert (albeit in reliance on the evidence of Dr Chiles and Professor Clarke).

[154] Mr Marra also discussed certain documents published by the International Civil Aviation Organisation ('ICAO') and the World Health Organisation ('WHO'). The first was a document entitled 'Guidance on the Balanced Approach to Aircraft Noise Management'.⁹⁷ It describes recommended noise mitigation practices, but does not deal with the consequences of noise. The WHO document is entitled 'Night noise guidelines for Europe 2009'. It deals with the consequences of noise.⁹⁸

[155] Mr Marra also extensively discussed provisions of the Auckland City district plan and the proposed Auckland Unitary Plan, regulating engine testing noise (amongst other matters) for Auckland Airport.

[156] He discussed recent past operations at Christchurch Airport, particularly under Bylaw 52. He was critical, that despite certain provisions in the Existing Plan and the CIAL Noise Management Plan, noise mitigation processes were not instigated when engine testing was shifted eastwards by 1.8 kilometres, closer to the residential area. This is a matter we also express concern about in this decision.

[157] Mr Marra was also highly critical of lack of monitoring, enforcement, and satisfactory complaints procedures in the Christchurch situation, and believed that the CRDP does not

⁹⁶ Transcript, pages 313–314.

⁹⁷ 'Guidance on the Balanced Approach to Aircraft Noise Management', ICAO Doc 9829, AN/451.

⁹⁸ WHO Regional Office for Europe, 'Night noise guidelines for Europe', Copenhagen.

presently go far enough concerning such issues. He said that instead it should strongly reflect the provisions in the proposed Auckland Unitary Plan.

[158] Mr Marra observed it was ironic that the Auckland Airport had a considerable rural buffer between itself and the nearest residential area (of about 4 kilometres), but nevertheless was subject to more rigorous controls than Christchurch. Those controls include express consequences for non-compliance in Auckland, lacking in the Notified Version.

[159] Mr Marra asserted that the WHO document recommended stringent controls on outputs of engine testing noise and the management of the receiving environments. We discuss these sorts of regimes in detail elsewhere in this decision.

[160] Mr Marra was strongly critical of lack of consultation by CIAL in recent years in relation to the Existing Plan and CIAL's Noise Management Plan. He also pointed to provision in the Auckland district plans for an aircraft noise mitigation fund, to which Auckland International Airport Limited is required to contribute a significant sum each year, and which is used to acoustically insulate affected houses and undertake relevant community projects.

[161] Relying on the evidence of Dr Chiles and Professor Clarke, Mr Marra recommended mitigation at source, involving a purpose-built enclosure if testing is to be done in the eastern location near Hangar 1; was critical of the shift from the RWY11 location; was critical of the purported reasons for moving away from that location (ground surface conditions that he believed had been wrongly described by CIAL); and considered that aircraft could be orientated to assist disperse sound away from the residential area and did not need on every occasion to be facing into the wind. Mr Marra supported revising the engine testing contours as proposed by Dr Chiles. He offered 11 succinct recommendations reflecting the matters he raised.

[162] Mr Marra was cross-examined by Ms Appleyard as to why he had not lodged complaints, despite asserting that he or his wife woke approximately three times a week due to engine testing noise. He offered a number of answers more or less along the lines of 'grinning and bearing it', but pointed out that he was in the outer contour area,⁹⁹ and indeed acknowledged that he was beyond the area for which he was recommending noise mitigating insulation for houses at the cost of CIAL. We also questioned Mr Marra about his lack of complaints and

⁹⁹ Transcript, page 310.

received similar answers. We further questioned him about the differences between operational aircraft noise and engine testing noise. His answers, which we accept, were to the effect that the operational noise occurred and was fairly quickly gone, whereas the engine testing noise was of greater duration.¹⁰⁰

[163] Under our further questioning, it became clear that not only was Mr Marra's property near the most distant of mapped contours, but that he has a triple glazed house and air conditioning, and so if he kept the windows closed he could probably get a decent sleep. He resorted to speaking for those less fortunate.¹⁰¹

[164] Mr Venema is, like Mr Marra, not only a resident (37 Fairford Street, Bishopdale) near the airport, but for most of his career has been an aircraft engineer. This was first with the RNZAF and latterly with Air NZ at Christchurch Airport.

[165] For various reasons, we have decided that the most helpful part of Mr Venema's evidence was his reliance on the expert evidence of Professor Clarke and Dr Chiles. We are inclined to place much less weight on much of his evidence in chief, because it largely focused on complaints against his former employer Air NZ, barely connected to acoustic issues. Examples were issues of jet blast near Hangar 1, an accident resulting in damage to an aeroplane, an allegedly poorly located dangerous good store, and other maintenance practices of which he was critical.¹⁰²

[166] Similarly, we were concerned that Mr Venema's rebuttal statement was overly argumentative and pejorative, and once again we preferred the evidence of independent experts not interested in his other agendas.¹⁰³

[167] Like Mr Marra, from our questioning we gained the impression that he was less affected than others in terms of sleep deprivation. He told us that approximately three times a week he was able to hear engine testing noise, but he had not been woken from sleep; rather he was disturbed during the process of trying to get to sleep.

¹⁰⁰ Transcript, page 314, lines 4–15.

¹⁰¹ Transcript, page 315.

¹⁰² Evidence in chief of Gerrit Venema, 16 February 2016 (nine pages plus attachments).

¹⁰³ Rebuttal evidence of Gerrit Venema, 25 February 2016.

Evaluation of the narrowed arguments on noise for residents and refined plan provisions

Background

[168] It will be apparent at this point that the focus of the parties' cases about noise for residents from the airport landed mainly on engine testing noise, and ground running testing noise in particular.

[169] Within the context of that considerable debate, it has to be said that the parties made a lot of progress in narrowing the arguments and refining the plan provisions, through a series of hearings, conferences, minutes from the Panel, and redrafting of plan provisions and maps. We were particularly assisted by the Council deciding to call the evidence of Dr Chiles, by a constructive approach by Air NZ and CIAL in providing information, and by the hard work of all the noise experts (including Mr Day and Professor Clarke) in working through a number of challenging issues in expert conferencing and 'hot tubbing'.

[170] We next set out our findings on how some overall issues should inform our determinations of the most appropriate provisions.

Reverse sensitivity

[171] We have noted that the evidence leads us to find that the recent problems of engine testing noise in residential and rural residential areas have been exacerbated by CIAL's decision to allow the shift of the majority of engine testing to a position much closer to the residents than previously. That is, the shift from the end of RWY11 to the run-up pad near Hangar 1. We have recorded our criticism of CIAL, its representative Mr Boswell having had to acknowledge that there had been little (we actually infer no) analysis of the noise implications of the move,¹⁰⁴ whereupon no mitigation was undertaken.

[172] Equally, we have recorded that we do not accept submissions by CIAL that the complaints about engine testing noise, particularly at night, demonstrate a "classic reverse sensitivity scenario".¹⁰⁵

¹⁰⁴ See transcript, page 338.

¹⁰⁵ Closing submissions for CIAL at para 22.

[173] Ironically, it had been Mr Day’s evidence in chief that the Christchurch Airport ‘forefathers’ had managed to avoid problems often experienced at airports around the world by far-sighted planning of the airport location and by protection with a green belt.¹⁰⁶ While that might have been the original approach, the far-sightedness became eroded when it was decided to change the main location for on-wing engine testing.

[174] We accept the Council’s submission that it is important to distinguish between the protection of the airport activities from new noise sensitive land uses, and the impacts on existing land owners of airport noise and engine testing noise in particular.¹⁰⁷ While the Council continued to support land use controls to limit or mitigate true reverse sensitivity effects, it was right to identify that attention must be focused on noise levels received at existing properties, and how those should be dealt with.

[175] We have already commented on the importance of the presence and operation of the Christchurch Airport, inclusive of the maintenance facilities, in regional economic terms. We have also noted evidence about the costs of various kinds of mitigation at source. We find these are important matters to take into account in determining the most appropriate provisions.

[176] However, we also find it important to take into account the noise levels for existing residents, consequent upon the shift of the engine testing location, and how this is to be dealt with. On this matter, we have noted the following exchange between the Chair and Dr Chiles as to the true nature of the receiving noise environment:¹⁰⁸

JUDGE HASSAN: Am I right to understand that ... given that there is already a 24/7 airport operation in that environment, that in setting a benchmark of what might be reasonable, one might assume that it would be a more robust or a more tolerant noise environment than say a residential environment somewhere off the airport flight paths?

DR CHILES: Yes...

[177] We received related evidence on experienced noise levels in residential areas, and approach consideration of the most appropriate noise provisions on the basis that the affected residential environments already experience noise from a range of sources. As we said at [86], deciding what is reasonable and practicable is at the core of our task.

¹⁰⁶ Evidence in chief of Christopher Day at para 13.

¹⁰⁷ Closing submissions for the Council at para 3.8.

¹⁰⁸ Transcript, page 193.

Noise metrics

[178] We were entertained to a debate about the relative appropriateness of the use of the seven-day L_{dn} metric for engine noise testing, as against that supported by Dr Chiles's L_{Aeq} (15 min) metric.

[179] On the evidence, we find that the use of the seven-day L_{dn} for engine testing noise would carry the consequence that actual noise levels received during many tests would be significantly higher than the L_{Aeq} (15 min) level.

[180] The evidence satisfies us that the proper focus, in determining provisions, should be the actual effects on sleep disturbance. On that matter, we have taken note of the WHO document about the consequences of noise and find it gives clear, internationally-accepted, guidance. We find the Revised Version's proposed metric closer to the mark in these practical terms, and this informs the determinations we have made on related provisions.

Should the CRDP require a GRE and/or restrict on the timing and frequency of engine testing?

[181] The submitters in opposition strenuously submitted that a GRE is the “world best practice” option for mitigation at source and we should impose a requirement for it. At [111], we have recorded the costs of such. We have also considered an approach of restricting the timing and frequency of engine testing at the airport. That could lead to a curfew on scheduled flights.

[182] The residents almost uniformly appeared to believe that a GRE would bring on-wing engine testing noise effects within acceptable levels. They even went so far as to suggest that this could result in lack of need for the engine testing noise contours and associated land use controls.

[183] The evidence showed that a GRE would have particular limitations in north-westerly wind conditions where in fact much of the problem exists. On that evidence, we find that a GRE would not offer sufficient benefits in terms of at-source mitigation.

[184] The evidence also shows that the costs of installing a GRE are significant.

[185] Considering both GREs and the alternative or associated option of restricting the timing and frequency of engine testing, we weigh the regional economic importance of the airport. We accept the closing submissions of Air NZ that such measures would severely impact on the ability for engine testing to take place in Christchurch. That would in turn place a significant question mark on the economic and strategic benefits to the city from the established engine testing programme.¹⁰⁹ We understand from the evidence that there could be an associated consequence of loss of many jobs.

[186] We agree with the Council that the GRE proposal does not survive a proper s 32 analysis.¹¹⁰ That is, on the evidence, we find that its very significant costs far outweigh its relatively limited benefits. We reach the same finding on restricting the timing and frequency of engine testing, beyond what we have provided for under the Decision Version.

[187] Given these findings on these approaches to mitigation at source, we next consider other mitigation at source approaches and treatment of existing dwellings for acoustic attenuation. We reiterate that factors in addition to noise levels and noise effects that we find should influence determination of the appropriate provisions are:

- (a) The sensitivity of the receiving environment;
- (b) The practical ability to mitigate noise at source;
- (c) The cost of acoustic treatment.

The Council's revised approach and engine testing practices

[188] As already indicated, the parties have made quite significant progress over several months with assistance from the Panel. In particular, Dr Chiles played a constructive role in persuading the Council to offer amended draft provisions on engine testing practices to help overcome the problems manifested by the debate amongst acoustic experts as to appropriate metrics and noise levels.

¹⁰⁹ Closing submissions for Air NZ at paras 2.2, 3.38 and 3.42.

¹¹⁰ See for instance Council closing submissions at para 3.79.

[189] The Panel heard about this revised approach at its reconvened hearing on 24 May 2016. We are grateful to the Council, Dr Chiles, and Air NZ for their productive inputs made available after the second conferencing session.

[190] For the purposes of enabling compliance in residential zones to the greatest reasonable extent, the problematic outputs were examined, being high power turbo prop tests of longer duration, and the high powered jet engine tests. It was demonstrated to us that moving the high power turbo prop tests exceeding five minutes' duration to RWY11 would considerably assist.¹¹¹

[191] The high powered jet engine tests are so loud that location by itself does not greatly assist the sound levels received at existing residential properties.¹¹² Noting, however, that such tests during the night are infrequent, being occasioned by incidents such as bird strike,¹¹³ the Council proposes limitations only on planned high powered jet tests (that is to confine them to day time hours), and consequently suggests reasonable allowances be made for unplanned high powered jet tests during the night time. Similarly, it proposes an exception for noise from testing Antarctica Programme aircraft.¹¹⁴

[192] The consequence has been that the already constrained engine testing contours in evidence before us in March this year, have been further constrained, taking full account of these exemptions. We accept the Council's argument that, had the exemptions been included in the contour mapping, the contours would be artificially inflated, thus permitting an expansion in noise from planned testing.

[193] We find this an elegant solution concerning noise effects received at existing dwellings and residential areas.

[194] That approach, however, would not lead to lessening noise levels for dwellings in non-residential zones closer to the airport, where acoustic treatment would be necessary to reduce sleep disturbance effects.

¹¹¹ Transcript, page 1497.

¹¹² Transcript, page 1491.

¹¹³ Transcript, page 1495.

¹¹⁴ Transcript, pages 1496-1497.

High powered jet engine tests: how many to allow as an exemption?

[195] Dr Chiles told us that he believed that these tests were typically performed about five to six times per year.¹¹⁵ This followed an observation he made that, because these tests are often in response to an unplanned event such as a bird strike, many occur during the day because the test needs to be performed before the aircraft can be used again.¹¹⁶

[196] By his calculation, therefore, Dr Chiles considered that an allowance of three unplanned high powered tests at night time per quarter would be acceptable — we infer fair and reasonable having regard to the importance of this work at the airport, and reasonable and practicable protection for affected residents.¹¹⁷ We observe that those are matters of judgement. CIAL and Air NZ seek a higher number, five tests per quarter. We find that further flexibility to be sufficiently supported by the evidence. In particular, as Dr Chiles noted, such events are unplanned. We consider a degree of further sensible flexibility can and should be given. Therefore, we have provided for five tests per quarter in the Decision Version.

[197] The position we reach on the evidence, therefore, is that mitigation at source is only able to be part of an approach to providing for the most appropriate noise provisions for operational and engine testing noise.

Acoustic treatment of dwellings

[198] The acceptance by all parties that acoustic treatment is necessary for new houses within the 55 dB operational contour is persuasive that there is justification for acoustic treatment for existing dwellings in the same area.

[199] CIAL offered a small bridge to resolution of this vexed issue by offering to take on an obligation to acoustically treat properties within the 65 dB engine testing and operational engine testing contours. This is according to its version of the airport noise control provisions it proposed in its closing submissions. CIAL's approach is supported by Air NZ.

¹¹⁵ Transcript, page 1496.

¹¹⁶ Transcript, page 1495.

¹¹⁷ Transcript, page 1496.

[200] The Council accepts CIAL's proposal insofar as operational noise is concerned. However, it contends that there should be more mitigation in relation to engine testing noise. It pointed to the small number of dwellings that would benefit from CIAL's proposal. Its alternative is for CIAL to:

- (a) Make a 75 per cent contribution to the cost of acoustically treating (mechanically ventilating) existing dwellings between the 60 dB L_{dn} and 65 dB L_{dn} engine testing contours; and
- (b) Provide technical advice on acoustic treatment measures to homeowners between the 55 dB L_{dn} and 60 dB L_{dn} engine testing contours.

[201] The question then arises as to whether there is justification for acoustic treatment within the 60 dB contour for engine testing noise.

[202] Dr Chiles opined that external noise limits of 45 dB L_{Aeq} (15 min) at night would protect sleep. He referred to NZS 6802, which provides a guideline reference to 45 dB L_{Aeq} (15 min) and to the general proposed night time noise limit in the proposed plan at residential zones, of 40 dB L_{Aeq} (15 min).¹¹⁸ It was also his evidence that these levels would result in sound levels inside bedrooms being below the 30 dB guidance recommended by the WHO for avoidance of sleep disturbance with windows slightly ajar for ventilation.

[203] In the joint witness statement of 11 April 2016, Dr Chiles set out noise limits which would allow for some relaxation from his recommended 45 dB L_{Aeq} (15 min). He foreshadowed in his evidence that the piece of the puzzle which was missing for him was that he had not seen any evaluation of what could be done to control noise at source. Under questioning from the Panel, Dr Chiles agreed with Ms Dawson's proposition that "in terms of determining what is reasonable, it is both the receiving environment and what can be done to deal with the noise". He explained that he approached that matter in terms of addressing sleep disturbance and other effects that are occurring.¹¹⁹

¹¹⁸ Evidence in chief of Dr Chiles on behalf of the Council at para 3.4.

¹¹⁹ Transcript, page 192, lines 7–14.

[204] At the reconvened May 2016 hearing, Dr Chiles offered alternative controls for general compliance with such limits. He took the Panel through Exhibit 21, an updated memorandum from Marshall Day Acoustics dated 22 May 2016, focusing on two properties, 7 Whitchurch Place and 87 Jessons Road within the Rural Urban Fringe Zone, which the Council had postulated would be within a 60 dB and 65 dB engine testing contours.¹²⁰ It is relevant to note that none of the residentially zoned properties in the document were within the 60 dB L_{dn} contour.

[205] The detailed and unchallenged evidence was that at each of these two locations, for engine testing of ATR and A320 engines, noise levels would be well above the 45 dB $L_{Aeq}(15\text{ min})$ level postulated by Dr Chiles to protect against sleep disturbance. Each, he considered, would be more than 20 dB higher than that level, which we consider to be a notable difference. We accept Dr Chiles's evidence on these matters and the Council's submission that such levels would be clearly unreasonable on any measure.¹²¹

[206] One aspect of this enquiry would be to consider the number of properties within the 60 dB L_{dn} contour, and the likely cost per property.

[207] At our request, CIAL provided us with a map and associated table showing houses within the 60 dB L_{dn} engine testing contour, reporting that there are approximately 20 existing dwellings there. It also reiterated that CIAL was proposing to limit acoustic treatment compensation to properties within the 65 dB L_{dn} operational noise contour because its "acoustic advice is that it is inappropriate and unfair to distinguish between people exposed to the same levels of operational and engine testing noise".¹²²

[208] The Council filed a memorandum in response, providing maps comparing the 60 dB L_{dn} and 65 dB L_{dn} operational noise contours, in terms of existing dwellings in the Rural Urban Fringe and Rural Waimakariri zones. It explained that there are 14 existing dwellings within the 65 dB L_{dn} operational noise contour. It also recorded its position that CIAL's observations

¹²⁰ Exhibit 21 — Updated Marshall Day Report including Constrained Contours Map.

¹²¹ Closing submissions for the Council (Part 3), 27 July 2016, at 3.48.

¹²² Memorandum of counsel for CIAL, 18 August 2016.

on what would be inappropriate and unfair went beyond the Panel's request and that its position in opposition to those submissions was as set out in the Council's closing submissions.¹²³

[209] In its closing submissions, by reference to the submission of Mr Lawry, CIAL asserted that there was a lack of scope for the provisional acoustic insulation out to the 60 dB L_{dn} engine testing contour.¹²⁴ We have, however, previously referred to the submission by Ms Payne, which we consider provides adequate scope for insulation out to the 60 dB L_{dn} engine testing contour.

[210] In response to CIAL's position that providing for additional acoustic treatment beyond its offer would be inappropriate and unfair, the Council's closing submissions were that the adverse effects from engine testing are distinguishable from the effects from operational noise in a number of respects:¹²⁵

- (a) Engine testing takes place primarily at night, whereas most flights take place during the day;
- (b) The noise profile of engine testing is different to operational noise. Engine testing involves sustained noises from a single location for sustained periods of time followed by periods of quiet. In contrast, operational noise comprises short events from moving sources.
- (c) Leaving aside any scope issues, there are a significant number of houses within the 60 dB L_{dn} operational noise contour as compared to the 60 dB L_{dn} engine noise contour.

[211] We accept the Council's submissions on these matters as being well supported on the evidence that we accept. Rather than being inappropriate or unfair, the evidence satisfies us that acoustic treatment for houses impacted by engine testing noise within the 60 dB L_{dn} engine noise contour would provide an important benefit of mitigating engine testing noise, given the practicable limits to at source mitigation.

¹²³ Memorandum of counsel for the Council in relation to the Panel's Minute of 22 August 2016 — Airport Noise Provisions: and Definitions, dated 30 August 2016.

¹²⁴ Closing submissions for CIAL, 3 August 2016, at paras 63–64.

¹²⁵ Closing submissions for the Council (Part 3), 27 July 2016, at 3.63.

[212] The question remaining, which we address shortly, is whether the costs of such additional acoustic treatment beyond CIAL's offer are reasonable, given those benefits.

[213] The Council, in our view, took the practical course of referring to the available GIS version of the now out of date 'constrained' 60 dB L_{dn} contour, modelled prior to the further accepted restrictions.¹²⁶ The new version will obviously be smaller and of slightly different shape. We accept that this approach would offer us appropriate guidance. Under the lesser constrained version, there would be 25 houses which would be eligible for some acoustic treatment; two within the 65 dB L_{dn} contour and 23 within the 60 dB L_{dn} contour.

[214] Assuming, for present purposes, CIAL's cap of \$30,000 for full acoustic treatment on average, at the Council's suggestion of 75 per cent contribution by CIAL, the cost would be around \$517,000. Full acoustic treatment of the two houses within the 65 dB contour would bring the total cost to something under \$600,000.

[215] The Council submitted that this order of cost would not be disproportionate and would be justifiable from a s 32 point of view.¹²⁷ We find that to be a responsible, even conservative, submission, particularly in comparison with the cost estimated by CIAL witnesses of provision of enclosures at a very much higher figure.

[216] We have no difficulty in accepting the Council's submission about the 75 per cent contribution towards the costs of acoustic treatment for houses between the 60 and 65 dB engine testing noise contours to protect against sleep disturbance effects. Furthermore, drawing on evidence scattered amongst the voluminous materials about noise effects in the relevant environment, the 75 per cent figure is an appropriate recognition that the receiving environment is already exposed to operational noise from the airport and other noise sources such as road noise.

[217] We accept the Council's submissions that it has been careful not to advocate a greater level of control.¹²⁸ For instance, the Council expressly did not propose acoustic treatment out to the 55 dB L_{dn} contour, recommending instead that CIAL provide technical advice to residents between the 55 dB and 60 dB contours. We hold that this approach is supported by the accepted

¹²⁶ Closing submissions for the Council (Part 3), 27 July 2016, at 3.54.

¹²⁷ Closing submissions for the Council (Part 3), 27 July 2016, at 3.57.

¹²⁸ Closing submissions for the Council (Part 3), 27 July 2016, at 3.59–3.62.

evidence and a reasonable and practicable approach to the issues at Christchurch Airport that we have held as being at the core of our decision making on the topic.

Insulation of dwellings near other airports and infrastructure

[218] We heard mention of guidance or even possible precedents that might be gained from other sources.¹²⁹

[219] Each infrastructural operation is likely to be the subject of its own complex set of circumstances: to mention just a few, geographical, topographical, climate, closeness of residences; and many other factors. While it is appropriate to draw on professional knowledge of technical approaches to regulation and mitigation, each site is likely to stand on its own for the relevant analyses.

[220] The Council put forward an appendix with its closing submissions that nevertheless offered us some information about acoustic treatment requirements around some other major airports, and ports, in New Zealand. We note that, for some of them, there is commonality of approach involving a contribution to insulation to some degree out to 60 dB L_{dn} operational noise contour. But we take the matter no further than observing that.

[221] Rather, we are most strongly guided by the evidence that we heard, particularly about existing residences within the remapped (restrained) contours under discussion at Christchurch Airport. As already noted, we have been particularly assisted by the freshness of approach adopted by Dr Chiles in his evidence.

[222] For those reasons, we are satisfied that the most appropriate approach to engine testing noise management under Sub-chapter 6.1, for achieving related objectives, includes making provision to require acoustic treatment to be offered, on the terms set out in the Decision Version.

¹²⁹ For instance in paragraph 77 of its closing submissions, CIAL appeared to place some reliance on provisions applying to the Lyttelton Port Company not requiring that infrastructure provider to meet the cost of acoustic treatment beyond the 65 dB L_{dn} contour around its port operations.

Monitoring

[223] There was another point of difference between the residents and the Council that we should make findings on. The residents sought monitoring through ground measurements. Instead, relying on Dr Chiles's evidence, the Council supported the making of calculations based on monitoring with a verification process. Dr Chiles stressed the importance of accurate records of engine tests being maintained, and we agree.¹³⁰ We accept Dr Chiles's evidence on these matters and agree that, so long as such form of monitoring occurs, this approach should be the most efficient way forward. Therefore, generally according to the wording agreed between the Council, CIAL and Air NZ, we have provided for this approach in the Decision Version.

Overall observations

[224] We find that the Council has gone about this issue in a principled way, both in relation to restrictions on new buildings or additions to meet minimum indoor sound levels, and as to levels of contribution to acoustic treatment of existing buildings, or advice to less affected property owners. The package that the Council ultimately put forward, of restrained contours and the features that we have just described, offers what ultimately we consider to be a reasonable and practicable approach that gives proper regard to the two factors of key importance: reasonable protection of occupants from adverse noise effects, and protection of CIAL from reverse sensitivity effects.

[225] We return to our determination of the most appropriate Sub-chapter 6.1 provisions at [332] as we next address a range of other noise issues that also inform our determination of those provisions.

Evidence concerning airport noise effects on birds at Peacock Springs

[226] Wildlife scientist, Dr John Dowding gave evidence for ICWT.¹³¹ He drew from the evidence he presented on Chapters 17 (Rural) and 18 (Open Space) to explain how noise could

¹³⁰ Rebuttal evidence of Dr Chiles at paras 7.1–7.2.

¹³¹ Dr Dowding holds a BSc (Hons), MSc, and PhD in Biological Sciences. He has over 30 years of experience managing and undertaking research on a wide range of New Zealand birds.

disturb birds at Peacock Spring, particularly those in captivity, and so affect ICWT's contribution to conservation of highly threatened endemic bird species.¹³²

[227] In his earlier evidence, amongst other things, Dr Dowding explained that background noise interferes with acoustic communication between birds and this can affect many avian activities. These include territory defence, finding and retaining a mate, alerting other individuals to predators, and communicating with offspring. It can impact on both survival and breeding success. He said that loud and/or sudden-onset noises startle birds and tend to induce a flight/escape response. By way of example, he noted the use of bird scaring devices at airports and for the protection of agricultural crops. He noted research that showed that, at extreme noise levels (and on a basis that varied across species), bird hearing can be damaged.¹³³

[228] Dr Dowding noted that there was very little published information on the impacts of noise on birds in captivity. However, he expressed the opinion that effects that have been observed and reported on free-living birds are very likely to be amplified. He also pointed out that, to his knowledge, there had not been any assessment of the impacts of different types or levels of noise on any threatened bird species at Peacock Springs, and no systematic monitoring of behaviour in response to noise events at the aviaries there.¹³⁴ He urged that we take a cautious and conservative approach “when assessing the suitability of noise and disturbance-generating activities and developments in the area around Peacock Springs”.¹³⁵ That was in view of the greater risk he saw with captive birds, and the national and international significance of ICWT's breeding programmes at Peacock Springs

[229] He told us that the precise consequences of “more frequent loud and/or sudden noise” (from the kart club and/or airport engine testing) “on the breeding programmes at Peacock Springs are unknown, and are presently impossible to predict”.¹³⁶ He offered his opinion that:

There may well be a threshold of disturbance (including noise) above which failure of the breeding programmes becomes more frequent. The consequences of that for several highly-threatened bird species would be significant.¹³⁷

¹³² Evidence of Dr Dowding on behalf of ICWT, 17 February 2016, at 5.

¹³³ Evidence of Dr Dowding at 14–20.

¹³⁴ Evidence of Dr Dowding at 26, 27 and 30.

¹³⁵ Evidence of Dr Dowding at 37–39.

¹³⁶ Evidence of Dr Dowding at 12.

¹³⁷ Evidence of Dr Dowding at 13.

[230] Dr Dowding supported Dr Trevathan’s recommendation, on behalf of ICWT, for the imposition of a L_{Amax} noise limit. However, he did not offer any opinion to suggest that the specified limit recommended by Dr Trevathan would have any direct benefit in terms of the risks his evidence described.

[231] He offered the following opinion on the potential effects of noise:¹³⁸

... there are periodic incidents that result in setbacks to the breeding programmes at Peacock Springs. The causes of these incidents are often not well understood, largely because monitoring around the aviaries is minimised to reduce disturbance. However, it seems likely that some of the problems that occur are due to existing noise-related disturbance.

[232] ICWT’s noise expert, Dr Trevathan expressed the view that, while the noise from engine testing at Peacock Springs is of a similar level and onset (rise time) to aircraft taking off on the main runway, it is of longer duration and this “may disturb the birds and induce stress responses”.¹³⁹

[233] He expressed the view that Peacock Springs “could be provided with some protection through the introduction of an 80 dBL_{AFmax} noise limit which would at least ensure engine testing noise events were capped at a level consistent with those currently experienced.” That opinion was in part informed by his understanding that the maximum engine testing noise level experienced in the Peacock Springs area is in the order of 75 to 80 dBL_{Amax} during such events.¹⁴⁰ It was also significantly based on his understanding of Dr Dowding’s evidence.

[234] He emphasised that the majority of noise presently received at Peacock Springs is “at a moderate or low level and/or do not include sudden changes in level”. He said that the “ornithologists have previously agreed that ‘sudden and/or loud’ noises are of concern in the Peacock Springs area”. He also said:¹⁴¹

Based on the above, it is my understanding that Peacock Springs experiences the highest levels of engine testing noise when larger jet aircraft are tested at full throttle at particular orientations, and in the closest testing locations (for example, location Alpha 2 as shown in Appendix F of the MDA Report dated 20 October 2015). While the rate of onset and maximum level of this noise is similar to that experienced when these same aircraft take-off on the 02/20 runway, the noise is sustained at these maximum levels

¹³⁸ Evidence of Dr Dowding at 32.

¹³⁹ Evidence of Dr Jeremy Trevathan for ICWT, 17 February 2016, at 18–22.

¹⁴⁰ Evidence of Dr Jeremy Trevathan at 14 and 19.

¹⁴¹ Evidence of Dr Jeremy Trevathan at 11, 12 and 18.

for several minutes or longer (for example, 5 to 30 minutes), as opposed to falling rapidly as it does during a take-off event.

[235] CIAL’s noise expert, Mr Day described that opinion as “counter-intuitive” in that he understood that a short rise time and rapid fall-off is what is required to startle birds. He gave the example of the wine industry which uses bird scaring guns to this effect, rather than constant high-level sound sources. When cross-examined on behalf of ICWT on what expertise he was relying on as to whether there were adverse effects on birds from the present engine-testing operations, Mr Day explained that he was relying on evidence from ICWT that it has not had any problems. That was on the basis of engine testing having historically been in the range of 70dB – 80dB.¹⁴²

[236] We see some correlation between Mr Day’s understanding of those matters and what ICWT’s wildlife expert, Dr Dowding, explained concerning the startling effect of loud and/or sudden-onset noises and their tendency to induce a flight/escape response. Indeed Dr Dowding also used the example of bird scaring guns.

[237] The Council’s noise expert, Dr Chiles, agreed that Dr Trevathan’s recommended 80 dB maximum at Peacock Springs would provide a conservative control that would restrict maximum engine sound levels broadly in line with existing activity.¹⁴³ However, he cautioned that imposing such a limit could have consequences for what might be achievable for residents.¹⁴⁴

[238] In her closing submissions, Ms Limmer questioned the validity of making such a trade-off. She emphasised that IWCT’s primary concern was as to the lack of present control over “unusual 1-off engine tests which produce levels higher than those currently experienced”. She noted the lack of any ornithological evidence challenging Dr Dowding’s view and the absence of any cost/benefit analysis of shifting noise closer to or increasing noise experienced at Peacock Springs.¹⁴⁵

[239] The central issue is whether, considering costs and benefits, it is appropriate to impose a noise limit for what IWCT describes as the “unusual 1-off engine tests”.

¹⁴² Transcript, page 521, lines 21–45; lines 1–5

¹⁴³ Rebuttal evidence of Dr Chiles on behalf of the Council, 25 February 2016, at 6.3.

¹⁴⁴ Rebuttal evidence of Dr Chiles on behalf of the Council, 25 February 2016, at 6.4.

¹⁴⁵ Closing submissions for ICWT, 7 July 2016, at 42–55.

[240] We accept that ICWT's breeding programmes at Peacock Springs have national and international significance. However, we find on the evidence that the benefits that an 80 dB noise limit would provide for ICWT's activities at Peacock Springs are limited and tenuous at best.

[241] Dr Trevathan's evidence was that the highest level of engine testing noise that Peacock Springs experiences is when larger jet aircraft are tested at full throttle at particular orientations, and in the closest testing locations (for example, location Alpha 2 as shown in Appendix F of the MDA Report dated 20 October 2015). As Dr Trevathan described the noise, it is similar to that experienced when these same aircraft take-off on the 02/20 runway and is sustained for several minutes or longer (for example, 5 to 30 minutes), as opposed to falling rapidly as it does during a take-off event. That explanation informs us that it is not by nature a form of 'sudden-onset noise'. When we compare that with what Dr Dowding told us, we understand that loudness is the only dimension to this noise that would likely give rise to startling, inducing a flight/escape response. Even if we assume a startling response could be induced, that evidence is tenuous as best as to whether it would be likely to give rise to material impact on breeding, or other adverse avian effects at Peacock Springs.

[242] Nor do we have any field work that demonstrates that engine testing that has occurred in the past anywhere at the airport has had any effect on ICWT's activities at Peacock Springs.

[243] We observe that Dr Trevathan's recommendation for an 80 dB limit is based on his analysis of levels of noise that have historically been associated with engine testing, together with an allowance above those historic engine testing noise levels. As such, we understand it is based on what has typically occurred in the past. However, ICWT's argument in closing is based on catering for the atypical, or as it put it "unusual 1-off engine tests". We have no evidence that gives us any safe basis for concluding that engine testing could give rise to unusual one off louder noise events with such frequency as would warrant any regulatory response in regard to ICWT's programmes. We find that, in risk management terms, our proper focus should be on what could recur, rather than on the truly "1-off" incident, in that the focus should be on what is likely to have any material consequence for breeding or other activities at the sanctuary.

[244] On the other hand, we find that imposing an 80 dB noise limit could give rise to a range of potentially significant costs. The evidence on this is relatively general. As noted, Dr Chiles identified the potential consequences for residents. Related to that, even if an 80 dB noise limit in regard to noise at Peacock Springs does not directly translate into more adverse noise conditions for residents, it could have such implications insofar as it may limit what CIAL and aircraft operators could otherwise do in the exercise of their s 16 RMA duty. More broadly, we find that there would be potentially greater exposures to enforcement action.

[245] Having weighed all these matters, we find on the evidence that there are insufficient benefits to justify the costs that could arise for engine testing operations and the wider community in this requested relief. Therefore, we find it inappropriate to impose this additional control on noise.

Noise rules for shooting ranges in the McLeans Island zone

[246] Before we return to the remaining arguments on management of noise for residents, we address this matter concerning shooting ranges within proximity of Peacock Springs, in respect of which relevant parties have filed a joint memorandum of counsel recording an agreed position on the most appropriate rules. The memorandum, which followed a Panel Minute of 30 March 2016 that allowed the late further submissions and encouraged the parties to endeavour to reach agreement, was filed on 16 June 2016. It is as between (‘joint parties’):

- (a) The CCC;
- (b) ICWT; and
- (c) Christchurch Pistol Club, New Zealand Handloaders Association Inc, and New Zealand Deerstalkers North Canterbury Branch Inc (FS2875–FS2877) (collectively, ‘the Organisations’).

[247] The memorandum records that the joint parties agree to a package of rules to protect endangered birds at Peacock Springs from startle effects from shooting ranges that are within 1km of Peacock Springs. The package seeks:

- (a) Deletion of proposed Rule 18.4.2.4 D2 of Chapter 18 (Open Space); and

- (b) Additions to proposed Rule 6.1.4.2¹⁴⁶ of the Revised Version. In summary, these additions provide for three activity classes for shooting ranges within 1km of Peacock Springs:
- (i) Permitted activity, if noise does not exceed 60 dB L_{Amax} at any location within Peacock Springs (as the area is defined under Chapter 17);
 - (ii) Restricted discretionary activity classification provided that noise is not exceeded by more than 10 dB; and
 - (iii) Non-complying activity if noise levels are exceeded by more than 10 dB.

[248] The memorandum records that this agreed position is supported by the evidence, (including the evidence of Mr Camp on impulsive sounds), is within the scope of relief sought in submissions, and is also appropriate in terms of the Higher Order Documents and related objectives. We accept counsel's assurances on those matters and, therefore, have provided for it in the Decision Version.

Noise from helicopter movements

[249] The Revised Version proposes that helicopter movements are a permitted activity (under proposed Rule 6.1.4.2.1.1 P1) subject to the following standards (in proposed Rule 6.1.4.2.10):

- (a) Helicopter movements shall only occur between 0800 and 1800 hours;
- (b) Within 25m of any residential unit, no helicopter movement shall take place unless the unit is on the site on which the landing or take off occurs; and
- (c) Between 25m and 450m of a residential unit, helicopter movements on a site shall not exceed 24 in any calendar year, or 10 in any month, or six in any week, unless that residential unit is on the site on which the landing or take off occurs;

¹⁴⁶ Rules 6.1.6.1 and 6.1.6.2 of the Decision Version.

- (d) Further than 450m from a residential unit, the number of helicopter movements on a site shall not exceed 100 in any calendar year, or 40 in any month, or 30 in any week, unless that residential unit is on the site on which the landing or take off occurs.

[250] The Revised Version proposes that “helicopters used for an emergency and [sic] as an air ambulance” be exempt from restriction under the above, and related, rules (proposed Rule 6.1.3.2.a.iv).

[251] Submitters Rod Donald Banks Peninsula Trust (2311) and Akaroa Civic Trust (2285) presented a joint closing submission on helicopter landing noise. Each is concerned that the Council’s proposed rules are excessive and unnecessary. In addition, they submit that the rules are deficient in that they focus on distance from residences and fail to take into account the effects of helicopter landings on recreational and wildlife values. They also submit that emergency and other necessary helicopter services should be exempt (although we note that this is no longer a contentious issue in that the Revised Version includes a related exemption). To make better provision for necessary helicopter use, and provide better focus on relevant effects, they propose that the Council’s proposed permitted activity rules (as now reflected in the Revised Version) be replaced by rules that specify the following permitted activity regime for different helicopter landing scenarios:¹⁴⁷

- (a) For helicopter landing for emergencies, permitted activity without activity standards;
- (b) For landing in association with conservation activities, farming, existing forestry, construction or maintenance of buildings or utilities, permitted activity subject to standards that landings:
 - (i) Shall only occur between 0800 and 1800 hours; and
 - (ii) Shall not take place within 25m of any residential unit, unless that residential unit is on the site on which the landing or take-off occurs;

¹⁴⁷ Closing submissions on behalf of Rod Donald Banks Peninsula Trust and Akaroa Civic Trust, 6 July 2016, at 3–6.

- (c) For other helicopter landings, permitted activity subject to a standard that the number of helicopter movements on a site shall not exceed 24 in any calendar year, or 10 in any month, or 6 in any week.

[252] Although the Trusts' closing submissions use the term 'landings', we understand them to mean 'movements'.

[253] The Council's closing maintains its position that it is not appropriate to exempt helicopter use for farming. It notes that its evidence is that the permitted activity provision it proposes would be sufficient for farmers to undertake normal farming activities.¹⁴⁸ It notes that Mr Stuart Camp supports the Revised Version's two-stage approach to controls, based on distance, noting that it reduces the need for resource consent when effects on neighbours will be less.

[254] We accept the Council's evidence as providing support for the Revised Version's approach. On matters of difference, we prefer the Revised Version over the alternative approach proposed by the Trusts, because that alternative approach is not supported by expert evidence. Rather, it effectively picks out activities for greater leniency based on a subjective view of their relative justification. Emergency services and air ambulance services can be clearly distinguished on that basis, not only by the fact of their self-limiting nature but also the purpose they serve in enabling people and communities to provide for their health and safety. However, we do not find any evidential basis for extending this generosity further in the manner the Trusts propose.

[255] We agree with the Trusts, however, that the Revised Version is unduly complex. Our particular focus in this regard is on helicopter movements that are further than 450m from a residential unit. While we accept that the Council's evidence shows there is an effect remaining at this distance from a dwelling, it does not follow that we must regulate for it. In most settings, there will already be sufficient control through the other aspects of the Council's proposed rule. An exception is in rural and other such areas where dwellings are more dispersed. While we appreciate that the Trusts' submission on the nature of suitable activities in a rural setting is not backed by evidence, as such, we are entitled to take a view that helicopter movements are likely to be perceived as more in keeping with rural amenity values. In particular, helicopters

¹⁴⁸ Closing submissions on behalf of the Council, 27 July 2016, at 2.13, referring to the evidence in chief of Stuart Camp (at 4.13, 4.14) and the rebuttal evidence of the Council's planner, Ms Andrew, at 9.4–9.8.

are commonly used for rural activities such as top-dressing and forestry surveillance, as well as adventure tourism in such settings.

[256] In a relative sense, we find on the evidence and the Trusts' representations that the environmental benefits of this additional layer of control are very limited. Against that, we weigh the added cost of regulatory complexity. In a cumulative sense, we find that to be unwarranted. In addition, we note some drafting infelicity in the Revised Version's rules, including in the fact that the exemption does not clearly allow for air ambulance services that are not also 'used in an emergency'.

[257] Therefore, we find the most appropriate approach for achieving the related objectives is to not impose any controls beyond 450m of a residential unit (and to clarify the exemption for air ambulances). In other respects, we are satisfied that the Revised Version's proposed rules are the most appropriate. We have modified them in the ways we have described in the Decision Version.

Noise associated with temporary military training and emergency management activities

[258] The approach of the Revised Version is to specify permitted activity classification to relevant activities, subject to activity specific standards. Proposed permitted activity Rule 6.1.4.2.1.1 P1 applies to 'temporary military training activities' (and a range of other activities). Its related activity specific standard propose Rule 6.1.4.2.3 applies to temporary military training or emergency management activities. The standard:

- (a) Applies to three specified types of activity:
 - (i) firing of weapons and single or multiple explosive events, subject to separation distance specifications and requirements as to advance notice to the Council and adjoining landowners;
 - (ii) helicopter movements; and
 - (iii) any other noise-generating activities (including mobile and fixed sources);

(b) Specifies associated noise standards:

- (i) for weapons firing and explosive events, different standards apply for daytime (0700–1900) and night-time (1900–0700). The standards allow for a choice between meeting a specified separation distance (1500m daytime, 4500m night-time) or specified maximum noise levels (65 dB L_{Amax} (daytime) and 50 dB L_{Amax} (night-time)).
- (ii) for helicopter movements, the applicable New Zealand Standard is specified, i.e. NZS 6807:1994 ‘Noise Management and Land Use Planning for Helicopter Landing Areas’;
- (iii) for any other noise-generating activities, the decibel noise limits in proposed Rule 6.1.4.1 apply subject to allowing ability to exceed this by 10 dB or less, on up to 10 days per year and also a specification that the limit at a rural site boundary shall not apply.

[259] The issues on this topic were primarily between the Council and the Crown (in relation to the New Zealand Defence Force and the New Zealand Fire Service). Following our hearing of the evidence, the Council and the Crown filed a Joint Memorandum.¹⁴⁹ It attached a noise standard for temporary military training and emergency management, which was agreed in most respects. We accept the agreed aspects of the proposed standard as the most appropriate, finding it well supported by the expert evidence we heard on behalf of the Council and the Crown.

[260] The only point of difference between the Council and the Crown concerns the appropriate noise levels for weapons firing and explosive events. In terms of the alternative of meeting specified standards, the Crown’s preference is that these be more generously set at 80 dB L_{Amax} (daytime) and 65 dB L_{Amax} (night-time).

[261] The noise experts called on behalf of the Crown and the Council expressed different opinions on what constitutes a reasonable standard, given the particular characteristics of noise

¹⁴⁹ Joint Memorandum of counsel for the Crown and the Council regarding temporary military training activities, Proposal 6: General Rules and Procedures, 9 May 2016.

from weapons firing. For the Crown, Mr Malcolm Hunt supported more generous allowances. For the night time level, he argued that it was equivalent to what the Council proposes for other noise sources. When cross-examined about whether he had made allowance for the impulsive nature of gunfire noise, he answered that he did not know of any mechanism that corrected for “some kind of subjective view of what the sound is” and that the applicable noise standards excluded “the sounds of explosions and gun fire”.¹⁵⁰

[262] For the Council, Mr Camp considered those allowances overly-generous. He pointed out that neither of the sources relied on by Mr Hunt, namely WHO guidelines and the NZS Construction Noise Standard, in fact supported the leniency he argued for.

[263] While the impulsive nature of gunfire or explosion sounds may include an element of subjectivity, it is nevertheless relevant to for us to account for that element in that it pertains to how the receiver experiences the noise. Given that aspect, and the lack of support in relevant standards or guidelines for Mr Hunt’s preferred approach, we prefer Mr Camp’s opinion on these matters.

[264] There was no suggestion in the Crown’s evidence that Defence forces or emergency services could not comply with the more stringent noise levels sought by the Council.

[265] On that basis, we prefer the more stringent regime of the Revised Version. However, we find it appropriate to provide a degree of flexibility in this regime similar to what is provided for ‘other noise-generating activities’, namely an ability to exceed the specified limits by ≤ 10 dB up to 10 days per year. Given that military and emergency services assist to enable the health and safety of the community, we find that extent of flexibility in the standard for unanticipated events will assist to promote sustainable management. With that change from the Revised Version, and some other drafting clarity changes, we find the Decision Version is the most appropriate for responding to the Higher Order Documents and achieving the related objectives.

¹⁵⁰ Transcript, page 1017, line 41 to page 1018, line 13.

Rail corridors — vibration controls for residential dwellings and reverse sensitivity matters

[266] The Revised Version includes the following proposed vibration standard (6.1.5.2(b)) for permitted activity P1 (concerning sensitive activities near roads and railways):

Any new sensitive activity (other than single standalone residential units), within 60 metres of a railway designation shall be designed and constructed so that they do not exceed the Class C Criteria in NZ 817E:2005 (0.3mm/s maximum weighted velocity, $V_{w,95}$).

[267] The proposed activity standard is followed by the following proposed advisory note:

Note: ... Where buildings are located within 60 metres of a designated railway corridor: Applicants should be aware that vibration may cause annoyance to people and/or damage to buildings. Vibration is site specific and applicants are advised to undertake a vibration assessment to determine whether the vibration may affect the development.

[268] The Revised Version also proposes the following related matter of discretion in proposed Rule 6.1.4.3.3 (for restricted discretionary activities that do not comply with the above vibration standard):

- a. The level, duration and character of the vibration, and the proximity of the activity to the rail corridor;
- b. whether vibration generated would be of such a level as to create an adverse effect to the health and well-being of occupants of the building.

[269] Dr Chiles gave evidence on vibration issues on behalf of KiwiRail Holdings Limited ('KiwiRail'). He explained that there was no New Zealand Standard for vibration effects, but that he drew from a Norwegian Standard NS 817E:2005 ('NS 817E:2005'), which is specifically written for transportation vibration and often used in New Zealand for assessing annoyance. He noted that, if levels were set where annoyance could be caused, this would also effectively account for the risk of property damage as even cosmetic damage would occur at a much higher threshold than would annoyance effects. On this basis, he recommended that we use the 'Class C' criterion from NS 817E:2005 as a standard for new buildings or alterations that contain sensitive activities and are within 60m of existing railways. As for compliance, he explained that vibration measurements would need to be undertaken and reported by a

specialist so as to determine if any measures needed to be incorporated into the building design.¹⁵¹

[270] In Panel questioning, Dr Chiles gave the example of a roading project in Tauranga that involved shifting the rail corridor. Vibration assessment work informed a design that included putting the track on a resilient foam mat (under the ballast) to control vibration. He explained that the theory of this approach was to put in place rules so that housing stock gets refreshed, so as not to compound the risk on this known health issue.¹⁵² He acknowledged that the issue also pertains to how KiwiRail undertakes its own operations, noting the example of where a big measurable difference to vibration was made by KiwiRail replacing timber sleepers with concrete ones, cleaning the ballast and grounding the rail surface. He also clarified that the 60m distance specified in the proposed rule was “on the basis of a well-maintained track” and “there will be parts of the network at the moment where 60m would not be anywhere near sufficient because the track is not in good condition”. He said that KiwiRail has a maintenance programme where it addresses these issues and it was “a key part of the equation”.¹⁵³ However, he did not offer us any more information on that programme.

[271] He also confirmed in questioning the obvious point that, unless the track adjacent a building was well-maintained, vibration issues would remain in a building in any case.¹⁵⁴

[272] KiwiRail’s representative witness, Ms Deborah Hewett, explained that the company’s concern was to ensure that anticipated development did not adversely affect operation of the rail corridor. She noted the need for the corridor to operate ‘24/7’ to maintain its role in the transport of export freight out of the Port of Lyttelton and domestic freight on the main trunk line. She said a core concern was about reverse sensitivity risk, from sensitivities to railway noise and vibration, for the safe and efficient operation of the corridor. In particular, she said the company was concerned that “public pressure through complaints (including to the Council)” could compromise operations.¹⁵⁵

¹⁵¹ Evidence in chief of Dr Stephen Chiles on behalf of KiwiRail, 17 February 2016, at 8.1–8.4.

¹⁵² Transcript, page 91, lines 4–45.

¹⁵³ Transcript, page 92, lines 25–45.

¹⁵⁴ Transcript, page 96, lines 31–44.

¹⁵⁵ Evidence in chief of Deborah Hewett on behalf of KiwiRail, 17 February 2016, at 1.7–1.9 and 3.6–3.8.

[273] On the matter of vibration, she noted the company's concern that the Notified Version did not include any controls. By way of example of this issue, she said that because Heathcote residents were complaining about vibration from post-earthquake repairs, KiwiRail imposed a temporary 40kph speed restriction on the Main Trunk South line while it undertook that work. She confirmed that this work did not involve any claims of property damage. She said that, while KiwiRail would continue to work with existing residents to mitigate such effects, it was important that the CRDP imposed relevant controls so that such effects were properly accounted for in new development.¹⁵⁶

[274] In response to Panel questioning, Ms Hewett said she did not have experience with rail-related vibration controls elsewhere in New Zealand, but said that KiwiRail had, on various occasions, tested vibration associated with tracks. Nor was she aware of the complexity and cost that may be involved with vibration assessments. She explained, however, that KiwiRail had been submitting on various plans seeking such controls. When we asked her for examples, in Christchurch, of where vibration had been an issue, she could not identify any residential location other than the Heathcote example she had mentioned.¹⁵⁷

[275] Ms Hewett was also party to a joint witness statement together with the planning witnesses for the Crown (Mr Andrew Willis) and the Council (Ms Kelly Andrew). The statement presented their joint s 32 evaluation of options.¹⁵⁸ They evaluated the scale of development appropriately subject to such a rule. They concluded that it should not apply to single standalone units. That was in view of the reasonably significant costs of assessment per site (estimated at \$3000) and measurement for exceedance (in the order of \$10,000 to \$20,000), and un-costed potential engineering and architectural and design solution costs. They concluded these costs would be disproportionate to the benefits that an individual would derive when considering a single standalone dwelling. Considering multi-units, they reasoned that the costs would be more readily able to be built into the design and apportioned by a developer across the whole development. They reasoned that this option would effectively manage the risk of adverse effects from locating such facilities in the vicinity of the rail corridor.¹⁵⁹

¹⁵⁶ Evidence in chief of Deborah Hewett on behalf of KiwiRail, 17 February 2016, at 3.7.

¹⁵⁷ Transcript, page 84, line 33 to page 85, line 26; page 87, lines 27–34.

¹⁵⁸ Joint expert statement of Andrew Willis, Kelly Andrew and Deborah Hewett, 10 June 2016, Appendix B.

¹⁵⁹ Ibid, Appendix B.

[276] Conversely, they noted that having no plan controls would not manage those risks.¹⁶⁰ Their evaluation of costs noted sleep disturbance and associated health problems, poor amenity values, developers not giving due consideration to the appropriateness of locating sensitive activities in proximity to a railway line, and social and economic costs to occupiers of affordable housing. They acknowledged the benefits were in terms of avoiding costs to councils and developers. They concluded that this option was “not an effective way to manage the effects of noise on sensitive activities near railways”.

[277] Their evaluation concluded that the most appropriate approach was a rule applying to residential developments, other than single units. Their recommended approach is now proposed in the Revised Version.

[278] The joint statement also gave examples of vibration rules of various kinds (some for railways) that are proposed or included in various district plans or proposed plans elsewhere in New Zealand.¹⁶¹

[279] In its closing, KiwiRail submitted that the controls it had agreed with the Council (now in the Revised Version) are the most appropriate for the present circumstances.¹⁶² The Council’s closing simply noted the Council’s continued support for the provisions it agreed with KiwiRail and the Crown.¹⁶³ The Crown made a similar closing submission.¹⁶⁴

[280] There are several matters that concern us about this proposed rule. Firstly, the evidence does not satisfy us that such a rule would be effective in addressing its primary purpose, namely to manage the reverse sensitivity risk to the safe and efficient operation of the rail network from “public pressure through complaints”. We accept the evidence of the strategic importance of the rail corridor, particularly for export and domestic freight movements. We also accept Dr Chiles’ evidence that vibration can give rise to annoyance, potentially sleep disturbance and associated health impacts, and even cosmetic property damage (although we did not receive any direct evidence of damage having occurred). However, as Dr Chiles acknowledged, vibration can be significantly a consequence of how well KiwiRail maintains its assets. More

¹⁶⁰ Ibid, at 5.3

¹⁶¹ Ibid, Appendix C.

¹⁶² Closing submissions for KiwiRail, 6 July 2016, at 4.1–4.3.

¹⁶³ Closing submissions for the Council, 27 July 2016, at 2.30.

¹⁶⁴ Closing submissions for the Crown, 8 July 2016, at 5(a).

particularly, he acknowledged that the 60m specification within which Revised Version's proposed rule would apply is "on the basis of a well-maintained track" and that, unless the track adjacent a building was well-maintained, vibration issues would remain in a building in any case.

[281] Those concessions are significant to our evaluation of costs and benefits. In essence, that is because the rationale for the rule is the management of reverse sensitivity risk to the rail corridor. Dr Chiles described KiwiRail's maintenance programme as being "a key part of the equation".¹⁶⁵ However, we did not receive any detail from him or Ms Hewett on how KiwiRail proposed to maintain its network.

[282] The difficulty that gives rise to is that the evidence clearly identifies that the rule's effectiveness depends on that maintenance being undertaken and we cannot require such maintenance through the CRDP provisions in issue.

[283] Given the evidential position, we have no sound basis for concluding that the proposed rule will be effective in managing reverse sensitivity risk. Indeed, the evidence indicates that the rule could, in some cases, aggravate the risk. In particular, that is in the sense that it could well mean no material reduction in vibration for multi-unit developments despite the significant additional costs that a developer could incur in vibration assessment, design and construction.

[284] We observe that the joint statement of Ms Hewett, Mr Willis and Ms Andrew does not account for this need for associated track maintenance by KiwiRail in reaching its conclusion that the proposed rule would be effective in managing the risk.

[285] Considering the Higher Order Documents, in light of that evidence, we do not find any support for the proposed rule. CRPS Policy 6.3.5 does not assist, in that the evidence does not satisfy us that the proposed rule would assist the management of reverse sensitivity risk. Given the evidential position, the OIC Statement of Expectations exhorts that we reduce significantly (compared to the Existing Plan) the 'number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice'. By contrast, on the evidence, we find that this proposed change from the Notified Version would have the opposite effect. In the absence of any related commitment by KiwiRail to a

¹⁶⁵ Transcript, page 92, lines 44-45.

maintenance programme, we find on the evidence that the rule would be not only ineffective in managing reverse sensitivity, but also inappropriate in imposing significant costs on land development, without sufficient attendant benefits for the community. Corresponding with that, we find that it would offend Strategic Objective 3.3.2 by not minimising the number, extent and prescriptiveness of development controls. Nor would it assist to achieve the related Chapter 6 objective.

[286] For those reasons, we reject the proposed rule as inappropriate for achieving related objectives. We reach the same view on the proposed advice note. In essence, given the evidential findings we have made, we find it would not serve any relevant resource management purpose.

Rule 6.1.5.2 — issues as to standards for ventilation systems and sound insulation triggers

[287] Proposed Rule 6.1.5.2 specifies activity standards for sensitive activities near roads and railways. KiwiRail’s submission identified a range of issues in regard to the equivalent proposed standards of the Notified Version. However, KiwiRail’s closing submissions inform us, and the Council’s closing submissions confirm, that those differences are now confined to two matters concerning what is now proposed in the Revised Version:

- (a) Whether the specified sound level limit for ventilation systems should be 35 dB (as proposed in the Council’s Revised Version) or a more stringent 30 dB (as sought by KiwiRail); and
- (b) Whether there should be additional airflow and temperature control provisions so as to avoid the need for occupiers of sensitive activities near a rail corridor to open windows and doors to achieve lower temperatures (so exposing themselves to higher sound levels).

[288] On the first matter, the wording of proposed Rule 6.1.5.2(6) of the Revised Version, reflecting the Council’s position, is as follows:

Ventilation systems where installed shall:

- a. generate sound levels not exceeding:
 - i 35dB LAeq(30s) at night time in bedrooms; and
 - ii 40dB LAeq(30s) in any other habitable space (excluding bedrooms)

when measured 1m away from any grille or diffuser; and
- b. provide an adjustable airflow rate of up to at least 6 air changes per hour.

[289] These differences between the Council and KiwiRail essentially reflect the differences in opinion between their respective noise experts on this topic, Mr Camp (for the Council) and Dr Chiles (for KiwiRail). A joint witness statement shows that the views of the Council's planning witness, Ms Andrew and KiwiRail's representative witness, Ms Hewett, also reflect the differences between the noise experts.¹⁶⁶ The Crown's closing submissions indicate support for the approach of the joint witness statement and we take that to indicate that the Crown abides our decision on the remaining points of difference between the Council and KiwiRail.¹⁶⁷

[290] In his evidence, Dr Chiles explained that the sound level specifications in the proposed rule are set with reference to AS/NZS 2107:2000 and are designed to provide appropriate amenity. However, he said that, if there is also sound from ventilation systems allowed at the same level, these limits would be exceeded by the combined railway and ventilation sound levels. As an example, he said that 35 dB from the railway and 35 dB from the ventilation would result in a combined sound level of 38 dB. To address this, he recommended reducing the limit for ventilation systems to 30 dB. He said there are practical methods available to achieve the reduction, whereas reducing the railway sound levels could require substantial changes to building façades. While he noted this approach would still mean a combined sound level of 36 dB, in the example he gave, he considered it a pragmatic solution to the issue.

¹⁶⁶ Joint expert statement of Andrew Willis, Kelly Andrew and Deborah Hewett, 10 June 2016.

¹⁶⁷ Closing submissions for the Crown, 8 July 2016, at 5(a).

[291] Mr Camp agreed that a 30 dB level favoured by Dr Chiles would be “ideal” but he preferred a 35 dB level as being acceptable, on the footing that he understood the purpose of the rule as being to provide for a basic level of acoustic amenity. Homeowners who wanted a lower noise level could design for that if they wished to.¹⁶⁸

[292] On the second issue in [287](b), we observe that Dr Chiles and Mr Camp also differed on the matter of whether the rule should specify airflow rates in excess of the Building Code, Dr Chiles recommending this, Mr Camp considering it inappropriate. However, as between the Council and KiwiRail, the provision in the Revised Version for specified airflow rates means the issue of difference is now confined to whether the rule should also specify temperature control provisions.

[293] Dr Chiles referred to the independent advice he has provided to the NZ Transport Agency on appropriate specifications for ventilation systems as part of acoustic treatment. Drawing from that work, he considered it “necessary” to specify both flow rates and temperatures, using the values set out in KiwiRail’s submission.¹⁶⁹

[294] On this matter, Mr Camp acknowledged that ventilation systems were not his area of expertise. He offered a general observation that most houses in Christchurch do not have mechanical ventilation and an approach of leaving doors and windows open would not achieve an airflow of 6 air changes per hour. Given that a mechanical ventilation system would provide more ventilation to bedrooms than most currently receive, he did not consider additional requirements for cooling were warranted.¹⁷⁰

[295] On this matter, as the evidence of the experts reveals, what is ultimately called for is a properly informed practical judgment on where the balance should be struck. On the ultimate goal of managing reverse sensitivity risk, the evidence does not demonstrate any clear distinction between the different preferences of Dr Chiles and Mr Camp. On that basis, we agree with Mr Camp that we should specify a noise level that will provide for a basic level of acoustic amenity, rather than strive for the ‘ideal’. In essence, we find that approach provides

¹⁶⁸ Rebuttal evidence of Stuart Camp, for the Council, 25 February 2016, at 8.2.

¹⁶⁹ Evidence in chief of Dr Chiles, for KiwiRail, dated 17 February 2016, at 5.3.

¹⁷⁰ Rebuttal evidence of Stuart Camp, for the Council, 25 February 2016, at 8.4.

adequately for the ‘reverse sensitivity’ and amenity benefits, and allows for a greater degree of choice by a landowner as to how much cost will be incurred beyond this.

[296] Therefore, we agree with the Council in finding that the 35 dB level specified in the proposed rule for ventilation systems is the most appropriate for achieving related objectives.

[297] On the matter of the specifications for ventilation systems, on the same basis, we also agree with the Council’s position, as specified in the Revised Version. Whilst we acknowledge Dr Chiles’ experience in these matters, we find the additional costs that would be incurred in also requiring temperature control unjustified in terms of any marginal return this would bring in the management of reverse sensitivity risk. As for amenity values, we agree with Mr Camp that temperature control is more an ideal, rather than a necessary aspect of meeting a basic level of amenity. The rule should properly achieve the latter, and so leave landowners to make a choice for something more should they desire it.

Rule 6.1.4.1 — whether the SAC adjustment in NZS 6802 should remain excluded

[298] Rule 6.1.3.3.s of the Revised Version (now 6.1.4.1) is as follows:

Unless otherwise specified elsewhere in this Plan, noise shall be measured in accordance with NZ 6801:2008 “Acoustics – Measurement of environmental sound”, and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental noise”, except that provisions in NZS 6802, referring to Special Audible Characteristics shall not be applied.

[299] Submissions were made by Canterbury District Health Board (2360) (‘CDHB’) and Environmental Noise Analysis and Advice Service (2456) under the signature of Mr Vernon Cyril Goodwin. The submitters sought that we remove the exception concerning adjustment for ‘Special Audible Character’ (or ‘SAC’), such that the applicable New Zealand Standard is incorporated into the rule without amendment.

[300] When giving evidence, Mr Goodwin produced a copy of the applicable Standard. He drew our attention to the SAC provision as follows:¹⁷¹

¹⁷¹ Evidence in chief of Vernon Goodwin, 17 February 2016, at 15 and 16. Mr Goodwin informed us that he holds Royal Society of Health (London) diplomas in noise control, air pollution control and public health inspection.

- 6.3.1 Where the sound being assessed has a distinctive character which may affect its subjective acceptability (for example, it is noticeably impulsive or tonal), the representative sound level shall be adjusted to take this into account. The adjustment shall be determined in accordance with the provisions of Appendix B.

[301] He interpreted the word ‘shall’ in this clause as making adjustment for SAC mandatory when the clause determines it is appropriate. He explained that the effect of an adjustment for SACs can be a “penalty” of either 5 dB or, in the case of tonality assessed using a method specified in an Appendix to the Standard, in the range of 0.1 to 6 dB.

[302] He told us that “public health submitters” want the SAC adjustment retained as part of the rule. However, in answer to the Chair he clarified that his evidence was not given on behalf of the CDHB.¹⁷² As a member of the committees that prepared New Zealand Standards, and revisions to them, he commented that “the assessment methodologies were never intended to be applied in the manner now sought by the [Council]”. He commented that he understood the Council’s approach is “unprecedented in New Zealand”. He expressed concern that excluding reference to the SAC adjustment “denies regard to the character of sound contrary to normal human perception of sound”. As such, he considered the Council’s proposed approach is contrary to “reasonable protection of the health of people and communities”. In response to Mr Camp’s view that we should revisit the noise limits if we include reference to SAC, he commented that this is “nonsense as the [Existing Plan] noise limits ‘license’ noise emissions up to the stated values given in various tables and assume that sound level could be continuous”. He observed that any such adjustment would make Christchurch noise levels less stringent than elsewhere in New Zealand.¹⁷³

[303] In his rebuttal, Mr Camp pointed out that the Existing Plan provisions do not have a SAC adjustment. Therefore, he disagreed with Mr Goodwin on the issue of precedent. He also commented that, on his understanding of the Standard ‘shall’ was directory, rather than mandatory. On those matters, we agree with Mr Camp. A New Zealand Standard is self-evidentially of no legislative or regulatory consequence unless, and to the extent that, it is incorporated by reference into legislation or, in this case, a district plan rule.

¹⁷² Transcript, page 67, lines 3–6.

¹⁷³ Evidence in chief of Vernon Goodwin, 17 February 2016, at 22–29.

[304] Mr Camp also commented that his primary concern about having a SAC adjustment is that there are currently no definitive objective methods for determining whether or not the adjustment should be applied. He said:¹⁷⁴

There are too many possible methods for tonality, and often no relevant methods for impulsiveness and other forms of special audible characteristics. This results in the adjustment becoming an argument based on subjective assessments, with associated cost and time implications.

[305] He disagreed with Mr Goodwin in saying that “SAC assessment” as part of consent applications “is never straight-forward”. He observed:¹⁷⁵

Noise sources which have clear SAC are often defective in some way and can be dealt with by other means. For example, a worn out bearing, or loose drive belt can often result in tonal noise, and can be addressed by appropriate maintenance. The arguments arise over sources which one consultant says warrants an adjustment and another says doesn’t.

[306] On this matter, we accept the evidence of Mr Camp in finding that the most appropriate approach is as proposed in the Revised Version, namely to retain the exclusion of any adjustment for SAC. With due respect to Mr Goodwin’s significant experience as a member of the relevant Standards committees, his approach would appear to confuse the different roles that the New Zealand Standards and district plan rules play. NZS 6802 rightly refers to the issue of SAC adjustment as noise experts and other professionals should be on notice that such matters have an influence on how the receiver of noise is affected by it. However, it does not follow that district plan rules must incorporate that adjustment. As was acknowledged by Mr Camp in cross-examination, the fact that the Council’s proposed rule includes the Standard’s adjustment for duration, but not its adjustment for SAC, would benefit noise makers to a minor extent, in a small number of cases.¹⁷⁶ We find this is not a sufficient reason to include a SAC adjustment in the rule. We accept Mr Camp’s evidence that the specified noise levels are conservatively set such that they already take sufficient account of SAC influences. As the OIC Statement of Expectations emphasises, we should be mindful of ensuring rules are as clear and free from unnecessary complexity as they can be. On that basis, we find the Revised Version is demonstrably more appropriate for achieving related objectives than what the

¹⁷⁴ Rebuttal evidence of Stuart Camp, 25 February 2016, at 3.3–3.8

¹⁷⁵ Rebuttal evidence of Stuart Camp, 25 February 2016, at 3.9

¹⁷⁶ Transcript, page 25, lines 8 – 24, cross examination by Mr Campbell for Environmental Noise Analysis and Advice Service.

submitters, through Mr Goodwin, seek. Therefore, we have carried forward the Revised Version approach into the Decision Version, and decline the relief sought by the submitters.

Industrial zone noise limits and standards

[307] The Council’s Revised Version proposes the noise limits in the middle column for the Industrial General and Industrial Heavy zones. Lyttelton Port Company Limited (‘LPC’) seeks the limits in the right-hand column:

	Revised Version (dB LAeq)	LPC (dB LAeq)
Industrial General	60	70
Industrial Heavy	65	75

[308] The Revised Version provides that exceedance of these limits by 10 dB or less requires consent as a restricted discretionary activity (‘RDA’), and exceedance by more than that limit requires consent as a non-complying activity (‘NCA’).

[309] LPC’s closing submissions were that permitted noise levels in these zones should be in keeping with enabling industrial activities, and the levels it sought made realistic provision for noise. It submitted that the Council’s preferred approach (now reflected in the Revised Version) is “not consistent with the desire to reduce reliance on resource consents”.¹⁷⁷

[310] As for what is realistic for industrial zones, it referred to the evidence of its noise expert, Mr Nevil Hegley. That included that typical heavy industry runs at about 70-75 dB at the site boundary,¹⁷⁸ and trucks (typically part of general and heavy industrial activity) would not comply with 60 dB¹⁷⁹ (a point agreed by Mr Camp).¹⁸⁰ It also noted that its city depot currently operates under 75 dB, and a restriction to 70 dB would result in ‘dead land’.¹⁸¹

[311] With reference to the evidence of its noise expert, Mr Camp, the Council’s closing noted that the permitted activity limits were set “at a level which allows neighbouring offices to

¹⁷⁷ Closing submissions for LPC, 6 July 2016, at 7.

¹⁷⁸ Transcript, page 122, lines 20–24.

¹⁷⁹ Transcript, page 122, line 44 to page 123, line 3.

¹⁸⁰ Rebuttal evidence of Stuart Camp on behalf of the Council at 5.6.

¹⁸¹ Transcript, page 122, lines 5–8.

operate with their windows open while maintaining appropriate indoor sound levels”. It acknowledged there is merit in LPC’s approach of setting much higher levels to prevent the triggering of consent requirements for industrial noise in industrial zones. However, it pointed out that allowing for this greater leniency across all zones “could lead to a significant increase in adverse effects on existing activities within the industrial zones which are not affected by the current noise limits, but would be affected by a 10 dB increase”. On this, it cited the example given by Mr Camp of offices that currently operate with windows open,¹⁸² but said other activities could also be potentially affected.¹⁸³ It pointed out that Mr Hegley had not provided an assessment of the potential impact of his recommendation across all industrial zones.¹⁸⁴ On that basis, it submitted that the more prudent approach would be as is proposed in the Revised Version.

[312] On the matter of LPC’s submissions on truck movements, the Council noted that Mr Camp and Mr Hegley agreed that industrial sites that have heavy truck movements could achieve compliance through appropriate location of site access. It pointed out that the Council’s ability to manage this would be lost under LPC’s approach.¹⁸⁵

[313] We note that, in his rebuttal evidence, Mr Camp described Mr Hegley’s preference for higher noise limits in the industrial and industrial heavy zones as having “some validity”. His comments about offices operating with windows open were made in rebuttal to Mr Hegley’s comment that “an office located within an industrial zone will generally operate with closed windows”. He noted that, in his experience, offices in such zones would often choose to have windows open, and that the Council’s more stringent proposed rule would provide the advantage that this would remain a choice. He observed that RDA classification for exceedances up to 10 dB provided a simple consenting path when an industrial activity could not so comply. He did not agree with Mr Hegley’s opinion that many industrial sites around Christchurch could not comply with a 65 dB limit. On this, he agreed with Mr Hegley that truck movements “may exceed this level”, but noted that he had experience of several sites where compliance was able to be achieved by a suitable access location.¹⁸⁶

¹⁸² Rebuttal evidence of Stuart Camp, 25 February 2016, at 5.4.

¹⁸³ Closing submissions for the Council, 27 July 2016, at 2.34.

¹⁸⁴ Closing submissions for the Council, 27 July 2016, at 2.35, referring to the transcript, page 119.

¹⁸⁵ Closing submissions for the Council, 27 July 2016, at 2.36, referring to Mr Camp’s rebuttal at 5.6 and the transcript at page 119.

¹⁸⁶ Rebuttal evidence of Stuart Camp, 25 February 2016, at 5.4–5.6.

[314] On this matter, we bear in mind that our focus is confined to what occurs within the industrial zones themselves. Noise effects on neighbouring more sensitive zones are managed through other zone-related controls. Bearing that in mind, we find the evidence gives strong support for LPC’s closing submissions. In particular, we accept Mr Hegley’s evidence to demonstrate that his recommended more permissive noise limits reflect the real nature of industrial activities and noise sources. Therefore, we accept LPC’s submission that permitted noise levels in these zones should be in keeping with enabling industrial activities.

[315] We find the Council’s argument that noise levels should be set on the basis of allowing industrial offices in such zones ability to operate with windows open unrealistic. The evidential support for that position was limited to the observation Mr Camp made, in rebuttal of Mr Hegley’s evidence, as to the practice he had observed of offices having windows open for ventilation. We have no doubt that Mr Camp has observed such things. On the other hand, the nature of industrial activities, and their effects (not only noise effects), can be expected to see office dwellers also prefer to rely on mechanical ventilation and air conditioning for such purposes. In any case, we do not identify any significant cost imposition for industrial activities if noise limits are set on a basis that offices would rely on mechanical ventilation and air conditioning.

[316] Against that, we find there is a reasonably significant cost consequence from setting noise levels so stringently as to require RDA consent applications for ordinary business. We note that Mr Camp acknowledged Mr Hegley’s preference for more lenient noise limits has “some validity”. We agree. We do not accept as valid Mr Camp’s characterisation of the RDA application processes as “a simple consenting path”. It overlooks the cost, delay and inherent uncertainty of such a process. On the evidence, we find it is unwarranted for ordinary industrial activity within an industrial zone which can be expected to produce the noise levels Mr Hegley has described. It follows that we find no merit in the Council’s submission that the higher noise levels would remove its capacity to manage the location of site accesses for trucks. The simple point is there is no need to manage for ordinary noise emissions from industrial activity in an industrial zone.

[317] For those reasons, we find that the Council’s proposed noise limits would be contrary to the OIC Statement of Expectations and related Strategic Objectives, whereas the alternative limits proposed by LPC would be the most appropriate for responding to the Higher Order

Documents and achieving the related objectives. Therefore, we accept LPC's evidence in applying the higher limits it seeks in the Decision Version.

Tonal reversing alarms for the South West Hornby industrial zone

[318] Submitters Kevin and Bonnie Williams (FS-2757) reside immediately adjacent to the Industrial Heavy (South West Hornby) zone. They seek that the permitted activity noise rules (as now proposed in the Revised Version) be amended so as to require that only broadband reverse alarms be used in relation to that zone. They called an acoustics engineer, Mr Michael Smith, to give evidence in support of their submission.¹⁸⁷

[319] Mr Smith explained the tonal characteristics of such alarms and the fact that alternative technology having less intrusive noise effects, such as broadband alarms, is now readily available. He described his experience of various large infrastructure projects and other examples where steps have been taken to proactively address this issue.

[320] In cross-examination on behalf of the Council, Mr Smith accepted that his clients' concern was as to potential, rather than actually experienced, effects as the adjacent site was undeveloped and, at that time, awaiting zoning.¹⁸⁸ He also acknowledged that, in cases where tonal alarms proved a problem, broadband alarms could be fitted to vehicles.¹⁸⁹ In answer to our questions, he confirmed that the tonal characteristics of reversing alarms would be accounted for under the NZS 6802 SAC adjustment regime (assuming it is provided for under the CRDP rules).¹⁹⁰

[321] In his closing submissions for the Williams, Mr Pedley acknowledged the simple reality that, given that the industrial estate has not yet been developed, his clients do not currently have a problem. However, he submitted that this did not render his clients' concern illegitimate or mean it was unlikely to arise. Rather, the Industrial Heavy zoning meant development of the site was inevitable in the near future. Also, while the exact nature of that development was

¹⁸⁷ Evidence of Michael Smith on behalf of Kevin and Bonnie Williams, 17 February 2016. Mr Smith is a Senior Acoustics Engineer with AECOM New Zealand. He has a degree in Mechanical Engineering from the University of Adelaide, has practised in the field of acoustics since 2006, and is a member of the Acoustical Society of New Zealand (MASNZ) and the Australian Acoustical Society (MAAS).

¹⁸⁸ Transcript, page 826, lines 40–46.

¹⁸⁹ Transcript, page 828, lines 18–22.

¹⁹⁰ Transcript, page 828, lines 25–45,

presently unknown, it was safe to assume it would include a mix of heavy vehicles and plant that commonly feature tonal reversing alarms.¹⁹¹

[322] Mr Pedley noted Mr Smith’s evidence, accepted by Mr Camp, that tonal reversing alarms are a recognised source of annoyance and were clearly audible a significant distance from their source. He observed that this had been recognised in Environment Court cases and had resulted in voluntary steps by some industry participants to move away from using them. He also noted the particular context that the South West Hornby industrial zone is closely proximate to a residential area. He submitted that it was inappropriate to take the view that, should the problem arise, it could be readily addressed by retrofitting broadband alarms. In particular, he submitted that not having a rule on this would mean there was no way of ensuring such an outcome. As such, it would leave residents such as his clients reliant on goodwill.¹⁹²

[323] The Council maintained its position in opposition to this relief in its closing submissions. It noted the lack of present certainty about whether the submitters’ concerns would materialise. It submitted that “currently, tonal reversing alarms are used in many industrial areas without causing adverse noise effects” (referring, for that submission, to answers given by Mr Smith in cross-examination, to which we return). It noted that the requested rule change would not be effective in controlling transient vehicles and, hence, could prove ineffective. It pointed out that there is little reliable information on the costs of restricting tonal alarms. It also pointed to the availability of other mechanisms, such as broadband alarms, in the event that a problem arose. Overall, it submitted that the relief was disproportionate, referring to Mr Camp’s colloquial description of it as “a sledgehammer to crack a nut”.¹⁹³

[324] We observe that one aspect of the Council’s closing submissions is not supported on the evidence. In particular, the Council relied on Mr Smith’s answers in cross-examination for its submission that “tonal reversing alarms are used in many industrial areas without causing adverse noise effects”. The actual exchange was as follows¹⁹⁴:

MR HARWOOD: Is it correct that tonal alarms are used on many vehicles across the city at the moment?

MR SMITH: To the best of my knowledge, yes.

¹⁹¹ Closing submissions for K and B Williams, 6 July 2016, at 4 and 6.

¹⁹² Closing submissions for K and B Williams, 6 July 2016, at 7–9.

¹⁹³ Closing submissions for the Council, 27 July 2016, at 2.37.

¹⁹⁴ Transcript, page 827, lines 6–15.

MR HARWOOD: And not all tonal alarms on vehicles used within Industrial Zones cause adverse effects, do they?

MR SMITH: That is correct, on the basis that they may not be adjacent to noise sensitive uses.

[325] As for the issue of costs, the Council is correct to observe that we have little evidence on this matter. Mr Smith informed us that the estimated installation cost for fitting alternative alarm systems was in the order of \$100 to 400 per vehicle. He said that, therefore, the total cost for each operator of a site within the industrial zone would be that order of costs multiplied by the number of permanent vehicles on the site.¹⁹⁵ Hence, taking the upper figure in that range, and assuming a site with 10 forklifts and other permanent vehicles, costs would be in the order of \$4000 per site. We accept his opinion on those matters.

[326] We also accept the evidence supports the Williams' closing submissions that tonal reversing alarm noise nuisance for residential neighbours is a realistic potential adverse effect for the South West Hornby industrial zone. As such, the fact that there is no existing issue given the present undeveloped state of the industrial land does not make the issue irrelevant.

[327] The critical remaining issues are whether the Council's proposed rule (including its specified noise limits) is itself sufficient for addressing the issue of concern and, if not, whether the change sought by the submitters would improve upon it.

[328] We have accepted Mr Camp's evidence, in relation to the CDHB submission, that the NZS 6802 SAC adjustment regime does not clearly or reliably account for tonal noise issues. We have also accepted his evidence that sufficient account is taken of SAC characteristics in the Revised Version's conservatively set noise levels. Mr Smith's evidence did not indicate that these conservatively set levels would be inadequate for dealing with the particular audible characteristics of tonal reversing alarms. As we have noted, in answer to our questions, he confirmed that the tonal characteristics of reversing alarms would be accounted for under the NZS 6802 SAC adjustment regime. We have also noted that, on the matters raised by CDHB concerning the NZS 6802 SAC adjustment regime, Mr Goodwin explained that the effect of a SAC adjustment can be a "penalty" of either 5 dB or, in the case of tonality assessed using a method specified in an Appendix to the Standard, in the range of 0.1 to 6 dB. As such, we find

¹⁹⁵ Transcript, page 831, lines 13–41.

that the special audible characteristics of tonal alarms are already satisfactorily catered for in the proposed noise limits of the Revised Version.

[329] As Mr Smith acknowledged in answer to the Panel, the requested relief targeted permanently stationed vehicles on a site. It would not be effective in relation to transient truck movements, which Mr Smith said were “just as annoying”. We accept, however, that permanent vehicles, such as forklifts, would be the predominant source of tonal noise.¹⁹⁶ As such, we do not give this factor significant weight.

[330] We observe that occupiers of land are subject to the duty in s 16 RMA to “adopt the best practicable option to ensure that emission of noise from that land ... does not exceed a reasonable level”. The plan rules do not exclude that duty. Relevantly, the Advice Note to the rule specifies that ‘broadband reversing alarms are encouraged in preference to tonal models’. As such, we do not accept Mr Pedley’s submission that not providing for his clients’ relief would render them and others reliant on goodwill in the event that, despite the rules, unreasonable emissions of noise occurred.

[331] Considering all these matters, on the evidence we find that the most appropriate regime is as proposed in the Revised Version.¹⁹⁷ We find it is the most appropriate for responding to the Higher Order Documents (in particular the OIC Statement of Expectations) and the related objectives. Therefore, we decline the relief sought by the submitters.

SECTION 32AA — 6.1 EVALUATION OF SUB-CHAPTER 6.1 PROVISIONS

[332] We now set out our evaluation of specific provisions and reasons, in light of the findings we have made at [24]–[331], for determining that:

- (a) The Sub-chapter 6.1 objective of the Decision Version is the most appropriate for achieving the RMA’s purpose; and

¹⁹⁶ Transcript, page 830, lines 18–46.

¹⁹⁷ For completeness we record that we have considered Decision 34 and Decision 35 relating to the Fulton Hogan Quarry and Templeton Golf Course proposal. In that Decision the Hearings Panel accepted at [424] the proposal offered by Fulton Hogan to exclude tonal reversing beepers on equipment permanently located on site in Rule 17.6A.4.9 b. The circumstances in that Decision were different because the Rule was offered by the proponent submitter Fulton Hogan Limited.

- (b) The policies, rules and other provisions of the Decision Version are the most appropriate for achieving that objective and related objectives of the CRDP.

[333] On these matters of detailed drafting, we received extensive submissions. Those were particularly from CIAL, Air NZ, ICWT, and the Submitter Group on Airport Noise provisions, and of course the Council. In the preceding discussion, we have set out reasons for changing the Revised Version, or not doing so, in relation to a range of matters raised by other submitters. To report further on the myriad of different drafting approaches to these provisions advanced by submitters would turn an already lengthy decision into an even weightier tome. In any case, we are not required to address each submission individually (OIC, Schedule 3, cl 13). We have, however, carefully considered all drafting recommendations that parties have advanced in their evidence, representations and submissions.

[334] Examination of the Decision Version will show that we have, in some cases, preferred the Revised Version, in other cases, the approaches proposed by various submitters. It will also be apparent that, in a number of respects, the provisions of the Decision Version take a different approach to both the Revised Version and other alternative approaches that parties have sought. Those differences are in part because of the evidential findings we have made. On the basis of those evidential findings, it is also because of what we determine is the most appropriate balance of competing costs and benefits. In addition, we have an overarching responsibility to formulate the CRDP on a basis that is clear and consistent, and takes proper account of the OIC Statement of Expectations. As to those matters, despite our engagement with the Parties, we found a number of structural and other drafting deficiencies in the Revised Version that need to be addressed.

Strategic Objective 3.3.12

[335] Strategic Objective 3.3.12 is as follows:

3.3.12 Objective — Infrastructure

[The requirement for alternative strategic direction in respect of Objectives 3.3.12 (b) (iii) and (iv) will be reconsidered by the Panel as part of its further hearing of relevant proposals.]

- a. The social, economic, environmental and cultural benefits of infrastructure, including strategic infrastructure, are recognised and provided for, and its safe,

efficient and effective development, upgrade, maintenance and operation is enabled; and

- b. Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things:
 - i. avoiding noise sensitive activities within the Lyttelton Port Influences Overlay area; and
 - ii. managing activities to avoid adverse effects on the National Grid, including by identifying a buffer corridor within which sensitive activities will generally not be provided for; and
 - iii. avoiding noise sensitive activities within the 50dBA Ldn noise contour for Christchurch International Airport, except:
 - A. within an existing residentially zoned urban area; or
 - B. within a Residential Greenfield Priority Area identified in the Canterbury Regional Policy Statement Chapter 6, Map A; or
 - C. for permitted activities within the Open Space 3D (Clearwater) Zone of the Christchurch City Plan, or activities authorised by a resource consent granted on or before 6 December 2013; and
 - iv. managing the risk of bird strike to aircraft using Christchurch International Airport; and
- c. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and technical and operational needs of infrastructure.

[336] Now reconsidering cl (b)(iii)¹⁹⁸ in view of our above findings, we see an unhelpful ambiguity in the following words:

Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things: ...

- iii. avoiding noise sensitive activities within the 50dBA Ldn noise contour ..., except: ...
 - A. within an existing residentially zoned urban area.

[337] The ambiguity arises by the words that preface sub-clause iii, particularly the combination of ‘incompatible activities’ and ‘amongst other things’. We are concerned that this combination of words could be open to being read to the effect that established residences

¹⁹⁸ We deal with the matter of bird strike at [423]–[470] and, in view of our findings there, determine that cl (b)(iv) is sufficiently clear.

are rendered ‘incompatible activities’ when they become exposed to unreasonable levels of engine testing noise. It can be observed that such a reading does not sit well with the explicit exception given to noise sensitive activities within an existing residentially zoned urban area (subcl. iii.A.). Further, such a reading would appear to offend what the CRPS (particularly in Policy 6.3.5(4)) intends concerning existing residentially zoned urban areas. Our findings on the proper interpretation of that policy are at [178] of Decision 10 (on the Residential Stage 1 proposal), and those findings were not appealed.

[338] Our preliminary view is that this could be rectified by replacing the words ‘incompatible activities’ with ‘incompatible development’. However, we do not make any definitive finding on this at this time as it is appropriate that we allow relevant parties opportunity to submit on what, if anything, should be done. We make appropriate directions for this, with a view to determining this as part of our remaining Definitions decision.

[339] Also in relation to Strategic Objective 3.3.12, in Decision 40 (on Chapter 11, Utilities, Energy and Infrastructure), we deferred determination until our pending Chapter 2 Definitions decision whether:

- (a) Strategic Objective 3.3.12 should be amended to provide for the part of Orion’s electricity distribution network that is considered of strategic importance; and
- (b) Related definitions, particularly of ‘strategic electricity distribution lines’ ought to be included in Chapter 2.

[340] Our directions also encompass these matters. We note that we have in the meantime, not included the ‘note’ below the noise objective (as we find it, in any case, redundant).

Objective 6.1.2.1

[341] Air NZ and the Submitter Group sought changes to the Council’s proposed objective 6.1.1.1 of the Revised Version. Neither submitter called a planner.

[342] While Air NZ largely agreed with CIAL about many of the unresolved issues that we have been considering, it took one notably different position, concerning this objective. It proposed amendments:¹⁹⁹

Adverse effects on the amenity values and health of people and communities are managed to avoid unreasonable impacts, having regard to levels consistent with the anticipated outcomes for the receiving environment.

[343] We consider that on this, Air NZ's submissions displayed an airport-only imbalance.²⁰⁰ Air NZ's proposed change to Objective 6.1.2.1 applies more widely in the CRDP than just airport matters. We find that it would be wrong to amend the objective without very careful consideration of wider impacts on other activities in the city area, which would be quite inappropriate in the context of the present proceedings. We are particularly disinclined to start building in the word 'unreasonable' in these circumstances, particularly as it might encourage wrongful importation of the operation of s 16 RMA on occasions, in the process.

[344] The Submitter Group sought that the objective require effects to be minimised rather than managed. 'Minimised' was the word used in the Notified Version. For the Submitter Group, Mr Venema questioned whether we have jurisdiction to change the objective in the manner proposed by the Council. We find we clearly have jurisdiction in that the change is in response to submissions and evidence and, hence, not materially beyond the scope of the Notified Version (cl 13(2) and (4) of the OIC). In terms of the role of the objective for achieving the RMA's purpose, we find the word 'managed' more appropriate in that it allows proper scope for considering relevant competing considerations. In essence, related policies and rules provide for a management approach. On the other hand, 'minimised' is far too stringent a word in the objective.

[345] We accept the Council's evidence as demonstrating that its proposed objective is more appropriate than the variations of it proposed by Air NZ and the Submitter Group.

[346] For those reasons, and in light of our evidential findings, we determine that Objective 6.1.2.1 is the most appropriate for achieving the RMA's purpose and responding to the Higher Order Documents.

¹⁹⁹ Closing submissions for Air NZ, 3 August 2016, at 6.18.

²⁰⁰ Closing submissions for Air NZ, 3 August 2016, at 6.15.

Policies

[347] Other than where we comment, we find the Revised Version’s policies well supported on the Council’s evidence and the most appropriate for achieving the related objectives. Therefore, we have provided for them in the Decision Version (subject to numbering and minor drafting clarity changes).

[348] We are grateful to the Council for its care in lodging appendices with its closing submissions, particularly Appendix 2, being the competing versions of the Chapter 6 provisions and its appendices, together with its explanation of the differences where they occur.

[349] In Policy 6.1.2.1.2 on noise during night hours, we have declined the changes sought by the Submitter Group and CIAL, as we find the direction given by the policy as worded by the Council’s Revised Version reflects the findings we have made on competing evidential issues and best achieves the related objectives (including in the sense that it better reflects relevant statutory principles and the Higher Order Documents).

[350] Greater contention centred on the wording of what is now Policy 6.1.2.1.2 on night time noise and Policy 6.1.2.1.5 on airport noise.

[351] Turning first to Policy 6.1.2.1.5.a, there was a debate as to whether it should incorporate a reference to the airport as being strategic infrastructure. CIAL, perhaps understandably, submitted that there should be such reference. The Council submitted that it was unnecessary in the context of the particular policy.

[352] It is appropriate to take as a starting point Strategic Objective 3.3.12, which has three parts: enablement of strategic infrastructure to carry out activities; control of reverse sensitivity effects; and management of effects on the environment of strategic infrastructure. The Chapter 6 policy under consideration and its associated rules relate only to the third aspect of the strategic objective. The Council submitted that there was no need for Policy 6.1.2.1.5.a to refer explicitly to all three aspects of the strategic objective,²⁰¹ and went on to point out that the words “so far as is practicable”, in its proposed policy recognised the importance of minimising sleep disturbance, and the importance of the airport as strategic infrastructure.

²⁰¹ Closing submissions for the Council at para 3.28.

[353] We accept the Council’s submission on these matters and find that the policy would give better effect to Objective 6.1.2.1 if cl a. did not reference the airport as strategic infrastructure. The fact that the airport is of strategic importance ought not to be a rider to a policy intended to direct a meaningful response to impacts of airport operations on the health and wellbeing of residents, a matter clearly identified on the evidence as an important resource management issue to be addressed. CIAL’s submission that the policy would lead to restrictions on aircraft types, flight path changes and curfews would appear to overlook the clear references in the policy to ‘so far as is practicable’ and ‘where practicable’. In essence, adding that further element to the policy would significantly cloud its purpose. There is clear expression given to the strategic purpose of the airport in other objectives and policies. Policy a.ii, is aspirational, setting out to ensure that CIAL (and operators such as Air NZ) take advantage of improvements in technology and management techniques, again where practicable. We reject other parties’ criticisms of the presence of a merely aspirational policy. We are here dealing with a policy not a rule. We find that the Council’s approach represents a reasonable and practicable means of finding a fair resolution when one weighs the competing considerations of mitigation of sleep disturbance, and protection of the strategic asset that is the airport. Given this is a policy, not a rule, we do not accept the Submitter Group’s submission that we should add into the policy reference to compliance with rules, including on mitigation at source.

[354] On the matter of CIAL’s submission as to referencing ‘reverse sensitivity’, we agree with the Council that this matter is already addressed elsewhere and desirable to avoid repetition. Hence, we do not accept CIAL’s submission on this point.

[355] Regarding cl b.i’s reference to “avoiding new sensitive activities”, we accept CIAL’s submission that we replace ‘avoiding’ with ‘prohibiting’.²⁰² We agree with CIAL the word ‘prohibiting’ is the most appropriate, because the implementing rules are in relation to a prohibited activity.

[356] We agree with CIAL that the word ‘insulation’ is not suitable in cl b.ii, in that some mitigation may not be insulation. We have replaced the word with ‘mitigation’.

[357] While we have determined that the offer of acoustic treatment for engine testing noise should be made for dwellings in the 60 dB engine testing contour, we accept CIAL’s

²⁰² Closing submissions for CIAL at paras 54-59.

submission that the offer obligation in relation to operational air noise should be triggered when the annual monitoring (‘Annual Airport Noise Contour’) shows noise to have reached this level (rather than referencing the Air Noise Boundary). We note this is consistent with the Revised Version’s noise mitigation rules, and we have modified the policy accordingly. For the reasons we have given, we find the policies of the Decision Version the most appropriate for responding to the Higher Order Documents and achieving related objectives.

Rule 6.1.6.2.5 Aircraft operations at Christchurch Airport

[358] The key point of difference between parties on this proposed rule concerns the extent of tolerance to be provided for exceedances of specified noise limits.

[359] The Council’s proposed exclusion from the specified limits is in proposed Rule 6.1.4.2.6.b of the Revised Version, and is as follows:

Exceedance by up to 1dB of the aircraft noise limit is permitted provided CIAL demonstrates at the request of, and to the satisfaction of, the Council that any such exceedance was due to atypical weather patterns, or was the result of a natural disaster.

[360] CIAL seeks that the tolerance be changed to 2 dB, submitting that is no noise evidence which would indicate atypical exceedance of 2 dB would result in adverse effects and the figure would be within a margin of error.²⁰³ It seeks that we specify the types of events that CIAL has proposed, based on its own knowledge of airport operations, which Council witnesses are not experts in.²⁰⁴

[361] In examination by counsel for CIAL, Mr Boswell gave evidence that such events include uncharacteristic weather patterns, atmospheric conditions (such as an increase in particulates caused, for example, by an earthquake), national disruptions to flight patterns (such as where flights are diverted to Christchurch from other centres due to a natural disaster or other event), unplanned infrastructure repairs or maintenance (for example, as a result of a natural disaster, weather event or “changes to regulations regarding requirements for runway assets”).²⁰⁵

²⁰³ Closing submissions for CIAL at 81, referring to the statement of evidence of Chris Day at 185, and the transcript, page 516, lines 24–39.

²⁰⁴ Closing submissions for CIAL at 82, referring to the transcript, page 399, lines 8–46.

²⁰⁵ Transcript, page 399, lines 8–46.

[362] The Submitter Group supported the Council's position in opposing any increase in tolerance.

[363] We accept CIAL's submission that giving greater allowance for atypical exceedances would not give rise to any material adverse effect in the receiving environment. As against this lack of material cost in allowing greater tolerance, we find that there are significant benefits in terms of reducing the exposure of CIAL and others to unwarranted enforcement action.

[364] In other respects, we find that the wording of this proposed rule is unduly prescriptive and difficult to comply with. In particular, we find it unnecessary and inappropriate for the rule to specify that the case for exceedance must be proven to the Council's satisfaction. Such prescription would be problematic, for example, if an abatement notice was appealed or an application for enforcement order made to the Environment Court. On the other hand, we recognise the importance of transparency, in terms of reporting such exceedances. We address that by a change to cl b.iv, as we discuss shortly.

[365] Finally, we also accept CIAL's submission that greater flexibility is warranted concerning potential triggering events. Given the fact that exceedances of the order of 2 dB, if atypical, are non-material in an environmental effects sense, we find greater flexibility as to triggering events is sensible and appropriate.

[366] For those reasons, we find it most appropriate for achieving related objectives (and responding to the Higher Order Documents) to recast cl b.ii of the rule in the manner we have in the Decision Version, i.e.:

b. Noise from aircraft operations may:

...

iv. Exceed the aircraft noise limit in Rule 6.1.6.2.5 by not more than 2 dB provided that such exceedance is due to atypical weather, national flight disruption, natural disaster or other unplanned circumstance.

[367] For the matter of transparency, we have added to cl a.iv a requirement that the annual Aircraft Operations Noise Monitoring Report also report on the number of annual exceedances and a summary of the reasons for them.

‘On-wing’ v ‘on-aircraft’

[368] On this choice of wording, for various provisions, we accept the Submitter Group’s submission that we should use the latter, plainer words that capture all relevant aircraft.

Table 5 — on-aircraft engine testing noise limits: 8 v 5 monitoring points

[369] On this matter, we have preferred the Council’s approach of 8 monitoring points, over CIAL’s preference for 5. That is because we find, on the evidence, that the greater number will aid the Council in its compliance monitoring role in the administration and enforcement of the CRDP.

Rule 6.1.6.2.6.a.ii — number of unplanned engine testing events

[370] For the reasons we give at [195]–[197], we find the most appropriate approach on this topic is to strike a sensible compromise, on the basis that there is allowance for 12 such testing events per annum, on the basis of a maximum of 5 per quarter.

Rule 6.1.6.2.6.a.iii — on aircraft testing and exemptions

[371] The Submitter Group opposes the allowance for 5 minutes of testing for turbo prop engines during the night at the closer location (i.e. the submitters seek that all such testing be at the end of Runway 11).

[372] On this matter, the evidence leads us to accept CIAL’s position and so allow for such testing. We reach that view having weighed the competing considerations of reasonably and practicably enabling airport operations and managing (including limiting duration of) noise effects. There is some inevitable tension in these matters and, as part of the overall regime for noise management, we find that the balance lies in favour of giving this allowance. While we recognise that it may, to a limited extent, impact on residential amenity including potential sleep interruption to some small extent, we find that is not unreasonable given competing airport operational needs.

[373] CIAL and Air NZ seek that the exemption applying for on-aircraft testing of turbo prop engines apply not only when Runway 11/29 is in use, but also when it is otherwise unavailable.

The Submitter Group opposes this, saying it allows far too much scope to avoid the limits. We agree that it is not sufficiently justified on the evidence, and could be open to abuse. Hence, we make no provision for it.

[374] On the matter of monitoring and determining compliance with the activity standard, we find that the regime agreed by the Council, CIAL and Air NZ is sufficient and more appropriate than the complex alternative approach sought by the Submitter Group.

[375] As to the way the provisions pertaining to the On-Aircraft Engine Testing Report, we have generally preferred what CIAL has proposed, over the Council's approach. That is on the basis that we find CIAL's approach to be more precise and technically sound. However, on some elements (e.g. the requirement for the Report to include a summary of complaints), we prefer the Council's approach as more appropriately achieving the related objectives.

6.1.6.2.7.1 — Airport Noise Management Plan

[376] As to structure, for this rule and the two following, we prefer CIAL's approach to having the rules address standards and an Appendix provide for related detail, as it is clearer. However, as to substance, we prefer and have so incorporated various aspects of the Council's Revised Version. For example, we have provided for a requirement that the Airport Noise Management Plan be reviewed at least every two years, as the evidence clearly shows that the nature of this issue is that noise conditions will change over time.

6.1.6.2.7.2 — Acoustic treatment and advice

[377] Likewise, while preferring CIAL's structure, we have incorporated various aspects of the Council's Revised Version and of the Submitter Group's approach. In particular, that is in relation to the clarity we give as to consultation with the Airport Noise Liaison Committee in the development of the Acoustic Treatment Programme. We find that a 12-month time period (as sought by CIAL) is more appropriate than the 6 month limit preferred by the Council and the Submitter Group. That is because we accept CIAL's submissions as the practical requirements involved in preparing a proper Programme. We are satisfied that the extra time is necessary.

[378] We have not imposed the requirement sought by the Council for CIAL to allocate an annual budget for the implementation of the Programme. The key is that the rule specifies an obligation to prepare the Programme; hence budgetary provision is not something needing regulation.

6.1.6.2.7.2 — Time limits for offers of acoustic treatment

[379] The Council seek that we impose a 15-month time limit on the making of offers after the CRDP is made operative. CIAL inform us that, on Marshall Day advice, that time period is too tight. It seeks 24 months. We accept CIAL's submission and set a 24-month time limit for this.

[380] As the nature of this issue is that operational air noise conditions will change in time, we have also set a 12-month time limit on the making of future offers after each Aircraft Operations Noise Monitoring Report.

6.1.6.2.7.2 — Acoustic treatment: \$30,000 inflation adjusted cap

[381] We set a \$30,000 GST inclusive inflation adjusted cap on the amount of acoustic treatment offer per dwelling, accepting CIAL's submission on this point. This cap is adjusted down for the 75% contribution. As we record at [214], that was the sum in evidence on which we have undertaken our s 32AA evaluation of benefits and costs.

6.1.6.2.7.3 — Airport Noise Liaison Committee

[382] The evidence demonstrated the importance of this element of the regulatory framework, and all parties support it in principle. However, different approaches to the specifics have been put to us. CIAL is at one end of this spectrum, in seeking the least prescription on matters such as membership, the Committee's role, and constitution. The Council and the Submitter Group sit at the other end of this spectrum, seeking much greater prescription. In the end, we favour a Committee that is not under-dressed or over-adorned, but is effective. Hence, the Decision Version from the Revised Version in the following respects:

- (a) It does not list Selwyn and Waimakariri District Councils, the Air Freight industry and Airways Corporation of NZ Ltd and Te Rūnanga o Ngāi Tahu or Ngā Rūnanga.

None sought representation and, on the evidence, we do not find any material reason why it is necessary to require them to be invited.

- (b) It does not make provision for the Council to appoint direct representatives of residents. That is because we find it inherently problematic conceptually for any two such residents to have a proper mandate, even if appointed by the Council. Instead, we have allow for the Council to appoint ‘at least’ two Community Board members, as community representatives. Given the statutory role of Community Boards, we find they are a more suitable body for understanding and bringing forward the view of residents.
- (c) It makes provision for twice yearly meetings, as accepted by CIAL.
- (d) It does not make provision for remuneration or budgetary or advisory support, as sought by the Council and the Submitter Group, as these matters are far too fine grained in their prescription and in any case are beyond the proper purpose of a RMA rule.
- (e) It does not include the prescription the Council sought on chairing arrangements for the same reasons.
- (f) It does not include reference to procedures to minimise noise impacts on surrounding sensitive activities, as sought by the Council, as this strays inappropriately into a matter of regulation that is beyond the purpose of this Committee.
- (g) It includes provision referring to liaison with, and provision of relevant information to, the community as we find this is a proper role for the Committee.

[383] Our overall purpose in making these changes is to ensure the Committee is not unwieldy but truly effective in fulfilling its purpose. For those reasons, we find that the revised regime we have provided for in the Decision Version is the most appropriate, in terms of costs and benefits, for achieving the related objectives.

6.11.14 — Airport Noise Management Plan

[384] We have added into this provision that part of what is to be provided for in this document is consideration of alternative methods of noise management and mitigation to achieve the reduction of noise effects from all aspects of aircraft operations including on aircraft testing. The Submitter Group sought that reference be made to mitigation, and we agree that this is appropriate to help achieve the related objective and implement the policy on this topic.

[385] We have accepted the Council's submission that this provision also require documentation of schedules of acoustic treatment offered, where the conditions of the required offer have not been met. We find this aids transparency, and important dimension to the provisions.

[386] We note that we have considered the Council's proposals for various other matters to be included but, in all cases, we have not done so as we find them unduly prescriptive and unwarranted.

6.11.5 — Acoustic Treatment Programme

[387] CIAL seeks that the provision concerning formal offers and the obligations of owners of residential units include an obligation that owners, occupiers and their successors covenant against the making of noise complaints. We find that submission unsupported on the evidence and, in any case, entirely inappropriate because it would deny rights to unrepresented parties and would, in any case, remove an important feedback loop for both CIAL and the Council.

Definitions

Airport purposes

[388] Mr Lawry has sought on this, and other, occasions, that we include a definition of 'airport purposes'. While we understand the history of circumstances Mr Lawry has described to us, at length, concerning the actions of CIAL, we find no valid resource management purpose would be served by including this definition. On that point, we accept CIAL's submissions, in the absence of Mr Lawry calling any evidence as to the intended purpose of the definition. Definitions serve to give clarity to related objectives, policies and rules. It is not generally

good drafting practice to give them the force of rules in their own right. There are no related objectives, policies or rules in Sub-chapter 6.1 or elsewhere that would benefit from the inclusion of this definition. Insofar as Mr Lawry sees it as related in any way to Airport designation, it would not legally have such an effect in that the designation overrides CRDP rules, as the RMA specifies. In any case, we have already determined the designation and find no justified basis for revisiting our decision on it.

‘Strategic infrastructure’, ‘critical infrastructure’

[389] In its 2 September 2016 closing submissions on Chapter 2 Definitions, the Council proposes a definition of ‘critical infrastructure’ and an amended definition of ‘strategic infrastructure’. As is the role of definitions, these serve various related objectives, policies and other provisions that reference them.

[390] On behalf of the Submitter Group, Mr Lawry submitted that we are legally unable to depart from what was determined for inclusion in the CRDP by Plan Change 84. More substantively, Mr Lawry explained that the concerns of the Submitter Group about these proposed definitions is in how they may pertain to engine testing noise management. As we understand Mr Lawry’s submissions on that matter, it concerns the fact that both definitions would simply refer to the entire airport as being either ‘critical infrastructure’ or ‘strategic infrastructure’. In particular, he submits that the fact that the definitions extend beyond “core passenger transport operations” would be a change of “huge effect to include all of the Airport’s activities”. He submitted that it was “flawed thinking” to treat engine testing or other “any non-core passenger transport activity” on the same basis as, for example, “take-offs and landings”.²⁰⁶

[391] On these matters, we find that both proposed definitions validly and appropriately refer to ‘Christchurch International Airport’. We find we are not legally restrained from including these proposed definitions as they serve related provisions that the Panel has determined to be included in the CRDP. As to the Submitter Group’s concerns about engine testing noise, the policies and rules we have determined will operate as we intend, without any impediment from these proposed definitions. The evidence satisfies us that the more appropriate approach in the

²⁰⁶ Memorandum of David Lawry on behalf of submitters Bruce Campbell, Mike Marra, Vanesa Payne, John Sugrue and Gerrit Venema, dated 18 August 2016. The memorandum was not paginated, or paragraph-numbered.

definitions is not to seek to isolate out aspects of the airport's operations in the manner the Submitter Group seeks. As the proposed definitions serve a wider purpose in relation to other CRDP provisions, we defer determination of them to the pending Panel decision on Chapter 2 Definitions.

Consequential change to Rural rules for sensitive activities in engine testing noise contour

[392] Decision 34 on Stage 2 Rural recorded that consideration of the airport noise contours and the aircraft engine testing contour provisions were deferred to be determined in this decision.²⁰⁷ For the reasons given, Decision 34 included provisions that were then agreed between the Council and CIAL, including rules for the avoidance of noise sensitive activities within the 50dB L_{dn} operational noise contour (subject to a noted exception concerning one submitter).²⁰⁸ Decision 34 also recorded that Mr David Lawry (2514) objected to the location of, and basis for, the airport noise contours shown on the Planning Maps, but that he was not a submitter on the Rural zone provisions (or further submitter), but was a submitter on the General Rules Chapter.²⁰⁹

[393] In view of our findings on the evidence, and related submissions, we find the most appropriate approach is to modify the Rural Urban Fringe and Rural Waimakariri zone rules for sensitive activities so that they also apply to activities within the 50dB L_{dn} engine testing contour. That modification is most appropriate for achieving the related objectives of both the Rural Chapter and this Sub-chapter. As the nature of this change is remedial, and is on the basis of our findings on the evidence, submissions and related representations, we find it is a minor change and so exercise our power under cl 13(5), OIC.

Various noise contours and various definitions most appropriate

[394] We confirm as most appropriate various definitions in the Decision Version. In various decisions, including this decision, the Panel has confirmed the most appropriate rules for noise sensitive activities within the applicable contours. We adopt the related findings of those decisions. On those findings, and our evidential findings in this decision, we determine that

²⁰⁷ Decision 34, at [8].

²⁰⁸ Decision 34, at [26].

²⁰⁹ Decision 34, at [27].

the following contours are the most appropriate for achieving related objectives and responding to the Higher Order Documents (including the CRPS):

- (a) 50 dB Ldn Air Noise Contour;
- (b) 55 dB Ldn Air Noise Contour;
- (c) Air Noise Boundary;
- (d) 50 dB Ldn Engine Testing Contour;
- (e) 55 dB Ldn Engine Testing Contour;
- (f) 60 dB Ldn Engine Testing Contour; and
- (g) 65 dB Ldn Engine Testing Contour.

[395] On that basis, we confirm the inclusion of the various contours as shown on the related Planning Maps in the Decision Version (subject to the directions we make at [545](b)(i)).

Changes to figures, appendices and planning maps

[396] As a consequence of our decisions on the various Sub-chapter 9.1 provisions, there is a need to make changes to various figures, appendices and planning maps. Those whose we have identified are listed in Schedule 4 to this decision. On matters pertaining to this decision we make related directions on these matters at [545](b)(i) and will issue a second decision to confirm those changes in due course.

SECTION 32AA — 6.7 AIRCRAFT PROTECTION

Protection surfaces

[397] The Revised Version proposes a RDA Rule 6.7.2.2.1.3 RD1 as follows:

Any alteration, relocation or replacement of a tower of a National Grid transmission line existing on 14 January 2010 that penetrates the protection surfaces.

[398] The proposed rule provides for limited notification to CIAL and the Director of the Civil Aviation Authority (‘CAA’) and specifies that, in consent applications, the Council’s discretion is limited to:

The extent to which any adverse effects on the safety or regularity of aircraft operations are avoided or mitigated.

[399] The Revised Version also proposes a prohibited activity Rule 6.7.2.2.1.6 PR1 as follows:

Any part of a building, structure, tree or utility that penetrates the protection surfaces excluding:

1. navigation aids for aircraft;
2. maintenance or repair works on an existing building, structure or utility, including minor upgrading of existing transmission or distribution towers where this does not increase the height of the utility.

[400] The aircraft ‘protection surfaces’ for the purpose of these rules accord with relevant CAA rules and associated Advisory Circulars, and are in the Revised Version’s proposed Appendix 6.11.7 and Rule 6.7.2.2.4. The proposed rule comprises both narrative specifications and Figure 6.7.1 which illustrates, in relation to a runway and runway strip, various spatial surfaces (i.e. approach and take off surface, transitional surface, horizontal surface and conical surface).

[401] The need for appropriate controls on intrusion into these surfaces was not, of itself, disputed. Nor were the dimensions or other aspects of the protection surface regime in proposed Rule 6.7.2.2.4. In view of that, and on the evidence, we find that proposed Rule 6.7.2.2.4 is itself the most appropriate for achieving related objectives, and we have provided for it in the Decision Version (as Rule 6.7.4.4).

[402] By the time of closing submissions, the remaining issues of contention were as to proposed Rule 6.7.2.2.1.3 RD1 and the proper treatment of National Grid transmission lines when they penetrate the protection surfaces.

[403] The existing National Grid assets do not penetrate the existing CAA protection surfaces for the Airport. However, we were told that the Notified Version applies a 1.6 per cent take-

off climb surface based on an extension to the runway that is not presently constructed.²¹⁰ Mr Bonis explained that the Notified Version's proposed protection surface (and those of the Existing Plan) are based on a scenario in which the western extent of RWY11/29 is extended by 250m. The protection surfaces provide for the long term potential growth and expansion of the airport as outlined in the CIAL Masterplan 2006. By contrast, those of the 2013 Obstruction Survey and CAA Advisory Circular 139-6 correspond to the existing runway infrastructure.

[404] Therefore, more specifically, the issue centres on how we treat modifications to the National Grid that could intrude into protection surfaces intended to provide for CIAL's proposed future runway extension.²¹¹

[405] Transpower agrees with the Council that the RDA rule now included in the Revised Version is appropriate.²¹²

[406] CIAL seeks that the alteration, relocation or replacement of National Grid transmission lines and structures that existed on 14 January 2010 be classed as non-complying activities. That is on the basis that it would be inappropriate to allow any utility structure that penetrated the airport protection surface in either height or external envelope, whether or not the structure is part of the National Grid.

[407] One matter of contention between Transpower (supported by the Council) and CIAL concerns the legal effect of the National Environmental Standards for Electricity Transmission Activities ('NESETA'), particularly r 16 which relevantly provides as follows:

- (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if—
 - (a) 1 or more of the conditions in regulation 14(3) to (5) are breached; or
 - (b) both of the following apply:
 - (i) the requirement described in regulation 15(1)(c) is breached; but

²¹⁰ Evidence in chief of Ainsley McLeod on behalf of Transpower, 17 February 2016, at 22; rebuttal evidence of Matthew Bonis on behalf of CIAL, 25 February 2016, at 36, 37 and 42.

²¹¹ Memorandum of counsel for CIAL, 19 April 2016, at 10 and 13–15; closing submissions for Transpower, 6 July 2016, at 5.

²¹² Closing submissions for Transpower, 6 July 2016, at 6; closing submissions for the Council, 27 July 2016, at 5.3.

- (ii) all of the applicable conditions in regulation 10(2) to (8) are complied with.

...

- (4) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
 - (a) the location and height of the transmission line support structures in relation to—
 - (i) visual, landscape, and ecological effects; and
 - (ii) the effects on historic heritage; and
 - (iii) the effects on sensitive land uses; and
 - (b) earthworks, clearance of trees and vegetation, and restoration of the land; and
 - (c) the effects and timing of construction works.

[408] In terms of the regulations referred to in r 16:

- (a) Rule 14 specifies permitted activities, including for altering, relocating or replacing a tower on a transmission line, and includes certain related allowances for increases in height, and envelope (amongst other things);
- (b) Rule 15 makes corresponding provision for specified controlled activities;
- (c) Rule 10 makes permitted activity provision for increasing voltage or current rating, subject to specified conditions.

[409] NESETA r 4 specifies a range of activities to which the regulations do not apply, none of which are relevant for present purposes.

[410] RMA s 43B deals with the relationship between national environmental standards ('NES') and plan rules. It specifies that a rule that is more stringent than an NES 'prevails over' the standard 'if the standard expressly says that a rule or consent may be more stringent than it'. It specifies that a rule is 'more stringent' if it prohibits or restricts an activity that the standard permits or authorises. It specifies that a rule may not be 'more lenient than' an NES (i.e. it may not permit or authorise an activity that the standard prohibits or restricts). However, it does not prescribe against a rule being more stringent than an NES.

[411] Given that the RMA does not explicitly preclude us from considering CIAL's requested relief on the merits, we now do so.

[412] Our consideration of this question is on the basis of the unchallenged evidence that Mr Andrew Renton gave on behalf of Transpower as follows:²¹³

- (a) The three lines in issue (66kV Islington-Southbrook ISL-SBK-A, 220kV Islington-Kikawa ISL-KIK A, 220kV Islington-Kikawa ISL-KIK B) are to the west of the Airport, and serve Rangiora, Kaiapoi, North Canterbury, and Nelson-Marlborough
- (b) None penetrate the existing CAA protection surface and there remains a margin of 3.7 – 9.0 m that would allow for most maintenance activities to be undertaken without any additional mitigation or notification being required.

[413] We accept the underlying safety and operational rationale for protection surface restrictions as explained by CIAL's aviation planning expert (Mr Iain Munro).²¹⁴ However, as the evidence explains, there is no present issue of this kind. Rather, the issue is more precisely how activity classification for the alteration, relocation or replacement of the existing Transpower lines could impact on the future ability of CIAL to undertake its runway improvements according to relevant CAA and related safety specifications.

[414] In essence, this is a contest between two matters that, in terms of RMA s 5, serve the wellbeing, health and safety of people and communities. While both the National Policy Statement on Electricity Transmission and the CRPS each express relevant related objectives and policies, we find that neither definitively directs us to prefer either the Revised Version approach or that sought by CIAL. Those Higher Order Documents already inform the relevant Strategic Directions objectives, as well as Objective 11.2.1 and the objectives we confirm by this decision. As for those related objectives, again, no clearly definitive choice is directed as between the alternatives proposed.

[415] We find on the evidence that non-complying activity classification would be inappropriate. Such a classification, were it to be applied, would effectively target the three

²¹³ Evidence in chief of Andrew Renton on behalf of Transpower, 17 February 2016, at 21.

²¹⁴ Evidence in chief of Iain Munro on behalf of CIAL, 17 February 2016.

specified National Grid assets. It would invoke the application of the RMA threshold test in s 104D and, in view of the matters in issue, could be anticipated to require satisfaction that work on the lines was not contrary to related objectives and policies. Given the role that the lines serve for people and communities, we find that extent of consenting risk disproportionate and inappropriate.

[416] We find that restricted discretionary activity classification, on the basis of limited notification to CIAL and the CAA, allows sufficient scope for all relevant consenting matters to be considered before any decision to grant (including on conditions) or decline consent is made.

[417] In view of the evidence, we find that the specified matters of discretion in the Revised Version are also generally appropriate. We have provided for this in Rule 6.7.4.1.2RD1.

[418] In its 19 April 2016 memorandum, CIAL sought in the alternative a modification to the proposed restricted discretionary activity rule, to the effect that the specified matters of discretion would be as follows (with changes to the Revised Version shown underlined):

- a. The need to avoid physical obstructions within protection surfaces, including the extent to which any adverse effects on navigable airspace representing a hazard to the safety, or a reduction in the efficiency or regularity of aircraft operations, are avoided or mitigated.
- b. The extent to which the alteration, relocation or replacement is necessary for the efficient and ongoing requirements of established infrastructure.

[419] These changes are opposed by Transpower and the Council as being an unnecessarily high threshold and uncertain.

[420] We find elements of this re-wording inappropriate, in that they would pre-judge matters more appropriately the realm of the consent authority to test on the evidence. That is particularly the reference to “the need to avoid physical obstructions”. ‘Need’ is inherently a matter of evidence. We also agree with Transpower and the Council that there is significant uncertainty attached to words such as ‘efficiency’ in CIAL’s proposed cl (a), and ‘necessary’ in CIAL’s proposed cl (b). In those respects, we find that CIAL’s proposed alternative restricted discretionary activity rule would conflict with the OIC Statement of Expectations and is inappropriate.

[421] However, in some other respects, we find that CIAL’s alternative wording brings further helpful focus to relevant matters. In particular, on the evidence, we find:

- (a) CIAL’s revised cl (a) brings helpful relevant focus to the dimensions of navigable airspace safety hazards and the reduction in the regularity of aircraft operations; and
- (b) Its proposed additional cl (b) touches on what we find inherently relevant, in circumstances where there may be a potential class of community wellbeing, health and safety matters in issue, namely the issue of whether there has been sufficient scrutiny of alternatives. In this aspect, we find it to properly align with RMA Schedule 4, cl 6(1)(a), i.e. ‘if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity’.

[422] We have further modified CIAL’s wording to address the issues we have described. For the reasons we have given, we find our reworded restricted discretionary activity rule the most appropriate for achieving the related objectives.

Birdstrike

[423] The matter of the proper management of birdstrike risk for aircraft using the Airport first arose during the Stage 1 hearing concerning Chapter 3, Strategic Directions. Decision 1 included in Objective 3.3.12(b)(iii) reference to ‘... managing the risk of bird strike to aircraft using Christchurch International Airport’, but subject to the following rider:

The requirement for alternative strategic direction in respect of Objectives 3.3.12(b)(iii) and (iv) will be reconsidered by the Panel as part of its further hearing of relevant proposals.

[424] Decision 1 records the following in making the finding that Objective 3.3.12 include that reference to management of birdstrike risk on that qualified basis:

[253] CIAL sought, through Mr Bonis, policy provision to “Ensure the threat of bird strike to Christchurch International Airport operations is minimised when considering plan changes, resource consents or any other development through the management of Bird Strike Risk Activities”. Those Activities were proposed to be defined to encompass a very wide range of matters, namely “Within 13 kilometres of [the] ...

Airport includes, but is not limited to, the creation, design and management of water features, stormwater management systems, the establishment of refuse dumps, landfills, sewage treatment and disposal, pig farming, fish processing, cattle feed lots, wildlife refuges, abattoirs and freezing works, and any other activities that have the potential to attract dangerous bird species.”

[254] The evidence we heard on this topic was thin. Mr Boswell referred to CIAL’s responsibility for managing this risk. He asserted bird strike risk was “a key threat” to the safe operation of the Airport, noting that “a single strike will have catastrophic effects.” He did not elaborate further.

[255] Neither Mr Bonis nor Mr Boswell could elucidate as to how the list of bird strike risk activities was derived. We were given little assistance on how this corresponded to the environment of the Airport (for instance in terms of its proximity to the Waimakariri River, and to water features at Clearwater). When we asked, we were given little assistance as to the number of land owners giving rise to this risk.

[256] It seems to us CIAL’s proposal covers such a wide geographic area it would encompass most of metropolitan Christchurch and large swathes of rural land.

[257] Mr Bonis readily conceded to the lack of any adequate cost-benefit analysis, for our s 32AA evaluation purposes. He acknowledged, also, the importance of proper engagement with affected landowners. As such, Mr Bonis proposed that only light-handed treatment was appropriate, in terms of what (if anything) should be included in Strategic Directions at this time.

[258] We accept, as a starting proposition, that bird strike risk is likely to be a real risk for the Airport. We accept as valid Mr Boswell’s evidence that a single strike may have catastrophic consequences, but record that Mr Boswell did not elaborate on the nature of those consequences, nor of the risk profile. However, we accept that the effects are potentially catastrophic.

[259] Given that “effect”, under the RMA, extends to a potential effect of low probability but high potential impact, we accept that bird strike qualifies for consideration. Given it could affect airport operations, we accept at this stage that it qualifies for inclusion in Strategic Directions.

[425] On this occasion, CIAL called Mr Phillip Shaw, a biologist with specialist knowledge and experience in aircraft/wildlife collision risk mitigation.²¹⁵ He has advised airport operators and defence-base operators on these matters, in Australia, Canada, Fiji, the Middle East and New Zealand.²¹⁶

[426] He noted that there is no robust data or clear model of local airspace infringement rates that allow a tailored site specific risk assessment around the airport. He said it would take

²¹⁵ Mr Shaw has a Bachelor of Science and Diploma of Education, and is a member of the Environment Institute of Australia and New Zealand. He is Managing Director of two Australian consulting firms, Ecosure Pty Ltd and Avisure Pty Ltd and President of a subsidiary Canadian company, Avisure Services Ltd.

²¹⁶ Evidence in chief of Phillip Shaw on behalf of CIAL, 17 February 2016, at 1–8.

several years of surveys and observational data, supported by remote sensing, to develop such an approach.²¹⁷

[427] He explained that the International Civil Aviation Organisation (ICAO) advise best practice principles of wildlife hazard management in aviation, based on considered deliberation of global experts through the International Bird Strike Committee (IBSC). He said these included good practice guidelines (‘ICAO guidelines’) on distances around an aerodrome that should be monitored and controlled for any practice or industry which could attract birds which may then occupy critical airspace and increase strike risks. However, he argued that, pending development of a more tailored approach “the precautionary principle applies and the generic ICAO guidelines need to be enacted”. He went further, to say:²¹⁸

Arbitrary relaxation of the ICAO guidelines that are based on opinion and remain unsupported by relevant data and flight path conflict analysis will not suffice. Such an attempt leaves the flying public potentially at risk and leaves airport and aviation authorities in conflict with the Chicago Convention, and the local government authority open to litigation in the event of a major incident.

[428] He noted the potentially serious consequences of wildlife collisions. He reported that, worldwide, there has been some 123 fatal collisions since aviation commenced (most in the last 30 years) and these have resulted in 442 human fatalities and 470 aircraft being lost. In addition, minor strikes resulted in a range of costs, including repairs and delays.²¹⁹

[429] He explained the importance of having land use controls in place, in conjunction with airport wildlife management. To illustrate this, he described a study of bird strikes in the United States, between 2000 and 2014. While it showed a decline in damaging strikes below 1500 feet, it showed that damaging strikes above that height remained steady. He commented:

This indicates that the area which is least controllable for the airport, i.e. the areas beyond the fence, are the areas which need more focus. Here is where the greatest risk reduction can be achieved now that airports are playing their part in mitigation programs on airport.

[430] He described Christchurch Airport as having a “significant birdstrike risk”. He noted that, while the airport is frequently given a “low risk” rating in CAA quarterly Bird Incident Rates, the most recent report indicates that it has “a medium risk with an upward trend”. He

²¹⁷ Evidence in chief of Phillip Shaw at 19.

²¹⁸ Evidence in chief of Phillip Shaw at 17 and 31.

²¹⁹ Evidence in chief of Phillip Shaw at 24.

cautioned that the CAA method for assessing risk is flawed in a number of respects, particularly in the fact that it relies on pilot reporting, which is usually incomplete and lacking in qualified species identification and not international best practice. However, he noted that the CAA data indicate that there are around 40 strikes and 130 near strikes are recorded at the airport each year. In the five years between 2011 and 2015, there was only one strike reporting damage. Between 2002 and 2006, there were eight damaging strikes which is a damage rate of around 2.7 per 100,000 aircraft movements. He said that rate is well over “the proposed international benchmark of around 0.96 per 100,000 aircraft movements”.²²⁰

[431] He described the sources of this risk, as follows:²²¹

Grasslands, drains, hedgerows, buildings and other habitats, both on and adjacent to the airport, provide relatively attractive habitat for birds. These habitats contribute to the bird strike risk, but a considerable portion of the risk is from birds overflying the airport. These birds use feeding and breeding grounds surrounding the airport: the Waimakariri River, farmlands, and waterbodies such as the Peacock Springs, The Groynes, Clearwater and Rotokohatu (Twin Lakes).

[432] He explained his role in preparing a draft ‘Off-Airport Bird Hazard Management Plan’ for CIAL. It focuses on three key species, the Black-backed Gull, the Canada Goose and the feral Pigeon.²²² He referred to various international guidelines dealing with land uses in the vicinity of airports. A number of these noted the importance of taking measures to eliminate or prevent landfills or other bird attractants in the vicinity of airports, a number identified a 13km circle for off-field risk assessment and management, and others an 8km circle for such purposes and some with variations of this approach. A number emphasise the importance of consultation between local authorities and airport operators. He noted, in particular, the Australian government’s Department of Infrastructure and Regional Development National Airports Safeguarding Framework (NASF), issued in 2012. It categorises land use types into wildlife attraction risk categories (high, moderate, low and very low) and determines actions (incompatible, mitigate, monitor, no action) for existing and proposed developments within radial distances from the aerodrome (3, 8 and 13kms). It encourages a coordinated approach between airport operators and land use planning authorities to mitigate risks. Where risks are identified for new developments, it recommends a range of measures, including a management

²²⁰ Evidence in chief of Phillip Shaw at 32, 35 and 36.

²²¹ Evidence in chief of Phillip Shaw at 33.

²²² Evidence in chief of Phillip Shaw at 42.

programme, monitoring, reporting, and a form of enforceable adaptive management where a land use is likely to increase strike risk.²²³

[433] However, when we questioned him, he told us that he was not aware of any state in Australia where the NASF framework has been implemented in a district planning document.²²⁴

[434] Finally, on this matter, he noted the New Zealand CAA’s identification of landfills, wastewater treatment plants, agriculture (crops, animals) various recreational activities and water as ‘hazardous land use practices’ and its related guidance that:²²⁵

it is crucial aerodrome operators make submissions during urban planning or district scheme reviews and work with local authorities to ensure bylaws are established, so municipal authorities know that such activities influence bird populations, which can be hazardous to air transportation if near an aerodrome and approach or take-off flight paths for aircraft.

[435] On the matter of the appropriate circle of control, Mr Shaw acknowledged that the various international guidelines he cited are not site specific, and are based on a consensus of European, North American and Asian habitats and “not directly applicable to the specifics of New Zealand habitats, ... [the airport] or the area surrounding [it]”. However, he argued that the “precautionary principle” meant that the guidelines should apply in the absence of a proper site-specific assessment around the airport. Hence, he concluded: ²²⁶

In the absence of any studies or data that may suggest the 3km, 8km and 13km zones should be adjusted (either outward or inward), these international guidelines should be adhered to. They provide a reasonable balance between managing risks within a land area, but not extending to a distance that is unworkable within most planning schemes (see evidence of Mr Bonis).

[436] However, when cross-examined, Mr Shaw acknowledged that he does not have any particular expertise on how the precautionary principle applies in New Zealand environmental law.²²⁷

²²³ Evidence in chief of Phillip Shaw at 43–51.

²²⁴ Transcript, page 452, lines 14–33.

²²⁵ Evidence in chief of Phillip Shaw at 52, referring to NZ CAA (2011); Advisory Circular AC 139–16 (2011); Wildlife Hazard Management.

²²⁶ Evidence in chief of Phillip Shaw at 54–57.

²²⁷ Transcript, page 427, lines 20–24.

[437] He also conceded that Mr Bonis’s approach was a compromise on what the NZCAA and ICAO recommended, and rationalised this as being a pragmatic approach given the context of the CRDP.²²⁸ Despite having already conceded his lack of relevant expertise on the precautionary principle in New Zealand law, in answer to our questions he said that he considered Mr Bonis’s recommendation reflected the precautionary principle “within the strictures of your plan process”.²²⁹ Related to this, he also confirmed that he was not briefed on New Zealand law when he wrote his evidence, but instead based it on his own understanding of the precautionary principle.²³⁰

[438] We observe at this point that Mr Bonis’s evidence recorded that he associated the precautionary principle with our required s 32AA evaluation and relied on Mr Shaw in forming his view on “the appropriate land use controls to manage the establishment of new activities that may create an increased bird strike risk at CIA”.²³¹

[439] Those various answers by both witnesses betray an approach that is founded not on true expertise, but simply on their client’s wishes.

[440] On the issue as to the lack of present data, and related uncertainty on risk, Mr Shaw’s answers (in cross-examination and Panel questioning) indicated he believed that consent applicants should carry a burden of proof that their actions would not put the airport at inappropriate risk. This appears to be on a premise that a consent applicant would “change the status quo”.²³² That demonstrates that Mr Shaw did not properly understand the nature of our task to weigh benefits and costs in deciding on the most appropriate plan outcome.

[441] When we asked Mr Shaw about how to weigh competing issues, such as a need for more housing and the risk of birdstrike, he again reiterated his understanding that it was a proponent who carried this burden, commenting:²³³

Well you have a choice if you want to have an international airport in your city or not and if you are going to have one then you need to give it the safeguards that it deserves. And in that case you are accepting that certain things will be restricted. You will not build buildings to a certain height to stop aircraft safe passage. That is one intrusion.

²²⁸ Transcript, page 420, lines 23–46.

²²⁹ Transcript, page 440, lines 41–45.

²³⁰ Transcript, page 450, line 40 to page 451, line 4.

²³¹ Evidence in chief of Matthew Bonis at 137.

²³² Transcript, page 442, lines 43 to page 443, line 3; page 444, lines 6–11.

²³³ Transcript, page 447, lines 10–19.

Another intrusion is to build something that is going to attract birds across that flight path and that is someone else proposing to do that development and to create that new attraction. It is not up to the Airport to then go and assess that, analyse that and then mitigate that. This is someone else who is changing the land use.

[442] He acknowledged that flight paths of birds around the airport are widespread and diverse, and to and from a range of existing features in the environment in and around Christchurch and that this meant the airport environment included a “base level or risk that is always going to be there”.²³⁴ He explained that his concern about new activities was that they can “funnel more bird movements over and around the aircraft air space”, referring to the extreme examples of a landfill or “sewer works” within 5 km of the airport that attract birds into the air shared by air traffic.²³⁵

[443] On birdstrike issues, the Council called ornithologist, Dr Rachel McLellan, a specialist in the survey, monitoring and management of birds and effects assessment.²³⁶ Like Mr Shaw, she noted the present lack of data on birdstrike rates and bird monitoring, and management, at the airport. However, she significantly differed from Mr Shaw on the matter of how we should best respond to this lack of information. She pointed out that, in the absence of data, assumptions can be wrong including on whether on-site or off-airport management of birds is having any effect. That made it difficult to provide any detailed assessment of the suitability of proposed planning provisions. She agreed that controls on land uses within separation distances or radii around an airport can be effective, but did not support imposition of the ICAO 3, 8 and 13km distances, primarily because.²³⁷

... the country in which they were developed (the US) has a very different bird community, and published research inevitably recommends location-specific solutions, relevant to the species and habitats present at a particular airport. Likewise, very little objective data exists for me to be able to confidently recommend what minimum size of waterbody would support ‘significant’ populations of hazardous waterbirds.

[444] Noting those limitations, she indicated she could support rules that required landfills within Christchurch district having to mitigate for gull attraction and requiring piggeries,

²³⁴ Transcript, page 444, line 15 to page 445, line 16.

²³⁵ Transcript, page 445, lines 18–38.

²³⁶ Dr McLellan has a Bachelor of Zoology and Botany (1994) and a Master of Conservation Science (with Distinction; 1996) from Victoria University of Wellington, and a PhD in Zoology (2009) from Otago University. The focus of her PhD research was the ecology and management of the Threatened-Nationally Critical blackbilled gull (*Larus bulleri*). She is a Senior Fauna Ecologist with Wildland Consultants Ltd and has been a practising ecologist since 1997: evidence in chief of Dr Rachel McClellan on behalf of the Council, 4 February 2016, at 1.2–1.3.

²³⁷ Evidence in chief of Dr Rachel McClellan at 3.2–3.4.

poultry farms, fish processing plants and freezing works, within three kilometres of the airport, having to be managed to prevent them becoming a source of food for birds. In addition, for waterbodies within 3km of the airport, she supported having a 1000m² trigger for the obligatory consideration of birdstrike mitigation (on the basis that the Council would have capacity to decline the application).

[445] What is also revealed by Dr McLellan's rebuttal evidence is that there is no clearly scientific basis for making any election between the Revised Version's approach and CIAL's approach on some matters. For instance, she explains that her preference for 1000m² waterbodies and Mr Shaw's preference for a more stringent 500m² limit in fact derives from their use of a single paper describing a study in Washington State.²³⁸

[446] A matter of common ground between Mr Shaw and Dr McClellan concerns the present lack of data on birdstrike rates and bird monitoring. As both witnesses explain, a strong common theme of various international guidelines is that management should be properly tailored, on the basis of specific risk assessment around the airport, properly informed by data including from surveys and observation.

[447] We acknowledge the evidence that CIAL has one of the longest running bird monitoring programmes in the world, and has comparatively very good data on bird strike and bird populations around the Airport.²³⁹ However, somewhat at odds with the various publications referred to by Mr Shaw (including NZ CAA (2011)), what seemed to be lacking is any work, in conjunction with the Council, towards a proper risk management approach that could have informed the Notified Version with suitably targeted and effective CRDP rules.

[448] A fundamental difference between Mr Shaw and Dr McLellan concerns what ought to be provided for in Chapter 6 General Rules, given this present lack of information on these matters. Mr Shaw strongly based his position on his understanding of the law, particularly as to the precautionary principle and who should bear the burden of proof. However, he conceded he had not been briefed on New Zealand environmental law.

²³⁸ Rebuttal evidence of Dr Rachel McClellan, 25 February 2016, at 3.10.

²³⁹ Rebuttal evidence of Philip Shaw, 25 February 2016, at 12–18.

[449] In its closing submissions, CIAL accepted that Mr Shaw is “unfamiliar with the way in which concepts such as the precautionary approach are implemented in the RMA legal context”. However, it argued that “the basic principle for which Mr Shaw advocates is simply implicit in the RMA and is of relevance to the Panel’s decision about the implementation of rules relating to bird strike risk minimisation in the [CRDP]”.²⁴⁰

[450] Those submissions did not reference authority, and we do not accept that Mr Shaw’s understanding of legal concepts is sound. In particular, we find unsound both his interpretation of the precautionary principle and his related assumption that those undertaking activities outside the Airport fence carry a legal burden of proof that their activities would not increase bird strike risk to the Airport.

[451] As we have explained, central to our evaluative task under s 32AA is to evaluate which rule or combination of rules is the most appropriate for achieving related objectives. That evaluation must be by an assessment of relative benefits and costs. We must assess the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. We recognise that this evaluation, on the evidence, weighs into consideration matters such as the s 5 RMA importance of the airport to wellbeing, health and safety (and related Higher Order Document directions), on which we have made relevant findings in this and our previous decisions. In that regard, we must carefully consider the risk of different regulatory approaches for the continued safe and efficient operation of the airport, given the present uncertainties concerning bird strike risk. However, that is not on the basis that we must favour imposition of rules that ensure applicants carry a burden of having to show that their activities will not aggravate bird strike risk. Nor does the RMA compel us to apply a precautionary approach or precautionary principle.

[452] It is clear from Mr Shaw’s evidence, and his answers in cross-examination and Panel questioning, that the understandings he held on these legal matters underpinned his recommendations on related provisions. That is a factor we weigh against the reliability of his and Mr Bonis’ recommendations.

[453] A further major weakness of Mr Shaw’s recommendations, insofar as they go further than those of Dr McLellan, is that they lack any sound foundation. That was pointed out by Dr

²⁴⁰ Closing submissions for CIAL, 8 July 2016, at 20.

McLellan. We accept her opinion that, in the absence of data, assumptions can be wrong including on whether on-site or off-airport management of birds is having any effect. For the reasons she gave, we also find that an approach of imposing a regime based on the various international guidelines Mr Shaw relied on does not represent a ‘precautionary approach’ pending more detailed site-specific investigation of the airport risks. In particular, as Dr McLellan noted, the 3, 8 and 13km distances were developed in a country that has a very different bird community, whereas published research inevitably recommends location-specific solutions, relevant to the species and habitats present at a particular airport.

[454] We now consider the various regulatory approaches recommended to us.

[455] The Revised Version proposes a range of rules for the management of birdstrike risk primarily within a 3km radius ‘Bird Strike Management Area 1 (‘BSMA1’).²⁴¹ In summary:

- (a) Fish processing or packing plants, abattoirs and freezing works are proposed to be a permitted activity (P2) where storage, processing or disposal of organic material is in enclosed buildings and there is no effluent disposal to land.
- (b) Where those activity standards are not met, the activity defaults to a controlled activity (C1) (in proposed Rule 6.7.2.2.3.2) requiring an accompanying ornithologist’s birdstrike assessment and advice on appropriate mitigation conditions.
- (c) Piggeries and poultry farms are also proposed to be controlled activities, requiring an ornithologist’s birdstrike assessment and Birdstrike Hazard Management Plan.
- (d) Creation of new water bodies (including wastewater oxidation ponds) or stormwater basins are proposed to be a restricted discretionary activity (proposed Rule 6.7.2.2.3.3 RD2) where they would exceed 1000m² in area (alone or in combination with others within 0.5 km of their edge) (but with an exception specified for ‘a water body covered by an aviary’), with associated matters of discretion.

²⁴¹ The Appendix also depicts a wider Bird Strike Management Area 2 (8km) but the Council differs from CIAL in that it does not seek to impose consent requirements for activities in this outer area (other than proposing that landfills be discretionary activities throughout the district).

- (e) Activities not otherwise specified as a permitted activity, controlled activity or restricted discretionary activity and that would otherwise be a permitted activity under the CRDP remain as a permitted activity (proposed Rule 6.7.2.2.3.1 P1).
- (f) New landfills within the Greater Christchurch District,²⁴² excluding cleanfills, are proposed to be a discretionary activity (in proposed Rule 6.7.2.2.3.4 D1).

[456] Similar to the approach of the Revised Version, CIAL proposes permitted activity status for certain listed activities subject to meeting a standard to the effect that access by birds to food sources is avoided. Its list similarly includes piggeries, poultry farms, fish or food processing or packing plants, abattoirs, freezing works, commercial transfer stations and Wetland Conservation areas. However, a key point of difference is that CIAL seeks that these be regulated to an 8km radius from the airport runways (based on two birdstrike management areas: a 3km radius ‘BMA1’ and an 8km radius ‘BMA2’).

[457] This difference in approach is based on Mr Shaw’s recommendation “as synthesised in Mr Bonis’ evidence” that these activities “should be regulated up to 8km away from the Airport.”²⁴³

[458] As with the Revised Version, CIAL proposes discretionary activity status for landfills, excluding cleanfills.

[459] Another key point of difference is that CIAL proposes permitted activity status for stormwater management systems, qualifying permanent water features (in excess of 500m² in surface area if in BSMA1), and excavation (including quarrying) in BSMA1, subject to detailed activity specific standards. This is also on the basis of the inclusion of BSMA1 3km radius and BSMA2 8km radius areas. The related permitted activity standards it proposes include:

- (a) For stormwater management systems, a requirement for professional design to provide for full drainage of basins within 48 hours of a 2 per cent AEP storm event, rapid soakage overflow chambers sufficient to minimise ponding outside infiltration basin areas and use of prescribed plant species.

²⁴² A definition of Greater Christchurch was not proposed. We have referred to the equivalent definition in the CRDP, which generally excludes Banks Peninsula.

²⁴³ Closing submissions for CIAL, 8 July 2016, at 20.

- (b) For permanent water features, maximum side slope gradients (at least 4V:1H with specified exceptions) and use of prescribed plant species.
- (c) For excavation (including quarrying), a requirement that ponding not exceed 100m² over a continuous 48 hour period.

[460] In its closing submissions, CIAL explained that it seeks this different permitted activity regime to reduce the need to obtain resource consents where possible while still retaining some control (in the form of standards) over smaller scale water bodies, excavation sites, and stormwater systems to ensure that they do not increase the risk of bird strike.²⁴⁴

[461] It explains that its regulation of smaller sized permanent water features, and its extension out to the BSMA2 circle, is on the basis of Mr Shaw's recommendations.²⁴⁵

[462] On this matter, ICWT supports the Council's position that water bodies up to a maximum of 1000m² be a permitted activity. However, it prefers CIAL's activity specific standards. It no longer pursues controlled activity, and accepts restricted discretionary activity, status for water bodies at Peacock Springs that exceed 1000m² in surface area.²⁴⁶

[463] On the basis of the evidence, including the published literature referred to, we find it appropriate that landfills within Christchurch City (excluding Banks Peninsula Ward) be a discretionary activity. They are clearly a type of bird attractant activity that makes it appropriate that a consent authority be given an open discretion to grant or decline consent.

[464] On the same basis, we find that it is appropriate that, for certain activities (e.g. piggeries, poultry farms, fish processing, freezing works), the CRDP should include rules to require them to be managed so as not to be a source of food for birds. However, a weakness with both the Revised Version and CIAL's alternative is that their various activity classes, and related rules, do not properly align with related activity classes in various zones. Specifically, piggeries and poultry farms are types of intensive farming. In any case, we do not find the evidence to dictate that we use the same language on such matters as is used in the various publications. Rather, our focus in managing for this risk can appropriately allow us flexibility to ensure proper

²⁴⁴ Closing submissions for CIAL, 8 July 2016, at 18.

²⁴⁵ Closing submissions for CIAL, 8 July 2016, at 21.

²⁴⁶ Closing submissions for ICWT, 7 July 2016, at 16 and 32, and in relation to proposed rule 6.7.2.2.3.1 P3.

alignment and consistency in the CRDP. A related matter is that we find there are already controls in various zone rules for management to prevent the activity becoming a food source for birds.

[465] Having considered these matters in light of the related CRDP chapters, we find that we can sufficiently cater for this risk group by relatively targeted change to certain chapter rules for restricted discretionary activities. Our Decision Version makes relevant changes to ensure that the matters of discretion are sufficiently broad in their expression. We find it unnecessary to specify limited notification to CIAL and the CAA, as the existing notification rules are not limited. We have also addressed this in the Decision Version.

[466] We find most appropriate that the trigger for control of the creation of all types of water body should be 1000m² in surface area, rather than 500m². We have extended this to permanent water bodies even though the Council and CIAL both proposed a 500m² trigger for them. In part that is in light of Dr McLellan's evidence as to the lack of any clear scientific basis for preferring 500m² over 1000m². Secondly, given that evidence, we find that specification of a 1000m² trigger achieves a materially equivalent benefit in risk management with greater regulatory simplicity and less cost.

[467] On the evidence, we find that confining regulation to a 3km radius is, with the exception of landfills (other than cleanfills), the most appropriate. We find that approach soundly supported on the evidence of Dr McLellan. We prefer her opinion on these matters to that of Mr Shaw. That is for the reasons we have given, and also because we found Dr McLellan to be comparatively more qualified and better informed. In essence, leaving aside Mr Shaw's legal interpretations, there is insufficient evidence to find that regulation beyond 3km as sought by CIAL would give rise to a sufficient risk management benefit.

[468] However, on the evidence, we find that CIAL's proposed permitted activity approach for water bodies and stormwater management systems (based on specified activity standards) more appropriate than the Council's proposed restricted discretionary activity approach. In particular, we find CIAL's proposed activity standards suitably identify what the evidence shows as relevant, and with the advantage of greater certainty (and hence, greater consistency with the OIC Statement of Expectations).

[469] As a consequence of our findings on the most appropriate provisions on the topic of Bird Strike, we have reconsidered and find it necessary and desirable to make changes to some provisions determined by earlier Panel decisions on this topic. On the evidence, we find that it is most appropriate for achieving related objectives and responding to the Higher Order Documents (particularly, the OIC Statement of Expectations) to have bird strike matters addressed comprehensively and consistently in Sub-chapter 6.7 (rather than in various zone-specific chapters). We note that previous Panel decisions recorded that some, but not all, of these provisions to be the subject of further review as part of this decision. However, as this is a remedial change, and we have considered the submissions and related representations, we find it is minor and so exercise our power under cl 13(5), OIC.

[470] For the reasons we have given, we find that the provisions in the Decision Version on this matter are the most appropriate for responding to the Higher Order Documents and achieving related objectives. Specifically, we refer to Strategic Objectives 3.3.1, 3.3.2, 3.3.5 and 3.3.12, and the related objectives of this Sub-chapter.

SECTION 32AA — 6.2 TEMPORARY ACTIVITIES, BUILDINGS AND EVENTS

[471] Sub-chapter 6.2 concerns ‘Temporary Activities, Buildings and Events’. As closing submissions reveal, the issues concerning this sub-chapter are narrow. We start with an overview of the Council’s proposals for the sub-chapter, as now expressed in the Revised Version.

Overview of the Revised Version

[472] The Council’s planning witness, Ms Alison McLaughlin described the overall design of the Sub-chapter 6.2 provisions in the following terms:²⁴⁷

The revised Proposal of the Temporary Activities, Buildings and Events provisions takes a broadly permissive approach to temporary activities in recognition of the role that they have played and continue to play in the recovery of the District. The importance of this role is emphasised in the Statement of Expectations that the replacement Plan will provide “*for a range of temporary and construction activities as permitted activities, recognising the temporary and localised nature of the effects of those activities*”.

²⁴⁷

Evidence in chief of Alison McLaughlin on behalf of the Council, 4 February 2016, at 4.1.

[473] We find that a helpful and accurate summary of what is now reflected in the Revised Version.

Objectives and policies

[474] Proposed Objective 6.2.1.1 refers to enabling a diverse range of temporary activities and events to provide opportunity for “artistic, social and cultural expression”, contributing to economic recovery and resilience, and reinforcing or promoting a “positive sense of place and community”. This enablement is tempered by reference to “having regard to the natural, historic and cultural values and expected amenity levels of areas in which they are located”.

[475] The Revised Version proposes two related policies. Proposed Policy 6.2.1.1.2 concerns temporary construction buildings. This generally is to enable these (and related signage), subject to effectively managing effects on surrounding amenity but on a basis that a higher tolerance is given for such effects in the context of the rebuild. Proposed Policy 6.2.1.1.1 concerns temporary activities and events, and is more extensive. It is as follows:

- a. Enable temporary activities, buildings and events provided:
 - i the location, frequency, scale and effects of the temporary activity are compatible with the level of amenity anticipated by the surrounding environment; or are within a range that can be tolerated given the temporary nature of the activity;
 - ii parking and traffic generation are managed so that:
 - A. road safety and network efficiency is not compromised; and
 - B. accessibility within and to local commercial centres and businesses is not adversely affected;
 - iii public access to public open space is maintained as far as practicable, given the nature of the activity or event in question; and
 - iv natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and
 - v activities, buildings or events in the vicinity of strategic infrastructure do not compromise the operation of that infrastructure or pose a safety risk.

Rules including on activity classes

[476] The Revised Version proposes an extensive set of related permitted activities in its proposed Rule 6.2.2.2.1. These are as to:

- (a) Construction (P1);
- (b) Community gatherings, celebrations, non-motorised sporting events and performances (P2);
- (c) Public meeting (P3);
- (d) Temporary buildings, structures and retailing ancillary to P2 or P3 (P4, P5);
- (e) Commercial film or video production and ancillary buildings or structures (except in an Industrial zone) (P6);
- (f) Various categories of temporary artworks and community activities (P7 – P9);
- (g) Various categories of temporary commercial activity (including markets, retail in the Central City, food trucks, and transitional activities) (P10 – P13);
- (h) Temporary military training and emergency management training (P14).

[477] Related activity specific standards are proposed for most such activities. For example:

- (a) For community gatherings, celebrations, non-motorised sporting events and performances (P2), there are standards concerning the number and duration of events, noise (with special provision for fireworks), and outdoor lighting;
- (b) For temporary buildings, structures and retailing ancillary to P2 or P3, there are standards concerning the length of time buildings or structures can remain in place and to ensure public access is not impeded.

[478] There is a set of specified restricted discretionary activities (in proposed Rule 6.2.2.2.3) as to:

- (a) Temporary buildings ancillary to an approved building or construction project not meeting activity specific standards (RD1);
- (b) Temporary activities or buildings not otherwise described or not meeting activity specific standards (RD2);
- (c) Motorised sporting events;
- (d) In Silent File areas, events or temporary markets attracting more than 500 people and temporary military training involving more than 500 people or discharge of ammunition or detonation of explosives (RD4).

[479] Proposed Rule 6.2.3.1 specifies various matters of discretion.

[480] For certain categories of temporary event occurring in a Site of Ecological Significance or in the Coastal Environmental Overlay, proposed Rule 6.2.2.2.4 provides discretionary activity classification. Proposed Rule 6.2.2.2.5 provides non-complying activity classification for temporary buildings or structures within specified distances of National Grid transmission lines.

Remaining issues raised by submissions

[481] Closing submissions show that the remaining matters of contention concerning proposed Sub-chapter 6.2 are confined to what is most appropriate in relation to temporary activities at Hagley Park. Specifically, these are issues raised by Hands Off Hagley Inc ('HOH') (2302, 2742, 5034).

Hands Off Hagley concerns

[482] HOH did not call expert evidence on the Sub-chapter 6.2 provisions, but HOH member, Professor Kissling, made representations including on the specifics of various provisions and other matters also covered in HOH's closing submissions.

[483] HOH's closing submissions acknowledge that temporary activities and ancillary buildings and structures, which otherwise might not be permitted by the relevant zone rules

“may be appropriate where the effects of a short duration can be controlled”.²⁴⁸ However, its closing submissions raise a number of matters of concern about particular provisions proposed by the Council. It prefaces its position on those matters with submissions on various matters as to “context”, “integrated management” and “outstanding issues”. It is appropriate that we deal with those matters first.

[484] A common theme in these prefacing comments is that the RMA’s purpose and integrated management principles require that the CRDP is aligned both vertically (eg in the sense that there must be an implementation of objectives and policies) and across chapters. That submission pertains to HOH’s position that Hagley Park is an “iconic” public urban park with significant open space, having recreational and amenity values, cultural and historic heritage significance. It submits that “Council planners have still not integrated the findings of the expert heritage and management evidence”. It goes on say that this alleged lack of integration means that Chapters 6, 9 and 18 do not “accurately reflect the unique identity of Christchurch expressed through the history, heritage and traditions associated with Hagley Park” and that the noted chapters “are still inconsistent” with the Recovery Strategy.²⁴⁹

[485] HOH traverses its position on findings that the Environment Court made in its decision in 2013, on the heritage status of Hagley Park, and on the Open Space values of Hagley Park, and on the legal relationship of the Reserves Act 1977 and the Hagley Park Management Plan (‘HPMP’) to the RMA and the CRDP.²⁵⁰ In substance, this part of its closing submission deals with matters that were covered in the Panel’s findings in its Decisions 35 (Chapter 18 Open Space), 46 (Sub-chapter 9.3 Historic Heritage) and 51 (Sub-chapter 9.5 Ngāi Tahu Values).

[486] On these aspects of HOH’s submissions, the Council submits that the scope of Sub-chapter 6.2 is limited to temporary activities and “it is not appropriate to relitigate a number of wider issues more relevant to Chapters 18 and in some respects Chapter 9”.²⁵¹

[487] To the extent that the Council is submitting that Decisions 35, 46 and 51 present a legal barrier to entertaining any relief beyond the scope of the Notified Version of Sub-chapter 6.2, we do not accept its submission. Specifically, the OIC allows us some capacity to make

²⁴⁸ Closing submissions for HOH, 6 July 2016, at the top of page 5.

²⁴⁹ Closing submissions for HOH, 6 July 2016, at pages 8–11.

²⁵⁰ Closing submissions for HOH, 6 July 2016, at pages 5–8, and parts of pages 8–25.

²⁵¹ Closing submissions for the Council, 15 July 2016, at 2.4.

changes to a proposal that we consider appropriate (even if beyond the scope of a submission) and also to revisit our earlier decisions (if we consider it is necessary or desirable to do so to ensure that the CRDP is coherent and consistent) (OIC cl 13 (2), (5)). The question is more as to whether, on the basis of the evidence and in light of related submissions, it is appropriate that we revisit the findings of those earlier decisions (and related provisions). In circumstances where we determine that we should do so, there may be further questions as to how we do that in due process terms (including, in theory, by making directions for re-notification).

[488] In terms of that question, we accept that we must be satisfied that the CRDP is properly integrated, in both a vertical and cross-chapter sense. An example of that principle being applied by the Panel in other decisions is at [145] of Decision 35:

We have decided that there should be a rule specifying that temporary parking in Hagley Park within the dripline of any tree constitutes a restricted discretionary activity. This reflects that the trees within Hagley Park constitute an important component of the character of the park. Because temporary parking is managed as part of temporary activities and buildings within Chapter 6 General Rules, this new discretionary activity rule will be inserted into that chapter. Beyond that we consider that the temporary parking issue is best left in the hands of those reviewing the Management Plan.

[489] As we shortly cover, our findings on the appropriate set of temporary activities for Hagley Park are on the basis of determining what is the most appropriate for achieving related objectives, including those as determined by Decisions 35, 46 and 51 insofar as relevant (as we identify). Related to that, however, we find no evidential or legal basis for departing from, and we concur in, the following findings of those previous decisions insofar as they bear on this decision:

- (a) The findings of Decision 35, at [94]–[115], as to the relationship of the RMA to the Reserves Act 1977 and the Greater Christchurch Regeneration Act 2016, and related issues as to the Hagley Park Management Plan (‘HPMP’) and issues as to whether it is appropriate that the CRDP duplicate it, incorporate it or be consistent with it;
- (b) The findings of Decision 35, at [73]–[84] and [122]–[142], as to the Christchurch City (Reserves) Empowering Act 1971 (‘Empowering Act’); and

- (c) The findings of Decision 46, at [22] and [34], as to the ability to regulate activities in Hagley Park under the RMA even if they are regulated under Reserves legislation, including under the Reserves Act 1977 and through the HPMP.

[490] Insofar as relevant, we accept the Council’s related closing submissions on these prefacing legal matters.²⁵²

[491] In view of our findings on these matters, we do not accept HOH’s submission that Chapters 6, 9 and 18 is not aligned with the context and purpose of Hagley Park as set out in the HPMP.²⁵³ In essence, that submission is premised on an incorrect understanding of the legal relationship of the HPMP to the CRDP (to which we refer to our findings at [366]). In any case, we find that it is not supported on the evidence.

[492] HOH makes various submissions that the Council’s proposed provisions for Sub-chapter 6.2, and more broadly Chapters 6, 9 and 18 of the CRDP, are inconsistent with the Recovery Strategy, or would fail to give effect to the CRPS.²⁵⁴ The Council’s closing submissions on these matters generally refer to a lack of evidential support for those submissions or to a lack of precision on HOH’s part in identifying the specific respects where the Council’s proposed Sub-chapter 6.1 demonstrates alleged deficiencies on these matters.²⁵⁵ HOH makes various submissions as to alleged deficiencies in the Council’s various s 32 reports.²⁵⁶ The Council does not accept these claims and its closing submissions include that HOH has not substantiated various assertions.²⁵⁷

[493] We accept the Council’s submissions on these matters finding that, in several respects, HOH’s prefacing submissions are unsupported on the evidence. Specifically, we do not accept HOH’s submission that Chapters 6, 9 and 18 “in permitting a largely unrestricted extension of existing and future permanent activities and facilities, and temporary activities using permanent or temporary facilities” goes “beyond the ambit of 4.1, 4.2 and 4.3 in the Recovery Strategy”. As to its submission that the Council “is acting in a manner inconsistent with the Recovery Strategy”, our focus is on the provisions before us, and related evidence. As we have noted,

²⁵² Closing submissions for the Council, 15 July 2016, at 2.5–2.15.

²⁵³ Closing submissions for HOH, 6 July 2016, at page 12.

²⁵⁴ Closing submissions for HOH, 6 July 2016, at pages 9–16.

²⁵⁵ Closing submissions for the Council, 15 July 2016, at 2.16–2.23.

²⁵⁶ Closing submissions for HOH, 6 July 2016, at 14–20.

²⁵⁷ Closing submissions for the Council, 15 July 2016, at 2.20, 2.24–2.26.

our evaluation to determine the most appropriate provisions is on the basis of our findings on the evidence and the relevant Higher Order Documents (including the Recovery Strategy), in terms of our related statutory obligations. Those include being satisfied that the Decision Version, as part of the CRDP, is not inconsistent with the Recovery Strategy and gives effect to the CRPS.

[494] We now address the various provisions, including HOH's submissions concerning them.

Overall effect of provisions on Hagley Park, particularly as to temporary activities

[495] HOH express an overall concern as to the effect that the Council's proposed Sub-chapter 6.2 regime (and other provisions of Chapters 6, 9 and 18) would have on the values of Hagley Park. For example:

- (a) More generally, it submits that:²⁵⁸

the suite of provisions through Chapters 6, 9 and 18, in respect of Hagley Park, would expose the entire Park's open space and character to a potential proliferation of permitted commercial activities, in multiple locations, with unintended short and long term consequences for Hagley Park's heritage and amenity.

- (b) Specifically concerning the Council's proposed Sub-chapter 6.2, it submits that:²⁵⁹

... the amended drafting of 9.3.3.2.1 P4 – Temporary buildings or structures for events in a heritage item which is an open space, and P5 – Temporary buildings or structures for events in a heritage setting, coupled with the permissive rule standards in Chapter 18, would permit multiple and repeated temporary activities and facilities, creating adverse effects on amenity both within the settings and beyond the setting in Hagley Park; environmental impacts, which would not align with the quoted Key Elements of the Vision for the Park as stated in the Hagley Park Management Plan (HPMP).

[496] We start with Chapters 9 and 18. Decision 35 confirms Open Space zoning for Hagley Park. Decision 46 provides that Hagley Park is to be given a heritage listing in CRDP Appendix 9.3.7.2 and also lists, and regulates, various heritage items and settings in Hagley Park. We find that the provisions included in the CRDP by those decisions are appropriately compatible and integrated with the Sub-chapter 6.2 provisions we confirm in the Decision Version. On

²⁵⁸ Closing submissions for HOH, 6 July 2016, at page 16.

²⁵⁹ Closing submissions for HOH, 6 July 2016, at page 11–12.

the evidence, we find there is nothing in those chapters that ought to be revisited. Therefore, we accept the Council’s submission, and decline HOH’s submission, on these matters.

[497] Turning to Chapter 6, and more particularly Sub-chapter 6.2, HOH’s concerns pertain primarily to the appropriate activity classifications and related controls under the rules. We return to those matters in our following discussion of those provisions.

Proposed Objective (now 6.2.2.1)

[498] HOH’s closing submissions do not seek any specific change to or replacement of the Council’s proposed objective for Sub-chapter 6.2. We accept the evidence of the Council’s planner, Ms McLaughlin, in finding that the expression of proposed objective in the Revised Version appropriately achieves the RMA purpose. Specifically, we find that it expresses a correct balance of enablement (with reference to relevant considerations on that), but on a basis that also gives proper regard to natural, historic and cultural values and amenity expectations.

[499] We have included the objective in the Decision Version on that basis.

Policies

[500] The Revised Version’s proposed Policy 6.2.1.1.1 is on temporary activities and events and its proposed Policy 6.2.1.1.3 is on temporary construction buildings.

[501] In its closing submissions, HOH seeks various changes to the expression of proposed Policy 6.2.1.1.1 in particular:²⁶⁰

- (a) To modify (a)(i) by adding reference to:
 - (i) the “intensity and duration” of temporary activity/activities (in addition to the Revised Version’s reference to ‘location, frequency, scale’); and
 - (ii) “the sustainable management of the site”, including, in the case of Hagley Park, compatibility of activities with the “sustainable management of trees”;

²⁶⁰ Closing submissions for HOH, 6 July 2016, at Appendix 1, page 7.

- (b) To modify (a)(ii) on the management of parking and traffic generation so as to add that, in the case of Hagley Park, car parking shall be restricted to the formal car parks;
- (c) To modify (a)(iii) on public access, so as to remove reference to ‘as far as practicable’ such that public access to public open space is to be maintained both when events occur on non-consecutive days and on days between instances of events opening to participants; and
- (d) To add a provision as follows:

Where temporary activities and events are located on sites within heritage and urban parks, including Hagley Park, cumulative effects of consecutive and/or multiple temporary activities and associated structures on root zones of heritage trees and grassed open spaces are consistent with the sustainable management of the trees and the park.

[502] We find that the Revised Version’s proposed policy is supported by the Council’s evidence, and in particular the evidence of Ms McLaughlin.

[503] As for HOH’s requested modifications to modify (a)(i), we find the wording in the Revised Version, particularly ‘the location, frequency, scale and effects’ in need of further clarification. We have added the requested reference to ‘duration’, but not the reference to ‘intensity’ as we find that already picked up in the reference to ‘effects’. As for sustainable management considerations, including compatibility of activities with the sustainable management of trees, we find these matters are already appropriately and sufficiently covered by the wording in the Revised Version, specifically, in (a)(iv), namely:

natural, historic or cultural values of sites are not permanently modified, damaged or destroyed.

[504] As for HOH’s requested modifications to (a)(iii) on public access, we find these changes inappropriate as they would make the policy unduly restrictive. It is in the nature of large temporary activities, particularly those for the community or large audiences, that they affect public access to public open space. That does not mean, however, that temporary activities are out of keeping with the values associated with public open spaces including Hagley Park. To remove the qualifier ‘as far as practicable’ from ‘maintained’ would mean that the policy would

impose an unrealistic expectation and so not give proper effect to related objectives, including those governing the Open Space Chapter.

[505] HOH seeks that we modify and add a new clause on related matters. These concern car parking and tree protection. On these matters, Professor Kissling commented:²⁶¹

The [HPMP] does not anticipate provision for carparking elsewhere in Hagley Park. Rather, it acknowledges the adverse effects of carparking both on grass surfaces and over tree [root] zones. The car parks policy records that and I quote, cars have caused serious damage to the trees in the Botanic Gardens' car park. This needs to be resolved. Recognising that there's trees even in a formal car park in Hagley Park are also susceptible to adverse effects of carparking.

Another related ... policy regarding parking on berms adjacent to the park recognises that cars "damage the grass surface and the root systems of the adjoining trees." This practice ultimately affects the life span of the trees and for this reason parking on berms is not to be formalised.

[506] The Council opposes HOH's requested changes on these matters. It submits that it would be more efficient to manage these matters under traffic management plans pursuant to the objectives and policies of the HPMP, rather than by resource consent.²⁶²

[507] For the following reasons, we do not accept the Council's submission on that matter and, while accepting aspects of HOH's submissions, find it more appropriate to modify the policy in a different way.

[508] As we discuss at [523], and accepting the related findings in Decision 35, we have made parking within the dripline of any tree at Hagley Park a restricted discretionary activity (under Rule 6.2.4.2 RD5). Associated with that, we find it important that this policy expresses associated direction. We find that the Revised Version's proposed policy is deficient in this regard. However, rather than the wording proposed by HOH, we find it more appropriate to give expression to this matter in the following terms:

- (a) Enable temporary activities, buildings and events provided: ...
 - (ii) parking and traffic generation are managed so that: ...
 - C. temporary parking within Hagley Park does not result in disturbance to the ground or the root system of trees that would adversely affect the long-term health or life span of the trees.

²⁶¹ Transcript, page 1322, lines 29–41.

²⁶² Closing submissions for the Council, 15 July 2016, at Appendix 1, page 29.

[509] In particular, we find that expression to be more effective in directing consent authorities to consider the relevant issues concerning protection of trees at Hagley Park, acknowledging their undoubted importance to the park's heritage, cultural and amenity values.

[510] Subject to those matters, we find that the Revised Version's proposed policy is well supported on the evidence of Ms McLaughlin. For the same reasons, we find that Policy 6.2.2.2.1 is the most appropriate for responding to the Higher Order Documents and achieving the related objectives.

[511] HOH did not seek changes to proposed Policy 6.2.2.2.1 on temporary construction buildings. We find that the proposed policy is supported by the Council's evidence, and in particular the evidence of Ms McLaughlin. We find that it is appropriate for responding to the Higher Order Documents and achieving the related objectives. On that basis, with minor drafting refinements, we have included the policy in the Decision Version.

Re-named 'How to interpret and apply the rules'

[512] To achieve better consistency and clarity, and for the reasons we have given in our other decisions on this matter, we have renamed this provision and made other drafting clarity changes to its substance.

[513] HOH seeks that it include the following:

and with the further exemption that in the case of Hagley Park, temporary activities and buildings are not exempt from built form standards for buildings and structures in the underlying zone.

[514] The Council opposes these requested changes. It notes that the effect of what HOH seeks is that temporary activities would require consent for matters such as breaches of setbacks from roads or internal boundaries, heights, recession planes and other matters. It submits that temporary nature of these activities means they do not generate effects warranting such controls. They point out that the Revised Version targets attention to matters, such as noise, where management is appropriate.²⁶³

²⁶³ Closing submissions for the Council, 15 July 2016, at Appendix 1, page 31.

[515] We accept the Council’s submissions on these matters, and find it would be inappropriate to modify the Revised Version in the way that HOH has proposed. HOH seeks that we add reference, by way of advisory note, to the application of the Reserves Act, the HPMP, bylaws and the Empowering Act. We find that the Revised Version gives appropriate reference to Reserves Act matters. On the remaining changes HOH seeks to this provision, we also accept the Council’s submissions as to why these are not appropriate.

Proposed permitted restricted and discretionary activity Rules 6.2.2.2.1 and discretionary activity Rule 6.2.2.2.4

[516] HOH seeks to exclude commercial temporary activities from proposed permitted activity Rule 6.2.2.2.1 P2, P10²⁶⁴ and P11 such that each is classed as a discretionary activity, provided that they are also:²⁶⁵

located in the Entertainment Zone (extending west from the Armagh Street gates to Lake Victoria, and north from Armagh Street gates to the boundary of the Carlton Mill sports ground in North Hagley Park).

[517] HOH also seek that, for P10 (temporary markets), the specified duration for the permitted activity be amended. On the Council’s evidence, we find that it is inappropriate to do so in that the proposed rule of the Revised Version appropriately achieves related objectives without such an amendment. On the same aspect of this proposed rule, HOH seeks that we include a requirement to obtain a licence to ensure compliance with the Reserves Act. Similarly, it seeks that proposed permitted activity Rule 6.2.2.2.1 P4 be amended so that, in the case of Hagley Park, the activity must comply with s 53(d) and (e) of the Reserves Act. On both those matters, we refer to our findings at [489] in rejecting this requested relief.

[518] Returning to the matter of HOH’s request for re-classification of certain activities as discretionary, it seeks a related change to proposed Rule 6.2.2.4 such as to add as a discretionary activity:

Large scale temporary commercial activity or event, including but not limited to:

The Council will consider the matters of Discretion specified below and any other relevant matters under Section 104 of the Act:

²⁶⁴ HOH also specify that the duration of markets should be amended and include a requirement to obtain a licence to ensure compliance with the Reserves Act. We refer to our findings at [489] concerning the Reserves Act, and so decline that aspect of this relief.

²⁶⁵ Closing submissions for HOH, 6 July 2016, at App 1, p 11.

i. Event	a. Amenity – 6.2.3.1
ii. Temporary market	b. Transport – 6.2.3.2
iii. Temporary retail activity	c. Economic recovery and resilience – 6.2.3.3
iv. Commercial film or video production shall be located in the Entertainment Zone (extending west from Armagh Street gates to Lake Victoria, and north from Armagh Street gates to the boundary of the Carlton Mill sports ground in North Hagley Park).	d. Competing requirements for the location – 6.2.3.4
	e. Site disturbance or alteration – 6.2.3.5
	f. 6.2.3.6 Additional matters of Discretion for Hagley Park
	g. 9.3.5.1 Alterations, New buildings, Relocations, Temporary Event Structures, Signage and Replacement of Buildings – Heritage Items and Settings – High Significance (Group 1) and Significant (Group 2)

[519] HOH seeks a modification to the Council’s proposed restricted discretionary activity Rule 6.2.2.2.3 to the effect of adding, in the case of Hagley Park, the locational restriction we have noted above and an additional matter of discretion for Hagley Park, namely:

- g. 9.3.5.1 Alterations, New buildings, Relocations, Temporary Event Structures, Signage and Replacement of Buildings – Heritage Items and Settings – High Significance (Group 1) and Significant (Group 2).

[520] It seeks various additions to the Council’s proposed matters of discretion:

- (a) Under 6.2.3.1 Amenity, it seeks that we add:

The length of time, where relevant, and the season in which the proposed activity/facility is proposed to be in operation and measures proposed to reinstate the area upon vacating the site.

- (b) Under 6.2.3.5 Site disturbance or alteration, it seeks that we add reference to “in the case of Hagley Park, car parking is restricted to the formal car parks via the formal accesses” and replace the word “adequacy” with the word “appropriateness” in reference to proposals for restoration:

- (c) It seeks that we add a further matter of discretion to Rule 6.2.5.6 for Hagley Park, as follows:

- x. Whether there are alternative convenient locations, venues or buildings outside Hagley Park where the activity/facility impacts on
 - i. existing landscape qualities, including vistas, waterbody margins and trees; and

- ii. botanical and heritage features within the park.
 - x. The length of time, where relevant, and the season in which the proposed activity/facility is proposed to be in operation and measures proposed to reinstate the area upon vacating the site.
- (d) It seeks that we also add reference in the assessment matters to 9.3.5.1 Alterations, New buildings, Relocations, Temporary Event Structures, Signage and Replacement of Buildings — Heritage Items and Settings — High Significance (Group 1) and Significant (Group 2).
- (e) It seeks that we modify the definition of ‘temporary activities and buildings’ and ‘mass assembly of people’.

[521] Considering these various requested changes, we make the overall observation that HOH did not support them with expert evidence. Rather, as we have noted, its case on Sub-chapter 6.2 was on the basis of representations by Professor Kissling. In substance, we find that several of its requested changes cannot be supported in the absence of evidence. Those include matters concerning the proper location of activities, consideration of landscapes and vistas, and botanical and heritage features. In any case, we find it in keeping with the related objectives to allow for temporary activities including in Hagley Park. On the other hand, we find that the added cost and uncertainty of reclassifying the relevant activities as discretionary and requiring consideration by applicants of questions of need and alternatives would fail to achieve related objectives, and conflict with the OIC Statement of Expectations. It would impose cost for no material benefit. That is because we find that, subject to the specified activity standards, the listed temporary activities of the kinds listed (with the exclusion we make car parking under driplines) will assist to achieve related objectives. In particular, we find that the listed activities:

- (a) Have regard to the natural, historic and cultural values and expected amenity values of the relevant areas; and
- (b) Provide opportunities for artistic, social and cultural expression, contribute to the economic recovery and resilience of the district and/or reinforce or promote a positive sense of place and community.

[522] Insofar as HOH's case for changes relies on consideration of Chapters 9 and 18, we do not have any sound evidential basis for departing from or adding to the findings of those decisions nor Decision 27 (on landscape and natural character) nor other Chapter 9 decisions. On the other hand, we find that the Revised Version's provisions are supported by the Council's evidence, and we accept that evidence in determining not to make the various changes that HOH have requested.

[523] At this point, we return to the topic of restricted activity provision for car parking in the dripline of trees at Hagley Park. As we have noted, Decision 35 determined that Sub-chapter 6.2 is to include a restricted discretionary activity rule for this matter. Under the OIC, we have ability to reconsider that decision. Having done so, we agree with the relevant findings of that decision, and find nothing in the evidence for the Council to justify a decision not to provide for such a rule. At [508], we set out our reasons for modifying the relevant policy on this topic. We find it would be inappropriate to modify the restricted discretionary activity matters of discretion to the effect of restricting car parking to the formal car parks via the formal accesses. Rather, the focus is more properly targeted to the issues associated with protection of the trees, given that the context would be an application for consent to park within the dripline. Acknowledging the importance of ensuring due protection, we have specified the following matters of discretion:

- (a) In relation to temporary parking within the dripline of trees:
 - (i) the extent to which the parking will result in disturbance to the ground or to the root systems of trees that would adversely affect the health or life span of the trees;
 - (ii) whether any such effects would be irreversible or last beyond the duration of the parking; and
 - (iii) where effects would be reversible or short-term, the adequacy of any proposals for restoration.

[524] We note, for completeness, that assignment of a matter to the restricted discretionary class does not provide any assurance of consent. Rather, the consent authority is equipped to decline consent (or to impose suitable conditions). We have designed the changes to the policy and matters of discretion so that a consent authority will be clearly on notice of relevant matters.

Definitions

[525] HOH made related representations to the Chapter 2 Definitions hearing concerning the definitions of ‘mass assembly of people’ and ‘temporary activities and buildings’.²⁶⁶

[526] The Revised Version proposes the following definitions of those terms:

Mass assembly of people

in relation to the provisions relating to Runway End Protection Areas, means any activity intended to attract a group of people in numbers greater than what would be anticipated for activities provided for in that zone to a place where none of them resides and which encourages them to remain in the same location. Mass assembly of people includes gatherings associated with recreation activities, entertainment activities or markets. Golf course recreation does not constitute mass assembly of people.

Temporary activities and buildings

in relation to the General Rules and Procedures Chapter 6, means activities and their ancillary buildings that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing) and:

- a. are not part of a permanent activity that occurs on the site; and
- b. create no, or only negligible, lasting alteration or disturbance to any site, building or vegetation.

Temporary activities and buildings includes:

- c. temporary activities and buildings following, and to assist in recovery from, a natural disaster, such as the temporary relocation of activities and buildings, storage yards, workers’ temporary accommodation, and the temporary raising of buildings for foundation repairs;
- d. public artworks, and recreation activities and entertainment activities; and
- e. the provision of car parking ancillary to a temporary activity, whether sealed or unsealed, provided in accordance with an approved Traffic Management Plan, except as otherwise specified in Section 6.4.

Mass assembly of people

[527] On the definition of ‘mass assembly of people’, HOH submitted that it was related to the definition of ‘temporary activities and buildings’, for example in the sense that ‘mass assembly

²⁶⁶ Submitter statement of HOH, submitter 2302, 3711, 3 March 2016.

of people’ can be a form of ‘temporary activity’. As such, it submitted that the definitions are lacking in the sense of not having linking words. It also submitted that the definition of ‘mass assembly of people’ is deficient in not having any wording regarding “the RMA’s requirement to avoid, remedy or mitigate adverse effects of ‘Mass assembly of people’ on the environment”. Further, it submitted the definition is deficient in not referencing objectives, policies or rules within Chapter 9, Chapter 6.2 or Chapter 18.1.²⁶⁷

[528] HOH’s submissions on those matters reflects a misunderstanding of the legal effect and purpose of a definition in a district plan. Properly framed, definitions simply serve to give more certainty as to the intended meaning of related provisions (whether objectives, policies or rules). In that regard, any linkages ought to be in the related provisions that definitions apply to, rather than in definitions. We find no purpose in providing for the linkages sought, and so decline this aspect of HOH’s submission.

[529] We observe that the definition is uncertain in several respects not related to HOH’s submission, namely in regard to Runway End Protection Areas (‘REPA’). For example, it is not clear what is meant by ‘intended’ and ‘numbers greater than what would be anticipated for activities provided for in that zone’. It is not clear what constitutes ‘a place’ and whether this is the same as ‘same location’. The related concepts of ‘where none of them resides’ and ‘which encourages them to remain in the same location’ are also uncertain in various respects. Finally, the penultimate sentence as to ‘gatherings associated with recreation activities, entertainment activities or markets’ starts with the word ‘includes’, leaving open what else is included. That lack of clarity is a concern because the definition serves Rule 6.7.4.2.2 PR2, which specifies that ‘mass assembly of people’ is a prohibited activity within the REPAs.

[530] We would have more concern about this matter were it not for the fact that a designation, rather than Rule 6.7.4.2.2 PR2, applies to most of the privately owned land subject to the REPA. Further, we note that, except for the unrelated matters raised by HOH, no parties seek to challenge the definition (or related Rule 6.7.4.2.2 PR2). Even so, given our overall responsibility for the coherence and clarity of the CRDP and the risk that the definition would render the related rule void for uncertainty, we make a direction to the Council to confer with

²⁶⁷ Submitter statement of HOH, submitter 2302, 3711, 3 March 2016, at pages 8 and 9.

the relevant parties (particularly CIAL) and to file a memorandum proposing how this matter of inherent uncertainty is best addressed by an amendment to the definition and/or related rule.

[531] In the meantime, we have included an italicised rider to the definition, recording that it is subject to review. Parties can anticipate we will address this in the Definitions decision to issue in due course.

Temporary activities and buildings

[532] On the definition of ‘temporary activities and buildings’, HOH submitted that cl e. would be inappropriate for achieving sustainable management and inconsistent with s 5(2) of the Empowering Act and Objective 21 of the HPMP. HOH also submitted that it is inappropriate for the definition to allow for ancillary car parking. It illustrated its concerns with photographs depicting temporary car parking in Little Hagley Park, between Helmores Lane and Carlton Mill Bridge. As to the substance of the definition, HOH seek that, for Hagley Park, we replace cl e. with the following wording (or to like effect) from Objective 21 of the HPMP:²⁶⁸

To restrict car parking to the formal car parks. To maximise the use, amenity value and safety of the existing Hagley Park car parks for the convenience of the Park users.

[533] We have already set out our reasons for not including reference to the Empowering Act and the HPMP and why we have made different provisions for car parking. On the basis of those findings, we find it inappropriate to make the changes HOH seeks to the definition.

[534] For completeness, we record that parking ancillary to a temporary activity (i.e. as in cl e.) will require consent as a restricted discretionary activity rule, if under the dripline of a tree in Hagley Park.

[535] Those are our reasons for why we have made some changes to the Revised Version on matters raised by HOH, but in other respects have declined to make the various changes HOH have sought.

²⁶⁸ Submitter statement of HOH, submitter 2302, 3711, 3 March 2016, at pages 6–11.

[536] For the reasons we have explained, we find the objective in the Decision Version the most appropriate for achieving the RMA's purpose (and responding to the Higher Order Documents) and find all other provisions the most appropriate for achieving related objectives.

Other changes to the Revised Version's rules

[537] The Revised Version of Rule 6.2.4.1 P13 uses the term 'transitional' in its reference to 'Transitional commercial services in the Commercial Central City Business Zone.....'. We replace the word with 'temporary', as it is clearer and better links with the defined terms. In accordance with Decision 51, we delete the Advice Note to the Revised Version's proposed Rule 6.2.4.2 RD4 (concerning obtaining comment from the relevant rūnanga). We have made various other minor drafting clarity and consistency changes to proposed rules of the Revised Version.

SPECIFIC PURPOSE (GOLF RESORT) ZONE

[538] The Notified Version covered the Clearwater Golf Resort.²⁶⁹ The Council's position was that the Notified Version gave effect to Strategic Direction 3.3.12(b)(iii) which states:

Objective — Infrastructure

...

- (b) Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things:

...

- (iii) avoiding noise sensitive activities within the 50dBA Ldn noise contour for Christchurch International Airport, except:
- within an existing residentially zoned urban area; or
 - within a Residential Greenfield Priority Area identified in the Canterbury Regional Policy Statement Chapter 6, Map A; or
 - for permitted activities within the Open Space 3D (Clearwater) Zone of the Schedules to Decision 1 Strategic directions and strategic outcomes (and relevant definitions) Christchurch City Plan, or activities authorised by a resource consent granted on or before 6 December 2013;

²⁶⁹ It also covered Whisper Creek Golf Resort which is determined by the companion Decision 56

...

[539] The Council noted that Clearwater is now fully within the 50 dB operational noise contour. Accordingly, it seeks to carry over, but not extend, the previously authorised quotas for development of hotels rooms and dwellings at Clearwater.

[540] In its submission, Clearwater requested an additional 11 houses and either an unlimited number of hotel rooms on the basis they are not noise sensitive or in the alternative an additional 50 hotel rooms. The Council submitted the additional development was inconsistent with the strategic objective set out above. It also relied on Ms Dixon's evidence in chief to submit that it was inappropriate.

[541] In her planning evidence for the Council, Ms Dixon (at section 14) accepted some aspects of submissions made in relation to Clearwater including minor wording amendments to Objective 21.9.1.1 and associated policies. She noted that the Clearwater submission did not distinguish between the established and regionally significant Clearwater Resort and the yet to be developed Christchurch Golf Resort, now known as Whisper Creek Golf Resort, in terms of associated economic and social benefits. She proposed changes to the wording of Objective and Policy 21.9.1.1 accordingly.

[542] She pointed out that the rest of the submissions sought amendments to the Objective to clarify that Clearwater is an integrated resort community and to recognise it as an existing urban area. She did not agree with this submission because she said it would not fit in with the "limited residential development" wording already in that objective. She also said that in her view the wording did not add anything useful to the Objective.

[543] In relation to a submission by the Clearwater Resort's Owners Society, Ms Dixon supported the deletion of the words in Policy 21.9.1.1.4 — 'Ensure that earthworks and buildings are carefully designed and constructed so as to ... mitigate potential effects on ground water.' We find that deletion is appropriate. She also considered it appropriate to delete the words 'and to mitigate potential effects of development on ground water' because a core focus of the policy was site specific responses to natural hazards. As a consequence she also recommended a deletion from Policy 21.9.4.6. We accept Ms Dixon's evidence and have included those changes in the Decision Version.

[544] In relation to the additional houses and hotel rooms sought, as noted above, there is no evidence adduced on behalf of Clearwater so there is no basis upon which we could factually grant the relief. It appears that there has been discussions with CIAL and an agreement is possible, but in the context of the CRDP we are unable to accept the submission. We accept Ms Dixon's evidence and reject the requested change.

CONCLUSION

[545] For those reasons, we confirm the Decision Version for inclusion in the CRDP. As we are now close to the conclusion of our inquiry, we must set a relatively tight timetable of directions on the various matters we have recorded, as we envisage addressing these matters as part of our pending final Definitions' decision. Therefore, for the reasons we have given, we direct:

- (a) The Council and any other party who seeks that we make any minor corrections to this decision must file a memorandum of counsel for those purposes **by 4pm 18 November 2016**;
- (b) The Council must, **by 4pm 18 November 2016**, file the following for the purposes of enabling the Panel to issue a second decision to correct and update these matters in relation to Sub-chapter 6.1:
 - (i) updated Planning Maps (and related legends) to show (or, in legends, refer to):
 1. the amended Air Noise Boundary (as sought by CIAL in its Second Addendum to its 25 June 2015 submission);
 2. 'Air Noise Contour', rather than 'Airport Noise Contour Line', and 'Engine Testing Noise Contour', rather than 'Engine Testing Contour Line'; and
 3. the Air Noise Boundary and separate identification of the Air Noise and Engine Testing Noise contours;

- (ii) an updated Figure 2 and updated Planning Maps (and related legends) to show (or, in legends, refer to):
 - 1. the further constrained Engine Testing Noise Contours, including the 60 dB Engine Testing Noise Contour; and
 - 2. the final monitoring positions.
- (iii) updated figures, appendices and Planning Maps to address the matters in Schedule 4 (and address any other errors identified by the Council).
- (c) The Council must **by 4pm 18 November 2016**, file a memorandum of counsel:
 - (i) proposing how best to ensure no ambiguity in Strategic Objective 3.3.12, in its present references to ‘incompatible activities’ and ‘amongst other things’ and, in particular, whether ‘incompatible activities’ should be replaced with ‘incompatible development’;
 - (ii) rectify the uncertain and potentially ultra vires aspects of the definition of ‘mass assembly of people’ pertaining to the REPA;
- (d) The Crown, the Regional Council, CIAL, Transpower, Orion, and any other party who made a relevant submission and who seeks to respond to any aspect of the Council’s memorandum must do so by filing a memorandum of counsel **within 5 working days of the filing of the Council’s memorandum.**


For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Ms Jane Huria
Panel Member



Mr Stephen Daysh
Panel Member

SCHEDULE 1

Chapter 6 General Rules and Procedures

- 6.1 Noise
- 6.2 Temporary Activities
- 6.3 Outdoor Lighting
- 6.5 Scheduled Activities
- 6.6 Water body Setbacks
- 6.7 Aircraft Protection
- 6.8 Signs
- 6.9 Late Night Licensed Premises
- 6.10 Earthquake Recovery Works
- 6.11 Appendices

Chapter 14 Residential

- 14.10 Residential Guest Accommodation Zone

Chapter 21 Specific Purpose Zones

- 21.9 Specific Purpose (Golf Resort) Zone

Chapter 6 General Rules and Procedures

6.1 Noise

Note: Text in blue is from Decision 32 Specific Purpose (Ruapuna Motorsport) Zone and is not the subject of this decision. Where required, consequential numbering and style changes have been made.

6.1.1 Introduction

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

This sub-chapter relates to the management of adverse noise effects, recognising the impact such effects can have on the amenity values and health of people and communities. Noise creating activities are managed by setting limits on the sound levels they generate, their location, and their duration, so that the noise generated is consistent with the anticipated outcomes for the receiving environment. In addition, this sub-chapter sets out where sound insulation is required for sensitive activities, or alternatively, by limiting the location of sensitive activities relative to activities which have elevated noise levels.

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

6.1.2 Objective and Policies

6.1.2.1 Objective: Adverse noise effects

- a. Adverse noise effects on the amenity values and health of people and communities are managed to levels consistent with the anticipated outcomes for the receiving environment.

6.1.2.1.1 Policy: Managing noise effects

- a. Manage adverse noise effects by:
 - i. limitations on the sound level, location and duration of noisy activities;
 - ii. requiring sound insulation for sensitive activities or limiting their location relative to activities with elevated noise levels.

6.1.2.1.2 Policy: Noise during night hours

- a. Achieve lower noise levels during night hours to protect sleep, and the amenity values of residential and other sensitive environments, so far as is practicable.

6.1.2.1.3 Policy: Entertainment and hospitality activities in precinct areas and key locations in the Central City

- a. Enable entertainment and hospitality activities, temporary events or identified facilities (refer to Rule 6.1.5.2.4 Temporary activities) that contribute to Christchurch's economic, social, and cultural well-being to occur in the Entertainment and Hospitality precinct while ensuring the adverse noise effects of activities on the surrounding community and environment are managed to levels consistent with the anticipated outcomes for the receiving environment.

6.1.2.1.4 Policy: Activities in key locations outside the Central City

- a. Enable land use activities at identified facilities (Refer to Rule 6.1.5.2.4 Temporary activities) outside the Central City that contribute to Christchurch's economic, social, and cultural wellbeing while ensuring the adverse noise effects of activities on the surrounding community and environment are managed to levels consistent with the anticipated outcomes for the receiving environment.

6.1.2.1.5 Policy: Airport noise

- a. Require the management of aircraft operations and engine testing at Christchurch International Airport, so that:
 - i. noise generated is limited to levels that minimise sleep disturbance and adverse effects on the amenity of residential and other sensitive environments so far as is practicable;
 - ii. where practicable, adverse noise effects are reduced over time.
- b. Mitigate adverse noise effects from the operations of the Christchurch International Airport on sensitive activities, by:
 - i. prohibiting new sensitive activities within the Air Noise Boundary and within the 65 dB Ldn engine testing contour; and
 - ii. requiring noise mitigation for new sensitive activities within the 55 dB Ldn air noise contour and within the 55 dB Ldn engine testing contour; and
 - iii. requiring Christchurch International Airport Limited (CIAL) to offer appropriate acoustic treatment in respect of residential units existing as at [date Chapter becomes operative] within the 65 dB Ldn Annual Airport Noise Contour, and within the 60 dB Ldn engine testing contour.

Note: Policy 17.1.1.10 also mitigates noise effects from the operations of Christchurch International Airport on rural land.

6.1.3 How to interpret and apply the rules

- a. The rules that apply to activities generating, or affected by, noise in all zones are contained in:
 - i. The general noise rules in Rule 6.1.4;
 - ii. The activity status tables (including activity specific standards) in Rules 6.1.5.1, 6.1.6.1 and 6.1.7.1;

- iii. The Noise Standards in Rule 6.1.5.2;
 - iv. The Activity Standards in Rules 6.1.6.2 and 6.1.7.2; and
 - v. The matters of discretion in Rule 6.1.8.
- b. Activities generating, or affected by, noise are also subject to the rules in the relevant zone chapters.
- c. The activity status tables, rules and standards in the following chapters also apply to activities generating, or affected by, noise (where relevant):
 - 5 Natural Hazards;
 - 6 The other sub-chapters of 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.
- d. Additional noise standards applying to specific activities are contained in some zone chapters and some of the chapters listed in c. above.
- e. In order to understand which rules apply to your activity, there are two aspects you need to consider in relation to Sub-chapter 6.1 Noise - whether you:
 - i. are generating noise; or
 - ii. may be affected by noise (a receiver of noise).
- f. If you are generating noise, the following steps may assist:
 - i. Determine whether the activity is exempt from the noise rules, as listed in 6.1.4.2 or subject to Rule 6.1.4.3 (a) in the Central City.
 - ii. Check whether the activity has specific noise standards for that activity in Rule 6.1.6.2. If so, only the standards in Rule 6.1.6.2 apply (unless specified otherwise in Rule 6.1.6.2).
 - iii. Outside the Central City, if not an activity covered in (f) ii. above, establish the zoning for all sites which will receive noise from the activity. This will include all adjoining sites, but may also include other sites in the vicinity, particularly those that have more stringent noise rules than the adjoining sites. Determine whether the noise generated by the activity will meet the Noise Standards specified in Rule 6.1.5.2.1 for all noise receiving sites.
 - iv. In the Central City, if not an activity covered in (f) ii. above, establish the precinct (as shown on the Central City Entertainment and Hospitality Precinct Overlay Planning Map) for the site where the noise generating activity is located. Determine whether the noise generated by the activity will meet the Noise Standards specified in Rule 6.1.5.2.2 for that precinct, at any site receiving noise from the activity.

- v. Check your activity is not specified as a discretionary activity, non-complying activity or prohibited activity.
- g. If you may be affected by noise (a receiver of noise), the following steps may assist:
 - i. Check whether the activity is near infrastructure specified in Rules 6.1.57.2.1, or 6.1.7.2.2, and is an activity specified in those rules.
 - ii. Check the activity status in Rule 6.1.7.1 and whether the activity meets the Activity Standards in Rule 6.1.7.2.

6.1.4 General Noise Rules

6.1.4.1 Measurement and assessment of noise

- a. Unless otherwise specified elsewhere in this Plan, noise shall be measured in accordance with NZS6801:2008 “Acoustics – Measurement of environmental sound”, and assessed in accordance with NZS 6802:2008 “Acoustics-Environmental noise”, except that provisions in NZS 6802 referring to Special Audible Characteristics shall not be applied.
- b. The noise standards shall apply at any point within a site receiving noise from an activity, except where:
 - i. the site boundary is a boundary with a site in the Transport Zone outside the Central City, in which case noise standards shall apply at or beyond the far boundary of the Transport zone; or
 - ii. the site boundary is a boundary with a site in the Transport Zone, Open Space zone or any combination of these zones in the Central City, in which case noise standards shall apply at or beyond the far boundary of the Transport or Open Space zone; or
 - iii. the standards specify otherwise.
- c. Where a site is divided by a zone boundary then each part of the site divided by the zone boundary shall be treated as a separate site for the purpose of these rules.

6.1.4.2 Exempt activities

- a. The provisions in Rule 6.1.5, and Rule 6.1.6 do not apply to the following noise sources:
 - i. traffic noise generated within a Transport Zone;
 - ii. trains and crossing bells within a Transport Zone, within the area of the Scheduled Activity (Ferryland Heritage Park), and including railway yards, railway sidings (excludes new sidings on private land) or stations, tramways, trams and tram crossing bells;
 - iii. sirens used during an emergency;
 - iv. helicopters used for an emergency and as an air ambulance;
 - v. outside the Central City, boating activities permitted under Rule 18.6.2.1 P3;

- vi. outside the Central City, normal farming practices undertaken for a limited duration, and using equipment which is mobile during its normal use. This includes activities such as harvesting, but does not include the use of helicopters, bird-scaring devices, frost control fans or irrigation pumps (for these activities refer to Rule 6.1.6.2.4). Motorbikes and chainsaws are only exempt when being used as part of normal agricultural activity;
 - vii. spontaneous social activities and children's play (but not including pre-school facilities);
 - viii. the use of generators and mobile equipment (including vehicles) for emergency purposes where they are operated by emergency services or lifeline utilities; and
 - ix. the use of mobile generators by lifeline utilities for planned electricity supply interruption not exceeding 48 hours in duration; and
 - x. activities at emergency service facilities associated with emergency response and emergency response training.
- b. Any noise received in the Open Space Natural Zone from activities in the adjoining Specific Purpose (Burwood Landfill and Resource Recovery Park) is not subject to noise limits for the Open Space Zone under Rule 6.1.5.1. All other provisions apply to activities within the zone.

Advice Notes:

1. Although these noise sources are exempted from meeting the rules, any potential and actual adverse effects shall be considered for any discretionary or non-complying activity.
2. While not exempt from the noise provisions, broadband reversing alarms are encouraged in preference to tonal models.

6.1.4.3 Duration of resource consents for activities operating after 2300 hours in Category 3 Precincts in Commercial Central City Mixed Use Zones

- a. In the Commercial Central City Mixed Use Zone and Commercial Central City Mixed Use (South Frame) Zone, any resource consent granted under Rule 6.1.5 for activities operating after 2300 hours in Category 3 Precincts shall be limited in duration to 7 years. For the avoidance of doubt, further resource consent/s for an additional 7 year term, or shorter duration, can be sought.

6.1.5 Zone Specific Noise Rules

Rule 6.1.5 does not apply to activities for which activity specific rules are specified in Rule 6.1.6 (unless otherwise specified in Rule 6.1.6). Rule 6.1.6 applies to these activities.

6.1.5.1 Activity status tables

6.1.5.1.1 Permitted activities

The activities listed below are permitted activities if they meet with the activity specific standards set out in the following table.

	Activity	Activity specific standards
P1	Outside the Central City, any activity that generates noise and which is not exempt by Rule 6.1.4.2 or specified in Rule 6.1.5.1.1 P2 below.	a. Any activity that generates noise shall meet the Zone noise limits outside the Central City in Rule 6.1.5.2.1.
P2	Outside the Central City, people in outdoor areas of premises licensed for the sale, supply, and/or consumption of alcohol, in all commercial zones.	a. No noise standard applies. b. The activity shall only occur between 0700 hours and 2200 hours. c. The maximum size of the outdoor area shall be 50m ² . d. The outdoor area shall be setback at least 10 metres from the boundary of any site in a residential zone.
P3	In the Central City, any activity that generates noise and which is not exempt by Rule 6.1.4.2.	a. Any activity that generates noise shall meet the Noise limits in the Central City in Rule 6.1.5.2.2.

6.1.5.1.2 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 6.1.8, 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 6.1.5.1.1 P1 or P3 that exceeds the noise limits in the activity specific standards by 10 dB or less.	a. Matters of discretion - Rule 6.1.8

6.1.5.1.3 Discretionary activities

The activities listed below are discretionary activities.

Activity
D1 Any activity listed in Rule 6.1.5.1.1 P2 that does not meet one or more of the activity specific standards.
D2 Any activity not provided for as a permitted, restricted discretionary or non-complying activity.

6.1.5.1.4 Non-complying activities

The activities listed below are non-complying activities.

Activity
NC1 Any activity listed in Rule 6.1.5.1.1 P1 or P3 that exceeds the noise limits in the activity specific standards by more than 10 dB.

6.1.5.2 Noise Standards

6.1.5.2.1 Zone noise limits outside the Central City

- a. Outside the Central City, any activity that generates noise shall meet the Zone noise limits in Table 1 below at any site receiving noise from that activity, as relevant to the zone of the site receiving the noise.

Table 1: Zone noise limits outside the Central City

Zone of site receiving noise from the activity	Time (hrs)	Noise Limit (dB)	
		LAeq	LAmx
a. All residential zones (other than in the Accommodation and Community Facilities Overlay)	0700-2200	50	n/a
	2200-0700	40	65
b. All rural zones, except Rural Quarry Zone, assessed at any point within a notional boundary			
c. Specific Purpose (Flat Land Recovery) Zone			
d. Papakāinga/Kāinga Nohoanga Zone			
e. All commercial zones	0700-2200	55	n/a
	2200-0700	45	70
e. All open space zones			
f. All rural zones, except Rural Quarry Zone, assessed at the site boundary			
g. Accommodation and Community Facilities Overlay			
h. All industrial park zones (excluding Awatea and Memorial Avenue)			
i. Industrial Office Zone			
j. Specific Purpose (Cemetery, Schools, Tertiary Education, Golf Resort, Defence Wigram and Hospital) Zones			
k. Industrial General Zone	0700-2200	70	n/a
	2200-0700	70	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700			
l. Industrial Park – (Awatea and Memorial Avenue) Zones	0700-2200	60	n/a
	2200-0700	60	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700			
m. Industrial Heavy Zone	0700-2200	75	n/a
	2200-0700	75	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700.			
n. Rural Quarry Zone	0700-2200	65	n/a
o. Specific Purpose (Styx Mill Road Transfer Station)	2200-0700	65	n/a

Zone of site receiving noise from the activity	Time (hrs)	Noise Limit (dB)	
		LAeq	LAmx
<p>p. Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone</p> <p>Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700.</p>			

6.1.5.2.2 Noise limits in the Central City

- a. In the Central City, any activity that generates noise shall meet the Noise standards in Table 2 below at any site receiving noise from that activity, as relevant to the Category of Precinct in which the noise-generating activity is located (as shown on the Central City Entertainment and Hospitality Precinct Overlay Planning Map).

Table 2: Noise standards for each Category

Category of Precinct in which the activity is located			Applicable to:	Time (hrs)	Noise Limit		Exemptions
					LAeq	LAmax	
a.	Category 1: Higher noise level entertainment and hospitality precincts.		Activities other than discrete outdoor entertainment events	0700-0300	60	85	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol that meet the outdoor area setback required by Rule 6.1.4.2.10.
				0300-0700	60	75	
			Discrete outdoor entertainment events	0700-2200	65	85	
				2200-0700	65	85	
b.	Category 2: Lower noise level entertainment and hospitality precincts.	All except Victoria Street area	All activities	0700-0100	60	85	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol that meet the specified outdoor area setback required by Rule 6.1.4.2.10, between 0700 hours and 2300 hours for the Victoria Street area and between 0700 hours and 0100 hours for the remainder of Category 2.
				0100-0700	50	75	
		Victoria Street area	All activities	0700-2300	55	85	
				2300-0700	50	75	
			All activities	0700-2300	55	85	

Category of Precinct in which the activity is located	Applicable to:	Time (hrs)	Noise Limit		Exemptions
			LAeq	LAmx	
c. Category 3: All Central City areas other than Category 1 and 2 entertainment and hospitality precincts.	All activities	2300-0700	45	75	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol up to a maximum size of 50m ² , in all Category 3 Zones except Central City Residential Zone, between 0700 hours and 2300 hours.

Advice Notes:

1. The map of the three categories is shown in the Central City Entertainment and Hospitality Precinct Overlay Planning Map.
2. Compliance with the noise limits in Table 2 relating to entertainment and hospitality activities may require assessment of the ability of individual site design and building construction to attenuate noise to the required level, e.g. noise lobbies, “sound ceilings” or other means, or certification by an experienced acoustic consultant.

6.1.6 Activity Specific Noise Rules

6.1.6.1 Activity status tables

6.1.6.1.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

	Activity	Activity standards
P1	Any activity listed in: <ol style="list-style-type: none"> a. Rule 6.1.6.2.1 (Generators for emergency purposes), b. Rule 6.1.6.2.2 (Temporary military training activities or emergency management activities), c. Rule 6.1.6.2.3 (Temporary activities), d. Rule 6.1.6.2.5\4 (Rural activities), e. Rule 6.1.6.2.5 (Aircraft operations at Christchurch International Airport), f. Rule 6.1.6.2.6 (On-aircraft engine testing at Christchurch International Airport), 	<ol style="list-style-type: none"> a. The activities shall meet the activity standards in the following rules: <ol style="list-style-type: none"> i. Rule 6.1.6.2.1 (Generators for emergency purposes), ii. Rule 6.1.6.2.2 (Temporary military training activities or emergency management activities), iii. Rule 6.1.6.2.3 (Temporary activities), iv. Rule 6.1.6.2.4 (Rural activities), v. Rule 6.1.6.2.5 (Aircraft operations at Christchurch International Airport), including the following additional activity standards:

	Activity	Activity standards
	g. Rule 6.1.6.2.8 (Helicopter movements), h. Rule 6.1.6.2.9 (Sensitive activities in the Central City), other than as provided for in Rule 6.1.6.1.3 D3, i. Rule 6.1.6.2.10 (Licensed premises outdoor areas in the Central City), or j. Rule 6.1.6.2.11 (Shooting ranges within 1km of Peacock Springs).	A. Rule 6.1.6.2.7.1 (Airport Noise Management Plan); B. Rule 6.1.6.2.7.2 (Acoustic treatment and advice); C. Rule 6.1.6.2.7.3 (Airport Noise Liaison Committee), vi. Rule 6.1.6.2.6 (On-aircraft engine testing at Christchurch International Airport), including the following additional activity standards: A. Rule 6.1.6.2.7.1 (Airport Noise Management Plan); B. Rule 6.1.6.2.7.2 (Acoustic treatment and advice); C. Rule 6.1.6.2.7.3 (Airport Noise Liaison Committee), vii. Rule 6.1.6.2.8 (Helicopter movements), viii. Rule 6.1.6.2.9 (Sensitive activities in the Central City), ix. Rule 6.1.6.2.10 (Licensed premises outdoor areas in the Central City), or x. Rule 6.1.6.2. 11 (Shooting ranges within 1km of Peacock Springs). b. In the Central City, all activities shall also comply with Rule 6.1.5.
P2	Construction activities	a. Construction activities shall meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.

6.1.6.1.2 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 6.1.8, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
RD1 Any activity listed in: a. Rule 6.1.6.2.1 (Generators for emergency purposes), b. Rule 6.1.6.2.2 (Temporary military training activities or emergency management activities), c. Rule 6.1.6.2.3 (Temporary activities),	a. Matters of discretion – Rule 6.1.8

Activity		The Council's discretion shall be limited to the following matters:
	<p>d. Rule 6.1.6.2.4 (Rural activities),</p> <p>e. Rule 6.1.6.2.9 (Sensitive activities in the Central City), other than as provided for in Rule 6.1.6.1.3 D3,</p> <p>f. Rule 6.1.6.2.10 (Licensed premises outdoor areas in the Central City), or</p> <p>g. Rule 6.1.6.2.11 (Shooting ranges within 1km of Peacock Springs), that:</p> <p>i. exceeds any noise limits in the activity standards for that activity by 10 dB or less, or</p> <p>ii. does not meet one of more of the other activity standards for that activity.</p> <p>Any application arising from Rule 6.1.6.1.2 RD1 g. (Shooting ranges within 1km of Peacock Springs) shall not be publicly notified and shall be limited notified only to the trustees of The Isaac Conservation and Wildlife Trust or its successors (absent their written approval).</p> <p>Note: This rule does not apply to the Specific Purpose (Ruapuna Motorsport) Zone or the Christchurch Kart Club raceway at Carrs Road.</p>	
RD2	Construction activities listed in Rule 6.1.6.1.1 P2 that do not meet the activity specific standard.	

6.1.6.1.3 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity listed in: <p>a. Rule 6.1.6.2.5 (Aircraft operations at Christchurch International Airport), or</p> <p>b. Rule 6.1.6.2.6 (On-aircraft engine testing at Christchurch International Airport),</p> <p>that does not meet one of more of the activity standards for that activity, including one of more of the relevant additional activity standards for these activities in Rules 6.1.6.2.7.1, 6.1.6.2.7.2 and 6.1.6.2.7.3.</p>
D2	Helicopter movements listed in Rule 6.1.6.2.8 (Helicopter movements) that do not meet one or more of the activity standards for that activity, other than for air ambulance or emergencies.
D3	In the Central City, any residential activity or guest accommodation located within a Category 1 Precinct as shown on the Central City Entertainment and Hospitality Precinct Overlay Planning Map.

6.1.6.1.4 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Any activity not provided for as a permitted, restricted discretionary or discretionary activity.
NC2	Any activity listed in:

Activity	
	<ul style="list-style-type: none"> a. Rule 6.1.6.2.1 (Generators for emergency purposes), b. Rule 6.1.6.2.2 (Temporary military training activities or emergency management activities), c. Rule 6.1.6.2.3 (Temporary activities), d. Rule 6.1.6.2.4 (Rural activities), e. Rule 6.1.6.2.9 (Sensitive activities in the Central City), other than as provided for in Rule 6.1.6.1.3 D3, f. Rule 6.1.6.2.10 (Licensed premises outdoor areas in the Central City), or g. Rule 6.1.6.2.11 (Shooting ranges within 1km of Peacock Springs), <p>that exceeds any noise limits in the activity standards for that activity by more than 10 dB.</p>

6.1.6.2 Activity standards

6.1.6.2.1 Generators for emergency purposes

- a. Except as provided for in Rule 6.1.4.2, the use of generators, for emergency purposes only, including during planned electricity supply interruption exceeding 48 hours in duration, shall meet the following activity standards:
 - i. The activity shall, at any time, meet the Zone noise limits specified for between 0700 hours and 2200 hours in Table 1 of Rule 6.1.5.2.1 at any site receiving noise from the activity, as relevant to the zone of the site receiving the noise.
 - ii. Routine testing shall occur only on weekdays between the hours of 0900 and 1700, and shall meet the Zone noise limits in Table 1 of Rule 6.1.5.2.1 at any site receiving noise from the activity, as relevant to the zone of the site receiving the noise.

For avoidance of doubt, non-emergency use of generators, including peak-logging, shall comply with Rule 6.1.5.

6.1.6.2.2 Temporary military training activities or emergency management activities

- a. Temporary military training activities or emergency management activities shall meet the following activity standards:
 - i. The activities shall meet the noise standards in Table 3 below.
 - ii. Activity 1 in Table 3 shall meet either the minimum separation distance; or if within the minimum separation distance, the maximum noise limit, as specified in Table 3. At least 10 days prior to the activity occurring, the Council and the occupier of the land and adjoining properties shall be informed of the activity and whether Standard 1 a. or 1 b. will be used.
 - iii. The decibel noise standards specified in Table 3 for Activity 1. and 3. shall apply at any point within the notional boundary of any sensitive activity.
 - iv. The minimum separation distances specified in Table 3 shall be measured between the boundary of the temporary military training activity or emergency management training activity and the notional boundary of any sensitive activity.

- v. The duration of the temporary military training activity or emergency management training activity shall be limited to a period not exceeding 31 days, excluding set-up and pack-down activities.

Table 3: Temporary military training activity or emergency management activity noise standards

	Activity	Time (Hrs)	Noise Standard
1.	Firing of weapons and single or multiple explosive events.	0700 – 1900	The activity shall either: a. meet a minimum separation distance of 1,500 metres; or b. if within 1,500 metres, not exceed the noise level of 65 dB LAmax.
		1900 – 0700	The activity shall either: a. meet a minimum separation distance of 4,500 metres; or b. if within 4,500 metres, not exceed the noise level of 50 dB LAmax.
2.	Helicopter movements	All times	NZS6807:1994 ‘Noise Management and Land Use Planning for Helicopter Landing Areas’
3.	Any other noise-generating activities	a. The activity shall meet the decibel noise limits of Table 1 or 2 of Rule 6.1.5.2, except that: i. on up to 10 days per year on any site, activities may exceed the decibel noise limits in Table 1 or 2 of Rule 6.1.5.2 by 10 dB or less, and ii. the noise limit in Table 1 g. of Rule 6.1.5.2 at a rural site boundary shall not apply.	

6.1.6.2.3 Temporary activities

- a. Temporary activities specified in Rule 6.2, other than temporary military training activities or emergency management activities which are subject to the activity standards in Rule 6.1.6.2.2, shall meet the following activity standards:
- i. Temporary activities specified in Rule 6.2, and located on a site listed in Table 4 below, shall meet the noise standards set out in Table 4.

Table 4: Location-specific noise standards

Refer to Appendix 6.11.3 for maps of the locations specified in this table.

	Location	Maximum No. of Days	Time limit (Hrs)	Noise limit (dB)		Qualifications
				LAeq	LAFmax	
1.	Lancaster Park	3 days per year	0900–2230	65	85	a. Assessed at the boundary with any site in a residential zone.
2.	Queen Elizabeth II Park					
3.	Specific Purpose (Wigram) Zone	Refer to Rule 21.1.3.1P2	Refer to Rule 21.1.3.1 P2	65 (15 min)	85	a. Applies only to temporary recreation activities or exhibitions provided for by Rule 21.1.3.1 P2.
4.	Temporary Christchurch Stadium	Refer to the provisions for Temporary Christchurch Stadium, including noise, of Chapter 18 Rule 18.3.5.				
5.	Christchurch Kart Club Raceway at Carrs Road	120 days per year, excluding Christmas Day and Boxing Day	0900-1700	65	85	a. These noise limits shall apply between 0900 hrs and 1800 hrs for official kart racing events that comply as a KartSport NZ race meeting with a status of Group A to Group G event, and are fixed in the published annual calendar of the Christchurch Kart Club.
		1 day between Monday and Friday each week, excluding public holidays, that is fixed in the published annual calendar of Christchurch Kart Club	1300-1700	65	85	
6.	Ruapuna Motorsport Park – Specific Purpose (Ruapuna Motorsport) Zone	Refer to the noise provisions of the Specific Purpose (Ruapuna Motorsport) Zone in Chapter 21.				
7.	Hagley Park	Any	0900-2200	50	85	a. Assessed at any property in a Residential Central City Zone.
			2200-0900	40	75	
		30 days per year	0900-2230	70	85	b. Fireworks are exempt from the LAmix limits.
		5 of the above 30 days per year	0900-2230	75	85	
		New Years Eve/Day	0900-0030 (12:30am New Years Day)	75	85	
8.	Cathedral Square	120 days per year	0900-2230	70	85	
9.	Victoria Square	20 days per year	0900-2230	70	85	

- ii. Any temporary activity specified in Rule 6.2, and located on a site not listed in Table 4, shall:
 - A. be located no closer than 30 metres from any residential unit;
 - B. use sound amplification for a total duration not exceeding 4 hours per day on any site, including all sound checks; and
 - C. occur only between 0900 hours and 2200 hours;
 and for sound amplified activities, either:
 - D. have a total amplified power not exceeding 500 Watts RMS; or
 - E. result in a sound level not exceeding 65 dB LAeq at any residential unit, to be evidenced by a report from a suitably qualified acoustic consultant.

6.1.6.2.4 Rural activities

- a. Bird-scaring devices shall meet the following activity standards:
 - i. Any bird-scaring devices shall:
 - A. not operate between sunset and sunrise;
 - B. not be used within 200 metres of a notional boundary of a residential unit;
 - ii. Noise from such devices, including clusters of up to three shots from gas operated devices, or three multiple shots from a firearm in rapid succession, shall not exceed 65 dB LAE when assessed at any point within the notional boundary of any residential unit on any other site.
- b. Frost control fans shall meet the following activity standards:
 - i. Any noise generated by a frost control fan shall not exceed 55 dB LAeq when assessed at the notional boundary of any residential unit on a separate site under different ownership.
 - ii. This noise limit in Rule 6.1.6.2.4 b.i. applies to the total noise from all frost control fans in the vicinity operating simultaneously.
 - iii. The noise limit in Rule 6.1.6.2.4 b.i. includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured or calculated noise levels.
- c. Any other rural activity shall comply with Rule 6.1.5.

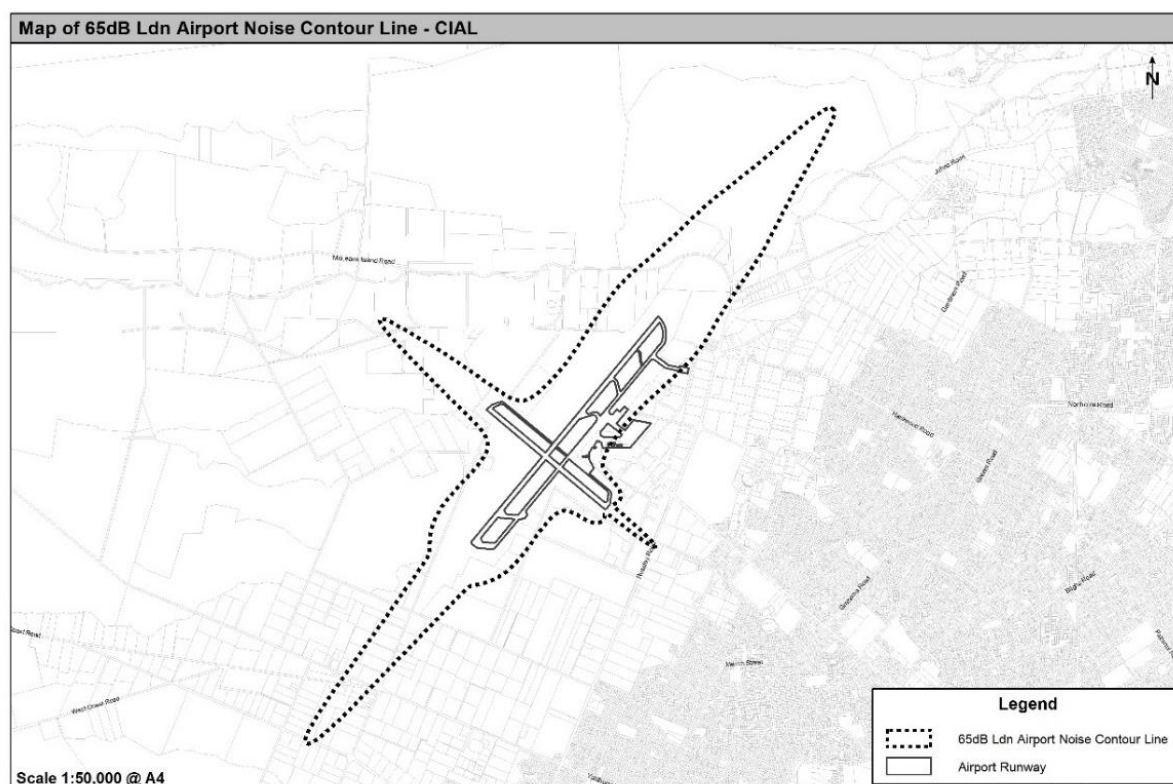
6.1.6.2.5 Aircraft operations at Christchurch International Airport

- a. Aircraft operations at Christchurch International Airport shall meet the following activity standards:
 - i. Noise from aircraft operations shall not exceed 65 dB Ldn outside the 65 dB Ldn Air Noise Compliance Contour shown in Figure 1, other than as provided for in Rule 6.1.6.2.5 a.ii..

- ii. Noise from aircraft operations may exceed the aircraft noise limit in Rule 6.1.6.2.5 a.i. by not more than 2 dB, provided that such exceedance is due to atypical weather, national flight disruption, natural disaster or other unplanned circumstance.
- iii. Monitoring and determining compliance with activity standards i. and ii. above shall be as follows:
 - A. Noise monitoring of aircraft operations shall be based on calculations from an operational aircraft noise model, and records of actual aircraft operations at Christchurch International Airport over the previous year's aircraft operations.
 - B. Noise from aircraft operations shall be calculated as the Annual Aircraft Noise Contour (AANC), over the busiest three month period of the previous year.
 - C. The calculations shall be performed by a person with appropriate qualifications and experience in airport noise modelling and acoustics assessments.
 - D. The calculated results shall be verified by noise measurements carried out in accordance with the Airport Noise Management Plan required under Rule 6.1.6.2.9.1.
 - E. The measurement of aircraft sound exposure levels and the derivation of the 65 dB Ldn contour shall be in accordance with NZS 6805:1992.
- iv. An Aircraft Operations Noise Monitoring Report shall be provided annually by the Airport Operator to the Council. The report shall include:
 - A. the calculated AANC;
 - B. the results of the verification measurements;
 - C. analysis of compliance with reference to Rule 6.1.6.2.5 a.i. and ii.(including the number of exceedances and the reasons for them); and
 - D. a summary of complaints received over the previous year in relation to noise from aircraft operations, and any actions taken in response.
- v. The additional activity standards in Rule 6.1.6.2.7 for aircraft operations at Christchurch International Airport shall be met.

Figure 1: 65 dB Ldn Air Noise Compliance Contour

[Refer to Directions for amendment]



6.1.6.2.6 On-aircraft engine testing at Christchurch International Airport

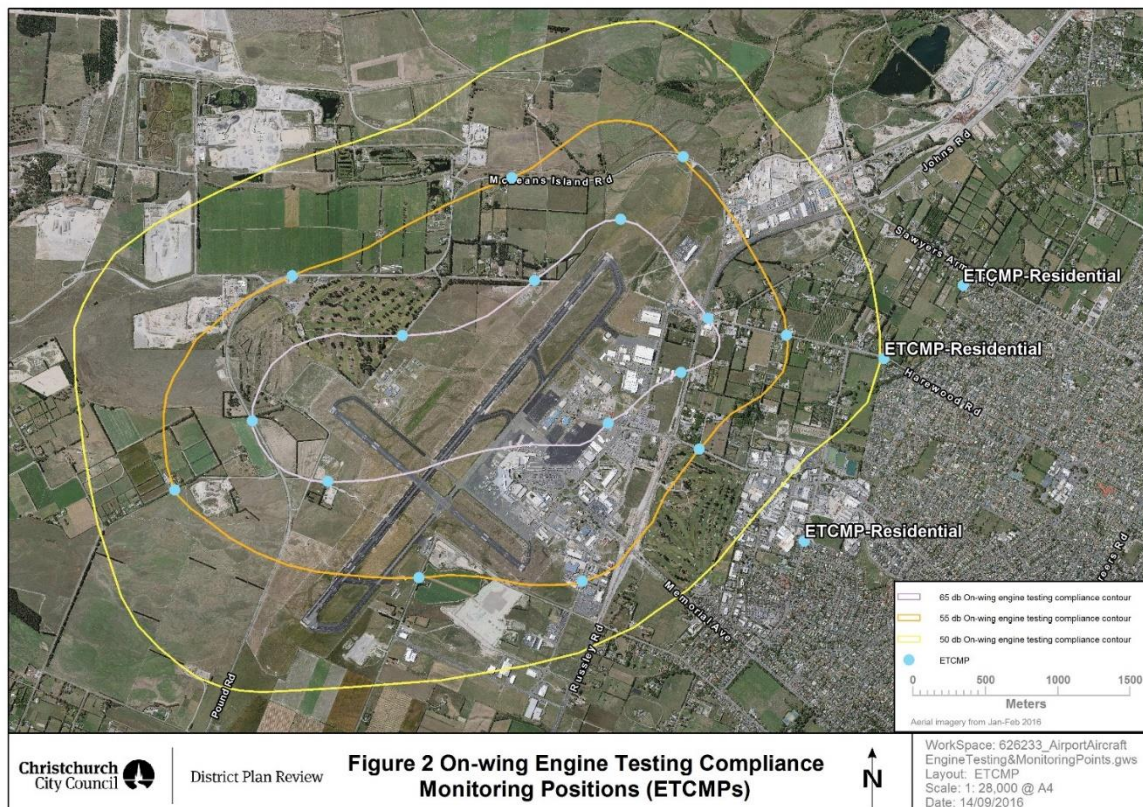
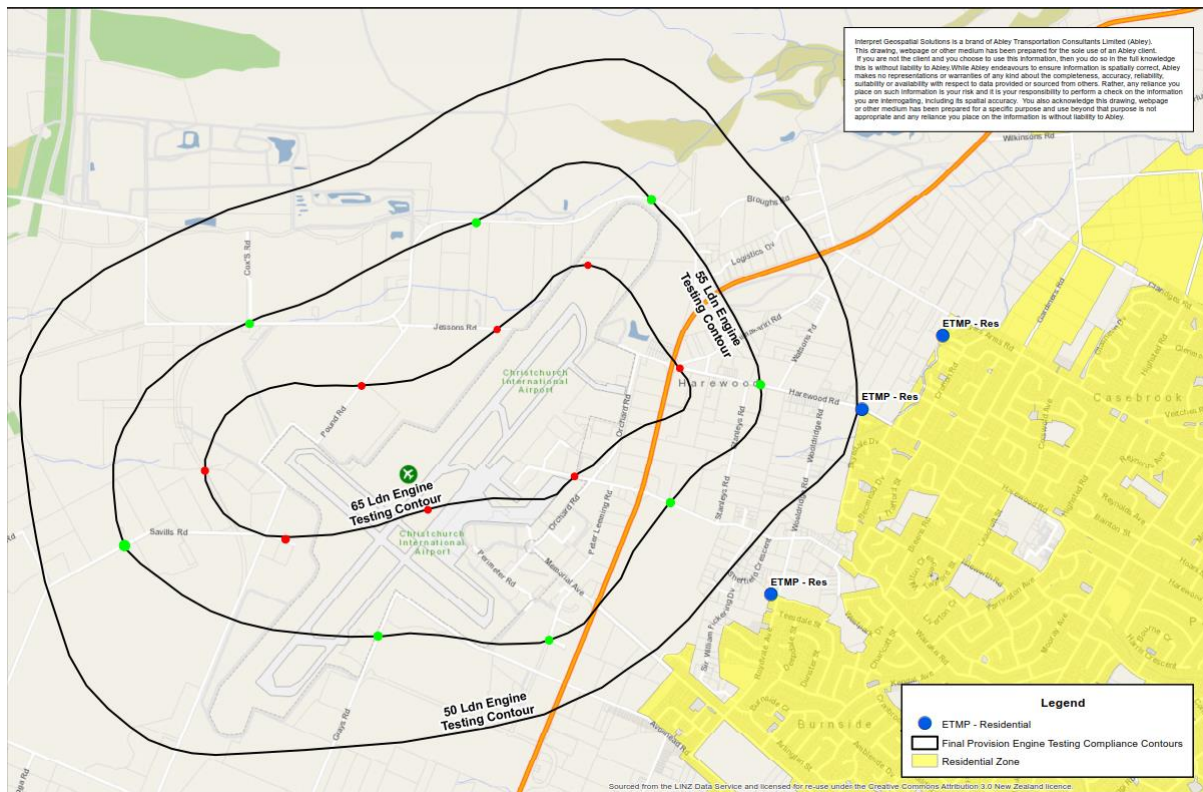
- a. The testing of engines on aircraft at Christchurch International Airport shall meet the following activity standards:
 - i. Noise from the testing of engines on aircraft shall not exceed the noise limits shown in Table 5 below at the engine testing compliance monitoring positions (ETCMPs) shown in Figure 2.

Table 5: - On-aircraft engine testing noise limits

Noise Limit	Engine testing compliance monitoring positions (ETCMP) - refer Figure 2
65 dB L_{dn} , 7 day	8 points
55 dB L_{dn} , 7 day	8 points
75 dB L_{Amax} 2200 to 0700 only	Edge of residential zone – 3 points

Figure 2 - On-aircraft engine testing compliance monitoring positions (ETCMPs)

[Refer to Directions for amendments]



- ii. All high power testing of jet engines on an aircraft shall occur between the hours of 0700h and 2200h, except that a maximum of 5 unplanned engine testing events within any three month period may occur between the hours of 2200h and 0700h.

- iii. Testing of turbo prop engines on an aircraft between the hours of 2200h and 0700h, when the total duration of testing at high power is five minutes or more per aircraft, shall be conducted in the vicinity of the threshold of Runway 11 (ie. the north-western end of the cross-runway).
- iv. The following exclusions apply:
 - A. The testing of engines on an aircraft used for Antarctic operations, is excluded from activity standards i.-iii..
 - B. The testing of engines on any aircraft is excluded from activity standards i.-iii., where such work is necessary to satisfy an airworthiness directive or other like safety requirement issued by the Minister of Transport, the Director of Civil Aviation or the Civil Aviation Authority, as is any other unplanned testing arising from an aircraft operator's identification of a safety issue relating to an aircraft fleet, or required as a result of a natural disaster including volcanic eruption.
 - C. The testing of turbo prop engines on an aircraft is exempted from activity standard iii. when Runway 11/29 is in use.
- v. Monitoring and determining compliance with activity standard a.i. above shall be as follows:
 - A. Compliance or otherwise with activity standard a.i. shall be demonstrated by calculations of on-aircraft engine testing noise emissions based on the actual on-aircraft engine testing events and calculations of noise emissions for the engine testing events and configurations in question. The noise level (Ldn, 7day) shall be calculated as a 7 day rolling average.
 - B. The calculations in activity standard a.v.A. shall be verified by measurements undertaken with reference to at least four ETCMPs for a sample of at least two different on-aircraft engine test configurations. Verification measurements shall be carried out for an initial period of 6 months and subsequently be undertaken at least once every two years.
- vi. An On-aircraft Engine Testing Report shall be provided quarterly by the Airport Operator to the Council. The report shall include:
 - A. a summary of all on-aircraft engine testing activities undertaken in the quarter; and
 - B. identification of all tests undertaken both in accordance with activity standard a.i. and those excluded by activity standard a.iv., including reasons for the tests excluded and any measures taken to manage noise effects during those excluded tests.
- vii. An On-aircraft Engine Testing Noise Monitoring Report shall be provided annually by the Airport Operator to the Council. The report shall include:
 - A. the results of verification measurements in accordance with activity standard v.B.; and
 - B. analysis of compliance with reference to Rule 6.1.6.2.6 a.i.; and
 - C. a summary of complaints received over the previous year in relation to noise from on-aircraft engine testing, and any actions taken in response.

- viii. The additional activity standards in Rule 6.1.6.2.7 for on-aircraft engine testing at Christchurch International Airport shall be met.

6.1.6.2.7 Additional activity standards for aircraft operations and on-aircraft engine testing at Christchurch International Airport

- a. The following additional activity standards apply to aircraft operations and to the testing of engines on aircraft at Christchurch International Airport.

6.1.6.2.7.1 Airport Noise Management Plan

- a. Within 12 months of [the date of this Chapter becoming operative], noise from aircraft operations and on-aircraft engine testing at Christchurch International Airport shall be managed in accordance with an Airport Noise Management Plan prepared by a suitably qualified and experience person in consultation with the Airport Noise Liaison Committee, in accordance with the requirements set out in Appendix 6.11.4. The Airport Noise Management Plan shall be reviewed, and updated if required, at least once every two years.
- b. The Airport Noise Management Plan shall:
 - i. demonstrate how compliance with the following noise limits will be achieved:
 - A. for aircraft operations - Rule 6.1.6.2.5; and
 - B. for on-aircraft engine testing - Rule 6.1.6.2.6.
 - ii. provide the details of the noise monitoring programme;
 - iii. incorporate a procedure for transparently and expediently responding to any complaints received in relation to noise from aircraft operations and on-aircraft engine testing; and
 - iv. incorporate a procedure for transparently and expediently presenting, in a publicly accessible forum, the following:
 - A. the Noise Monitoring Reports and On-aircraft Engine Testing Report required by Rules 6.1.6.2.5 and 6.1.6.2.6;
 - B. a 7-day rolling report of noise from on-aircraft engine testing against the requirements of Rule 6.1.6.2.6 a.; and
 - C. a daily L_{Amax} report of noise from on-aircraft engine testing against the requirements of Rule 6.1.6.2.6 a. at the edge of the residential zone.

6.1.6.2.7.2 Acoustic treatment and advice

- a. Within 12 months of [the date of this Chapter becoming operative], an Acoustic Treatment Programme shall be prepared by the Airport Operator, in consultation with the Airport Noise Liaison Committee, in accordance with the requirements of Appendix 6.11.15, for any residential unit existing as at [the date of this Chapter becoming operative] and located within the Rural Urban Fringe and Rural Waimakariri Zones, that is partly or wholly located within either:
 - i. the 65 dB Ldn Annual Aircraft Noise Contour as shown in the Aircraft Operations Noise Monitoring Report provided annually to the Council in accordance with Rule 6.1.6.2.5 a.iv.; or

- ii. the 65 dB and 60 dB Ldn Engine Testing Contours shown on the Planning Maps.

The Acoustic Treatment Programme shall be reviewed, and updated if required, at least once every two years.

- b. Within the following timeframes, acoustic treatment shall be formally offered by the Airport Operator to the owners of any residential unit that meets the requirements of Rule 6.1.6.2.7.2 a., in accordance with the Acoustic Treatment Programme and the requirements of c. or d. below:
 - i. within 24 months of [the date of this Chapter becoming operative] for all residential units that meet the requirements at that time; and
 - ii. each year after that date, within 12 months from the date of the provision to the Council of the Aircraft Operations Noise Monitoring Report Council in accordance with Rule 6.1.6.2.5 a. iv., for any additional residential units that meet the requirements at that time.
- c. Where a residential unit is partly or wholly contained within either:
 - i. the 65 dB Ldn Annual Aircraft Noise Contour as shown in the Aircraft Operations Noise Monitoring Report provided annually to the Council in accordance with Rule 6.1.6.2.5 a.iv.; or
 - ii. the 65 dB Ldn Engine Testing Contour shown on the Planning Maps,

the formal offer from the Airport Operator to the owner of that residential unit shall be for 100% funding for retrofitting acoustic treatment, to achieve the internal design sound level of 40 dB Ldn in habitable rooms. If windows and doors are required to be closed to achieve the internal design sound level, the acoustic treatment shall include mechanical ventilation meeting the requirements of Rule 6.1.7.2.1 a.ix for sound generation and airflow rate.
- d. Where a residential unit is partly or wholly located between the 60 dB Ldn and the 65 dB Ldn Engine Testing Contours shown on the Planning Maps (but not within the 65 dB Ldn Annual Aircraft Operational Contour), the formal offer from the Airport Operator to the owner of that residential unit shall be for 75% funding for retrofitting mechanical ventilation, to allow windows to be closed if necessary to achieve an internal design sound level of 40 dB Ldn for habitable rooms. Mechanical ventilation shall meet the requirements of Rule 6.1.7.2.1 a.ix for sound generation and airflow rate.
- e. Where the offers under b.- d. above are accepted by the owners, the acoustic treatment shall be provided by the Airport Operator according to the Acoustic Treatment Programme prepared under a. above, but not exceeding a cost of \$30,000 (under c.) or \$22,500 (under d.) per dwelling (inclusive of GST and inflation adjusted from 2016 to the Consumer Price Index).
- f. An internal design sound level of 40 dB Ldn for habitable rooms is not required to be achieved if:
 - i. the property owner accepts a form or level of acoustic treatment that results in a different internal design sound level; or
 - ii. it is impracticable to achieve the specified internal design sound level due to the desirability of maintaining heritage features of a building. Instead, the internal design sound level of the habitable rooms will be reduced as far as practicable.
- g. Within 24 months of [the date of this Chapter becoming operative], the Airport Operator shall provide technical advice on acoustic treatment to all residential units existing as at [the date of this Chapter becoming operative] within the Rural Urban Fringe, Rural Waimakairiri or Rural

Quarry Zones, which are located partly or wholly located between the 55 dB Ldn and the 60 dB Ldn Engine Testing Contours shown on the Planning Maps.

6.1.6.2.7.3 Airport Noise Liaison Committee

- a. Within 6 months of [the date of this Chapter becoming operative], an Airport Noise Liaison Committee (the Committee) shall be established and operated by the Airport Operator.
- b. The Airport Operator shall:
 - i. invite the following parties to appoint members of the Committee:
 - A. two representatives appointed by the Airport Operator;
 - B. at least two members of Christchurch City Community Boards (as representatives of the community) appointed by Christchurch City Council;
 - C. one Environmental Health Officer appointed by Christchurch City Council (non-voting);
 - D. two representatives appointed by the Board of Airline Representatives of New Zealand; and
 - E. one representative appointed by the Isaac Conservation and Wildlife Trust.
 - ii. provide facilities and administrative support for the Committee in order that it can meet not less than twice annually.
- c. The Committee may consider and make recommendations to the Airport Operator on:
 - i. Any community concerns regarding noise from aircraft operations and engine testing;
 - ii. Liaison with, and provision of relevant information to the community;
 - iii. the preparation, review and updating if required of the Airport Noise Management Plan as required by Rule 6.1.6.2.7.1;
 - iv. the preparation, review and updating if required of the Acoustic Treatment Programme and its implementation as required by Rule 6.1.6.2.7.2;
 - v. complaints received over the previous year in respect of noise from aircraft operations and on-aircraft engine testing, and any actions taken in response to those complaints; and
 - vi. Reviewing, and updating if required, the procedures associated with noise complaints received over the previous year.
- d. The Airport Operator shall provide an annual report to the Council regarding the following:
 - i. the composition of the Committee; and
 - ii. summaries of the Committee's consideration of the matters specified in Rule 6.1.6.2.7.2 b. iii..

6.1.6.2.8 Helicopter movements

- a. Helicopter movements shall meet the following activity standards:
 - i. Helicopter movements shall only occur between 0800 hours and 1800 hours.

- ii. Within 25 metres of any residential unit, no helicopter movement shall take place, unless that residential unit is on the site on which the landing or take-off occurs.
- iii. Where a site is between 25 metres and 450 metres from a residential unit, the number of helicopter movements on that site shall not exceed 24 in any calendar year, or 10 in any month, or six in any week, unless that residential unit is on the site on which the landing or take-off occurs.
- iv. Within the Specific Purpose (Airport) Zone, noise created by helicopter movements, or hovering above points within the zone shall not exceed 50 dB Ldn at any point within the notional boundary of any rurally zoned site or within the boundary of any residentially zoned site.

6.1.6.2.9 Sensitive activities in the Central City

- a. Sensitive activities in the Central City shall met the following activity standards:
 - i. Any sensitive activity shall achieve a minimum external to internal noise reduction of:
 - A. Category 2 Precincts:
 - I. 35 dB Dtr, 2m, nTw + Ctr for bedrooms;
 - II. 30 dB Dtr, 2m, nTw + Ctr for other habitable spaces.
 - B. Category 3 Precincts adjoining the Category 1 Precinct:
 - I. 35 dB Dtr, 2m, nTw + Ctr for bedrooms;
 - II. 30 dB Dtr, 2m, nTw + Ctr for other habitable spaces.
 - C. Category 3 Precincts zoned residential, if within 75 metres of a Category 1 or 2 Precincts or H8 Stadium (Incorporating Spectator Events Facility) shown on Planning Maps 32 and 39, and not already covered by B. above:
 - I. 30 dB Dtr, 2m, nTw + Ctr for bedrooms.
 - D. Category 3 Precincts zoned Commercial Central City Business, Commercial Central City Mixed Use, Commercial Central City Mixed Use (South Frame) and Commercial Local and not already covered by B. above:
 - I. 30 dB Dtr, 2m, nTw + Ctr for bedrooms.

Advice Note:

- 1. Meeting this activity standard can be achieved by either:
 - a. Conforming with the schedule of typical building constructions set out in Appendix 6.11.4; or
 - b. Providing an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed is capable of meeting the above standards.

6.1.6.2.10 Licensed premises outdoor areas in the Central City

- a. Outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol in the Central City shall meet the following activity standards:
 - i. Outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol located within Category 1 or 2 Precincts shall be set back by at least 25 metres from the boundary of any premise or site that is a Category 3 Precinct zoned Residential Central City, Commercial Central City Mixed Use or Commercial Central City Mixed Use (South Frame).
 - ii. Activity standard i. shall not apply to sites that adjoin areas designated as H8 Stadium (Incorporating Spectator Events Facility) shown in Planning Maps 32 and 39.
 - iii. For the avoidance of doubt, the 25 metre setback can include any Transport Zone or open space zone, or any combination of these.

6.1.6.2.11 Shooting ranges within 1km of Peacock Springs

- a. Any shooting ranges located within 1km of the Peacock Springs Conservation Area, as shown in Chapter 17 Appendix 17.9.1, shall not generate noise levels exceeding 60 dB L_{Amax} at any time when received at any point within the Peacock Springs Conservation Area, except that for the purpose of determining compliance with this rule within Lot 1 DP 38246 noise measurements shall be taken from points within the base of the former quarry.
- b. Notwithstanding Rule 6.1.3 f.ii., the Zone Specific Noise Rules in Rule 6.1.5 shall also apply.

6.1.7 Rules - Activities near infrastructure

6.1.7.1 Activity status tables

6.1.7.1.1 Permitted activities

The activities listed below are permitted activities, if they meet the activity specific standards set out in the following table.

Activity	Activity specific standards
P1 Any activity listed in: <ol style="list-style-type: none"> a. Rule 6.1.7.2.1 (Sensitive activities near roads and railways); or b. Rule 6.1.7.2.2 (Activities near Christchurch Airport) 	<ol style="list-style-type: none"> a. The activities shall meet the activity standards in the following rules <ol style="list-style-type: none"> i. Rule 6.1.7.2.1 (Sensitive activities near roads and railways); or ii. Rule 6.1.7.2.2 (Activities near Christchurch Airport)
P2 In any Rural zone other than the Rural Quarry Zone, any new noise sensitive activity and any addition to an existing noise sensitive activity proposed between the Ruapuna Inner and Outer Noise Boundary relating to Ruapuna Motorsport Park as shown on the relevant Planning Maps.	<ol style="list-style-type: none"> a. The activities shall be designed and constructed to ensure compliance with the indoor design sound levels in Rule 6.1.7.2.2.1. <p>Advice Note:</p>

Activity	Activity specific standards
	These rules are intended to mitigate the effects of motorsport noise within internal building spaces only. Noise from motorsport activities will also be audible outside of buildings to a varying degree. When constructing new dwellings, residents are encouraged to consider orientating outdoor living spaces away from the Motorsport Park. Where this is not practical, the use of solid continuous walls or fencing encircling the outdoor space, can be used to help mitigate noise.

6.1.7.1.2 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 6.1.8, 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 6.1.7.2.1 (Sensitive activities near roads and railways) that exceeds any noise limits in the activity standards for that activity by 10 dB or less.	a. Matters of discretion – Rule 6.1.8
RD2 Any activity listed in Rule 6.1.7.2.1 b. (Sensitive activities near roads and railways) which does not meet the Class C Criteria in NS 8176E:2005 (0.3mm/s maximum weighted velocity, V _w 95).	a. Matters of discretion – Rule 6.1.8

6.1.7.1.3 Non-complying activities

The activities listed below are non-complying activities.

Activity
NC1 Any new buildings and/or additions to existing buildings located within the 55dB Ldn air noise contour shown on the Planning Maps that do not meet one or more of the activity standards in Rule 6.1.7.2.2.
NC2 Any new buildings and/or additions to existing buildings located within the 55 dB Ldn engine testing contour shown on the Planning Maps that do not meet the Ldn standards in the activity standards in Rule 6.1.7.2.2.
NC3 Any activity not provided for as a permitted, restricted discretionary or prohibited activity.
NC4 Any activity listed in Rule 6.1.7.2.1 (Sensitive activities near roads and railways) that exceeds any noise limits in the activity standards for that activity by more than 10 dB.
NC5 In any rural zone, any new noise sensitive activity located within the Ruapuna Inner Noise Boundary surrounding Ruapuna Motorsport Park as shown on the relevant Planning Maps.
NC6 In any rural zone, other than the Rural Quarry Zone, any new noise sensitive activity or any addition to an existing noise sensitive activity proposed between the Ruapuna Inner and Outer Noise Boundary relating to Ruapuna Motorsport Park as shown on the relevant Planning Maps that does not comply with the activity specific standard of Rule 6.1.7.1.1 P2.

6.1.7.1.4 Prohibited activities

The activities listed below are prohibited activities.

Activity	
PA1	Any new sensitive activity within the Air Noise Boundary shown on the Planning Maps.
PA2	Any new sensitive activity within the 65 dB Ldn engine testing contour shown on the Planning Maps.

6.1.7.2 Activity standards

6.1.7.2.1 Sensitive activities near roads and railways

- a. The following activity standards apply to new sensitive activities and new buildings, or alterations or additions to existing buildings, intended for a sensitive activity:
 - i. External sound insulation - Any new building intended for a sensitive activity, and any alteration or addition to an existing building intended for a sensitive activity, located within 80 metres of the boundary of any state highway or railway designation, or within 20 metres of the edge of the nearest marked traffic lane of a collector road, or within 40 metres of the edge of the nearest marked traffic lane of a Main Distributor, Local Distributor or Arterial road, shall either:
 - A. be designed and constructed to achieve a minimum external to internal noise reduction of 30 dB $D_{tr,2m,nT,w} + C_{tr}$ to any habitable space; or
 - B. be designed and constructed to meet with the following indoor design sound levels:
 - I. Rail noise inside bedrooms between 2200 hours and 0700 hours – 35 dB LAeq(1h);
 - II. Rail noise inside habitable spaces excluding bedrooms – 40 dB LAeq(1h);
 - III. Road traffic noise inside all habitable spaces – 40 dB LAeq(24h); and
 - IV. Rail and road traffic noise within any other building intended for a sensitive activity – maximum value recommended in AS/NZS2107:2000.

except where either:

 - V. the sound incident on the most exposed part of the outside of the building is less than 55 dB LAeq(1h) for rail noise or 57 dB LAeq(24h) for road traffic noise; or
 - VI. the nearest façade of the building is at least 50 metres from all state highway and railway designations and there is a solid building, fence, wall or landform that blocks the line-of-sight from all parts of all windows and doors to all parts of any state highway road surface or all points 3.8 metres above railway tracks.
 - ii. Compliance with Rule 6.1.7.2.1 can be achieved by either:

- A. providing the Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed is capable of meeting activity standard a.i.; and/or
 - B. conforming to the acceptable solutions listed in Appendix 6.11.4 Noise Attenuation Construction Requirements.
- iii. For the purposes of ventilation systems, compliance with Rule 6.1.7.2.1 shall be confirmed by providing the product specifications; or a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist, stating the design proposed is capable of meeting the activity standards.
- iv. Rail noise shall be deemed to be 70 LAeq(1h) at a distance of 12 metres from the edge of the track, and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres;
- v. Compliance with Rule 6.1.7.2.1 a.i.B. shall be confirmed by providing the Council with a design report prepared by a qualified acoustic engineer demonstrating compliance, prior to any sensitive activity or alteration occurring. The design shall take into account future permitted use of the collector and arterial roads, and railway and state highway designations outside the Central City, either by the addition of 2 dB to predicted sound levels or based on forecast traffic in 20 years' time.
- vi. The indoor design sound levels in Rule 6.1.7.2.1 a.i.B shall be achieved at the same time as the ventilation requirements of the New Zealand Building Code. If windows are required to be closed to achieve the indoor design sound levels then an alternative means of ventilation shall be required within bedrooms.
- vii. Where no traffic lane is marked, the distances stated shall be measured from 2 metres on the roadward side of the formed kerb. The classification of roads is shown in Appendix 7.12 Road Classification System.
- viii. Ventilation systems where installed shall:
 - A. generate sound levels not exceeding
 - I. 35 dB LAeq(30s) at night time in bedrooms; and
 - II. 40 dB LAeq(30s) in any other habitable space (excluding bedrooms)
 when measured 1 metre away from any grille or diffuser; and
 - B. provide an adjustable airflow rate of up to at least 6 air changes per hour.

6.1.7.2.2 Activities near Christchurch Airport

- a. The following activity standards apply to new buildings and additions to existing buildings located within the 55 dB Ldn air noise contour or the 55 dB Ldn engine testing contour shown on the Planning Maps:
 - i. Any new buildings and/or additions to existing buildings shall be insulated from aircraft noise and designed to comply with the following indoor design sound levels:
 - A. Residential units:
 - I. Sleeping areas – 65 dB LAE/40 dB Ldn

- II. Other habitable areas – 75 dB LAE /50 dB Ldn
- B. Guest accommodation, resort hotels, hospitals and healthcare facilities:
 - I. Relaxing or sleeping - 65 dB LAE /40 dB Ldn
 - II. Conference meeting rooms - 65 dB LAE / 40 dB Ldn
 - III. Service activities – 75 dB LAE /60 dB Ldn
- C. Education activities:
 - I. Libraries, study areas – 65 dB LAE /40 dB Ldn
 - II. Teaching areas, assembly areas – 65 dB LAE /40 dB Ldn
 - III. Workshops, gymnasias – 85 dB LAE /60 dB Ldn
- D. Retail activities, commercial services and offices:
 - I. Conference rooms – 65 dB LAE /40 dB Ldn
 - II. Private offices – 70 dB LAE /45 dB Ldn
 - III. Drafting, open offices, exhibition spaces - 75 dB LAE /50 dB Ldn
 - IV. Typing, data processing – 80 dB LAE /55 dB Ldn
 - V. Shops, supermarkets, showrooms - 85 dB LAE /60 dB Ldn
- ii. Noise insulation calculations and verification shall be as follows:
 - A. Building consent applications shall be accompanied with a report detailing the calculations showing how the required sound insulation and construction methods have been determined.
 - B. For the purpose of sound insulation calculations, the external noise levels for a site shall be determined by application of the air noise contours Ldn and Lae. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours.
 - C. If required by the Council, in conjunction with the final building inspection the sound transmission of the façade shall be tested in accordance with ISO 16283-1:2014 to demonstrate that the required façade sound insulation performance has been achieved, and a test report is to be submitted to the Council's Head of Building Consenting (or any subsequent equivalent position). Should the façade fail to achieve the required standard then it shall be improved to the required standard and re-tested prior to occupation.

6.1.8 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules 6.1.5.1.2, 6.1.6.1.2 and 6.1.7.1.2, and as set out for that matter below.

- a. The level, duration and character of the noise, and proximity and nature of nearby activities, and the adverse effects that may arise from these factors on activities anticipated in the receiving environment and associated amenity.
- b. Whether the noise generated would be of such a level as to create a threat to the health or well-being of persons living or working in the vicinity.
- c. The proposals made by the applicant to reduce noise generation, including:
 - i. reduction of noise at source;
 - ii. alternative techniques or machinery which may be available;
 - iii. insulation or enclosure of machinery;
 - iv. mounding or screen fencing/walls;
 - v. hours of operation;
 - vi. in the Central City, the management of outdoor areas, including by closing outdoor serving areas, turning off outdoor heaters, turning off outdoor speakers, minimising the size of outdoor areas;
 - vii. in the Central City, the management of external doors and windows and other avenues for noise to emanate from within a building; and
 - viii. in the Central City, any other management required to address issues such as rubbish and recycling disposal.
- d. Outside the Central City, the adequacy of measures to address the adverse effects of noise on the natural character of the coastal environment.
- e. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.
- f. The extent to which achieving the standard is appropriate where the existing noise environment is subject to significant noise intrusion from road traffic, or Transport zone activities in the Central City.
- g. Any relevant standards, codes of practice or assessment methods based on sound acoustic principles, including those which address the reasonableness of the noise in terms of community health and amenity and/or sleep protection.
- h. In the Central City, the level of noise from the activity in relation to ambient noise in its vicinity.
- i. In the Central City, the reasonableness of the noise in terms of recommendations and guidelines for community health and amenity and sleep protection, including guidance given by the World Health Organisation.
- j. Additional criteria where sound insulation is required by the rules:
 - i. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources.

- ii. The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials.
 - iii. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site.
 - iv. In the Central City, the impact of any residential accommodation or education activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.
 - v. In the Central City, the location of any nearby business activities and the degree to which the amenities of the sensitive activities may be adversely affected.
 - vi. Outside the Central City, the appropriateness of a legal instrument to be registered against the title that is binding on the owner and the owner's successors in title, containing a 'no complaint' clause relating to the noise of aircraft using Christchurch International Airport.
- k. In the case of shooting ranges, whether the shooting range and associated activities will adversely affect the captive bird breeding programme within the Peacock Springs Conservation Area (identified in Chapter 17 Appendix 17.9.1) in terms of noise disturbance.

6.2 Temporary Activities, Buildings and Events

6.2.1 Introduction

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

This sub-chapter relates to the management of temporary activities, buildings and events throughout the district. The objectives, policies, rules, standards and matters of discretion seek to enable these activities in order to recognise the important role that such activities play in the rebuild of Christchurch, while managing the potential adverse effects on the environment. Please note, temporary earthquake recovery activities are addressed separately in sub-chapter 6.4 Temporary Earthquake Recovery Activities.

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

6.2.2 Objective and Policies

6.2.2.1 Objective - Temporary activities, buildings and events

- a. A diverse range of temporary activities, buildings and events is enabled which:
 - i. provides opportunities for artistic, social and/or cultural expression;
 - ii. contributes to the economic recovery and resilience of the District; and/or
 - iii. reinforces or promotes a positive sense of place and community,
 while having regard to the natural, historic and cultural values and expected amenity values of the areas in which they are located.

6.2.2.1.1 Policy – Temporary activities, buildings and events

- a. Enable temporary activities, buildings and events provided:
 - i. the location, frequency, scale, duration and effects of the temporary activity are compatible with the level of amenity anticipated by the surrounding environment or are within a range that can be tolerated given the temporary nature of the activity;
 - ii. parking and traffic generation are managed so that:
 - A. road safety and network efficiency is not compromised; and
 - B. accessibility within and to local commercial centres and businesses is not adversely affected;

- C. temporary parking within Hagley Park does not result in disturbance to the ground or to the root systems of trees, that would adversely affect the long-term health or life span of the trees;
- iii. public access to public open space is maintained as far as practicable, given the nature of the activity or event in question;
- iv. natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and
- v. activities, buildings or events in the vicinity of strategic infrastructure do not compromise the operation of that infrastructure or pose a safety risk.

6.2.2.1.2 Policy – Temporary construction buildings

- a. Enable temporary buildings and other structures associated with construction projects, including temporary signage, provided that the amenity impacts on the surrounding environment are effectively managed; while recognising that within the context of the rebuild, a higher threshold of tolerance should be provided for temporary adverse amenity effects that do not compromise health or safety.

6.2.3 How to interpret and apply the rules

- a. The rules that apply to temporary activities and buildings in all zones are contained in the activity status tables (including activity specific standards) in Rule 6.2.3.4, except for the activities included within clause c. of the definition of “temporary activities and buildings” to which in the rules in sub-chapter 6.4 Temporary Earthquake Recovery Activities apply.
- b. Temporary activities and buildings are exempt from the rules in the relevant zone chapters and other District Plan rules, except as specified below or in the activity specific standards in Rule 6.2.3.2.
- c. The activity status tables and standards in the following chapters and sub-chapters apply to temporary activities and buildings (where relevant):
 - 5 Natural Hazards
 - s5.10 Port Hills and Banks Peninsula Slope Instability Management Areas;
 - 6 General Rules and Procedures
 - 6.3 Outdoor Lighting (except as otherwise specified in Rule 6.2.3.2);
 - 6.4 Noise (except as otherwise specified in Rule 6.2.3.2);
 - 6.8 Signage (as specified in that sub-chapter and as specified in Rule 6.2.3.2);
 - 7 Transport (as specified in Rule 6.2.3.2);
 - 8 Subdivision, Development and Earthworks;
 - 9 Natural and Cultural Heritage;
 - 11 Utilities and Energy;

12 Hazardous Substances and Contaminated Land.

- d. Rule 6.2.4 does not apply to activities and buildings anticipated by the rules in the relevant zone chapters or within the expected scope of operations for permanent facilities.
- e. In the Specific Purpose (Defence Wigram) Zone, the rules for temporary recreation activities, events or exhibitions (Rule 21.1.3.1 P2) apply instead of the rules for events and temporary markets in Rule 6.2.4.1 (P3 to P6, and P11).
- f. Section 6.2 does not apply to the Papakāinga / Kāinga Nohoanga Zone.

Advice Notes:

1. Temporary activities and buildings permitted by the District Plan must also comply with the Building Act, the Reserves Act, any relevant policies or bylaws, and reserve management plans prepared under the Reserves Act 1977.
2. Temporary activities and buildings permitted by the District Plan may also be required to obtain other licenses or permits such as for sale of alcohol or food; erection of stands or stalls, amusement rides or devices; street performance; and temporary signage. Additional restrictions and/or licensing requirements may apply to activities in reserves where they are administered under the Reserves Act. Approval may need to be sought from the Council, New Zealand Police or other agencies.

6.2.4 Rules - Activity status tables

6.2.4.1 Permitted activities

The activities below are permitted activities if they meet any activity specific standards set out in the following table.

Activities may also be restricted discretionary, discretionary or non-complying activities as specified in Rules 6.2.4.2, 6.2.4.3 or 6.2.4.4.

Activity		Activity specific standards
Construction		
P1	Temporary buildings ancillary to an approved building, construction, land subdivision or demolition project.	<ul style="list-style-type: none"> a. No single building shall exceed 50m² of GFA; except that, in the Commercial Central City Business, Industrial General, Industrial Heavy, Rural Quarry, Specific Purpose (Tertiary Education) or Specific Purpose (Airport) Zones, the GFA of a temporary construction building is not restricted provided that buildings are not placed in any setbacks required by the relevant zone. b. Temporary buildings shall be removed from the site within one month of completion of the project or, in the case of land subdivision sales offices, within one month of the sale of the last lot in the subdivision.

Activity		Activity specific standards												
		c. Temporary land subdivision sales offices shall meet the signage rules for the Commercial Local zone in sub-chapter 6.8.												
Events														
P2	Community gatherings, celebrations, non-motorised sporting events and performances including: <ul style="list-style-type: none"> a. carnivals and fairs; b. festivals; c. holiday observances; d. races; e. parades; f. concerts; and g. exhibitions. 	<ul style="list-style-type: none"> a. Events shall not be open to participants for more than: <ul style="list-style-type: none"> i. four consecutive weeks in any one year; or ii. six weekends in any one year (including public holidays where these fall adjacent to weekends); or iii. twelve non-consecutive days in any one year. b. Events shall meet the activity standards for temporary activities in Rule 6.1.6.2.3 with the exception of fireworks in association with an event, as follows: <table border="1"> <tr> <td>i.</td><td>Any day</td><td>From 9am to 10pm</td></tr> <tr> <td>ii.</td><td>Any day with an Event Permit allowing fireworks</td><td>From 9am to 12am</td></tr> <tr> <td>iii.</td><td>New Years' Eve/Day</td><td>From 9am to 1am</td></tr> <tr> <td>iv.</td><td>Guy Fawkes Night</td><td>From 9am to 11pm</td></tr> </table> c. From 10pm to 7am, events shall meet the rules for outdoor lighting in Rule 6.3.6, but are otherwise exempt from Rule 6.3.6. 	i.	Any day	From 9am to 10pm	ii.	Any day with an Event Permit allowing fireworks	From 9am to 12am	iii.	New Years' Eve/Day	From 9am to 1am	iv.	Guy Fawkes Night	From 9am to 11pm
i.	Any day	From 9am to 10pm												
ii.	Any day with an Event Permit allowing fireworks	From 9am to 12am												
iii.	New Years' Eve/Day	From 9am to 1am												
iv.	Guy Fawkes Night	From 9am to 11pm												
P3	Public meetings	Nil												
P4	Temporary buildings or other structures ancillary to an event listed in Rule 6.2.4.1 P2.	<ul style="list-style-type: none"> a. Temporary buildings or other structures shall not be erected on or remain on the site for more than two weeks before or after the event opens or closes to participants. b. Where events occur on non-consecutive days, on days between instances of the event opening to participants, public access to parts of the site that are normally accessible shall not be impeded. 												
P5	Retailing ancillary to a temporary event listed in Rule 6.2.4.1 P2.	Nil												
Filming														
P6	Commercial film or video production and ancillary buildings or structures; in any zone except an industrial zone.	<ul style="list-style-type: none"> a. Any such production shall not operate from the same exterior location for more than 30 days in a year. b. From 10pm to 7am, any such activity shall meet the noise standards for the relevant zone in Rule 6.1.5, but is otherwise exempt from noise standards in Sub-chapter 6.1. c. From 10pm to 7am, any such activity shall meet the rules for outdoor lighting in Rule 6.3.6, but is otherwise exempt from Rule 6.3.6. 												
Temporary artworks and community activities														

Activity		Activity specific standards																		
P7	Public and not-for-profit community activities and ancillary retailing (except as provided for in Rule 6.2.4.1 P2 or P10) in: <ul style="list-style-type: none"> a. any commercial zone; b. any open space zone; c. the Industrial General Zone; d. the Specific Purpose (Schools) Zone; e. the Specific Purpose (Tertiary Education) Zone; and f. the Transport Zone. 	Nil																		
P8	Public artworks.	Nil																		
P9	Structures for temporary gardens.	Nil																		
Temporary commercial activity																				
P10	Temporary markets (except as provided for by Rule 6.2.4.1 P2).	a. Temporary markets shall not operate from a single site for more than the following number of days per year: <table border="1"> <tr> <td>i.</td><td>Any zone not listed below</td><td>12 days</td></tr> <tr> <td>ii.</td><td>Any commercial zone</td><td>Unlimited</td></tr> <tr> <td>iii.</td><td>Transport Zone</td><td>Unlimited Advice Note: Markets in the Transport Zone may require an Events Permit</td></tr> <tr> <td>iv.</td><td>Any open space zone</td><td>Unlimited Advice Note: Markets in public open spaces and reserves may require an Events Permit</td></tr> <tr> <td>v.</td><td>Specific Purpose (Schools) Zone</td><td>26 days</td></tr> <tr> <td>vi.</td><td>Specific Purpose (Tertiary Education) Zone</td><td>26 days</td></tr> </table>	i.	Any zone not listed below	12 days	ii.	Any commercial zone	Unlimited	iii.	Transport Zone	Unlimited Advice Note: Markets in the Transport Zone may require an Events Permit	iv.	Any open space zone	Unlimited Advice Note: Markets in public open spaces and reserves may require an Events Permit	v.	Specific Purpose (Schools) Zone	26 days	vi.	Specific Purpose (Tertiary Education) Zone	26 days
i.	Any zone not listed below	12 days																		
ii.	Any commercial zone	Unlimited																		
iii.	Transport Zone	Unlimited Advice Note: Markets in the Transport Zone may require an Events Permit																		
iv.	Any open space zone	Unlimited Advice Note: Markets in public open spaces and reserves may require an Events Permit																		
v.	Specific Purpose (Schools) Zone	26 days																		
vi.	Specific Purpose (Tertiary Education) Zone	26 days																		
P11	Temporary retail activity in the Central City, not ancillary to another temporary activity, until 30 April 2018.	a. Temporary retail activity shall not occur in the Residential Central City Zone; b. In all zones other than the Central City Business and Avon River Precinct/Te Papa Ōtākaro Zones, temporary retail activity shall be limited to 30m ² GFA per site. c. Any retail activity shall meet all relevant rules for permanent activities for the relevant zone (including signage), except for the following:																		

Activity		Activity specific standards
		<ul style="list-style-type: none"> i. RD1 and RD2 under Rule 15.10.1.3; ii. Rule 15.10.2.1 Building setback and continuity; iii. Rule 15.10.2.2 Verandas; iv. Rule 15. 10.2.4 Minimum number of floors; v. Rule 15. 10.2.5 Flexibility in building design for future uses; vi. Rule 15.11.2.1 Landscaping and trees; vii. Rule 15.11.2.3 Flexibility in building design for future uses; viii. RD1 under Rule 15.11.1.3; ix. Rule 15.12.2.2 Flexibility in building design for future uses; x. Rule 15.12.2.4 Street scene, landscaping and open space; xi. Rule 15.12.2.7 Verandas on Colombo and High Streets; xii. Rule 15.12.2.8 Minimum number of floors on Colombo and High Streets; xiii. Rule 15.5.2.6 b. i and ii. Landscaping and trees; xiv. Rule 15.5.2.2 b. Building setback from road boundaries. <p>d. The relevant transport rules in Chapter 7.</p> <p>Advice Notes:</p> <ul style="list-style-type: none"> 1. By 30 April 2018, any temporary retail activity provided for by Rule 6.2.4.1 P11, with the exception of food trucks (see Rule 6.2.4.1 P12 below), must meet all relevant District Plan provisions for permanent activities. 2. While food trucks in public places are permitted for the purposes of the District Plan, their location and frequency will generally be regulated by licences and they will need to comply with the relevant policies, bylaws and reserve management plans.
P12	Food trucks not ancillary to another temporary activity, after 30 April 2018.	<ul style="list-style-type: none"> a. Food trucks shall not be located in the Residential Central City Zone; b. In all zones other than the Central City Business and Avon River Precinct/Te Papa Ōtākaro Zones, food trucks shall be limited to 30m² GFA per site. c. Food trucks shall meet all relevant rules for permanent activities for the relevant zone (including signage), except for the following: <ul style="list-style-type: none"> i. RD1 and RD2 under Rule 15.10.1.3;

Activity		Activity specific standards
		<ul style="list-style-type: none"> ii. Rule 15.10.2.1 Building setback and continuity; iii. Rule 15.10.2.2 Verandas; iv. Rule 15. 10.2.4 Minimum number of floors; v. Rule 15. 10.2.5 Flexibility in building design for future uses; vi. Rule 15.11.2.1 Landscaping and trees; vii. Rule 15.11.2.3 Flexibility in building design for future uses; viii. RD1 under Rule 15.11.1.3; ix. Rule 15.12.2.2 Flexibility in building design for future uses; x. Rule 15.12.2.4 Street scene, landscaping and open space; xi. Rule 15.12.2.7 Verandas on Colombo and High Streets; xii. Rule 15.12.2.8 Minimum number of floors on Colombo and High Streets; xiii. Rule 15.5.2.6 b. i and ii. Landscaping and trees; xiv. Rule 15.5.2.2 b. Building setback from road boundaries. <p>d. The relevant transport rules in Chapter 7.</p> <p>e. After 30 April 2018, food trucks shall not operate from the same privately-owned site for more than ten hours per week.</p> <p>Advice Note:</p> <p>1. While food trucks in public places are permitted for the purposes of the District Plan, their location and frequency will generally be regulated by licences and they will need to comply with the relevant policies, bylaws and reserve management plans.</p>
P13	Temporary commercial services in the Commercial Central City Business Zone, until 30 April 2018.	<ul style="list-style-type: none"> a. Temporary commercial services shall not exceed 30m² GFA per site. b. Any temporary commercial service shall meet all relevant rules for permanent activities for the relevant zone (including signage), except for the following: <ul style="list-style-type: none"> i. RD1 and RD2 under Rule 15.10.1.3; ii. Rule 15.10.2.1 Building setback and continuity; iii. Rule 15.10.2.2 Verandas; iv. Rule 15. 10.2.4 Minimum number of floors; v. Rule 15. 10.2.5 Flexibility in building design for future uses;

Activity		Activity specific standards
		c. The relevant transport rules in Chapter 7. Advice Note: By 30 April 2018, any temporary commercial service provided for by Rule 6.2.4.1 P13 must meet all District Plan provisions for permanent activities.
Training		
P14	Temporary military training activities and emergency management training activities.	a. Temporary military training activities and emergency management training activities shall meet the noise standards in Rule 6.1.4.2.3.

6.2.4.2 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 6.2.5, 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 6.2.4.1 P1 that does not meet one or more of the activity specific standards. Any application arising from this rule shall not be limited or publicly notified.	a. Amenity – Rule 6.2.5.1 b. Transport - Rule 6.2.5.2 c. Site disturbance or alteration – Rule 6.2.5.5
RD2	Temporary activities or buildings: a. not provided for by Rule 6.2.4.1 P2 to P14; or b. listed in Rule 6.2.4.1 P2 to P14 that do not meet one or more of the relevant activity specific standards.	a. Amenity – Rule 6.2.5.1 b. Transport - Rule 6.2.5.2 c. Economic recovery and resilience – Rule 6.2.5.3 d. Competing requirements for the location – Rule 6.2.5.4 e. Site disturbance or alteration – Rule 6.2.5.5 f. Additional matters for Hagley Park – Rule 6.2.5.6 a.
RD3	Motorised sporting events	a. Amenity – Rule 6.2.5.1 b. Transport – Rule 6.2.5.2 c. Economic recovery and resilience – Rule 6.2.5.3 d. Competing requirements for the location – Rule 6.2.5.4 e. Site disturbance or alteration – Rule 6.2.5.5
RD4	a. Within a Wāhi Tapu / Wāhi Taonga Site of Ngai Tahu Cultural Significance identified in Schedule 9.5.6.1, any event	a. Wāhi Tapu / Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit – Rule 9.5.5.1

Activity	The Council's discretion shall be limited to the following matters:
<ul style="list-style-type: none"> or temporary market attracting more than 500 people; b. temporary military training activity involving: <ul style="list-style-type: none"> i. more than 500 people; or ii. the discharge of ammunition or detonation of explosives. 	
RD5 <ul style="list-style-type: none"> a. Within Hagley Park, temporary parking ancillary to an activity provided for as P1 - P14 in Rule 6.2.4.1 or RD1 - RD4 in Rule 6.2.4.2, which is located within the dripline of a tree. 	<ul style="list-style-type: none"> a. Additional matters for Hagley Park – Rule 6.2.5.6 b.

6.2.4.3 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	<p>In a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1, or in the Coastal Environment as shown on the Planning Maps, any:</p> <ul style="list-style-type: none">a. event or temporary market in an exterior location, other than:<ul style="list-style-type: none">i. events confined to existing tracks or paved areas;ii. events located in Permitted Temporary Activities Areas identified in Appendix 6.11.10;iii. in the Coastal Environment only, events in any commercial, industrial, residential or specific purpose zone, or the Open Space Community Parks or Transport Zones.b. commercial film or video production in an exterior location, other than such production using pre-existing formed tracks or paved surfaces or in a Permitted Temporary Activities Areas identified in Appendix 6.11.10, which:<ul style="list-style-type: none">i. lasts longer than three days; orii. involves more than 200 people; oriii. involves motorised vehicle use, other than in the area of open unvegetated beach on the seaward side between Heyders Road and the mouth of the Waimakariri River.c. temporary military training activity in an exterior location, other than such activity using pre-existing formed tracks or paved surfaces or Permitted Temporary Activities Areas identified in Appendix 6.11.10, which:<ul style="list-style-type: none">i. lasts longer than three days and involving more than 30 people; orii. involves more than 200 people; oriii. involves the discharge of ammunition or detonation of explosives;iv. involves motorised vehicle use, other than in the area of open unvegetated beach on the seaward side between Heyders Road and the mouth of the Waimakariri River.

Activity	
	v. involves boat launching, other than from an existing boat launch or in the area of open unvegetated beach on the seaward side between Heyders Road and the mouth of the Waimakariri River.

6.2.4.4 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Any temporary buildings or structures within 12 metres of the centre line of a 110kV or a 220kV National Grid transmission line or within 10 metres of the centre line of a 66kV National Grid transmission line where any part of the building or structure exceeds 2.5 metres in height.

6.2.5 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in Rule 6.2.4.2, and as set out for that matter below.

6.2.5.1 Amenity

- a. The extent to which the proposed activity will:
 - i. contribute positively to local character, amenity or sense of place and identity; or
 - ii. activate otherwise vacant or low-amenity spaces.
- b. The extent to which the location, scale, design, intensity or duration of the activity and any associated buildings will adversely affect the anticipated level of amenity in residential, commercial, rural, open space or specific purpose (Schools, Tertiary Education, Hospitals, Cemeteries) zones, particularly with respect to:
 - i. noise;
 - ii. outdoor lighting;
 - iii. hours of operation;
 - iv. cumulative effects of all temporary activities using the proposed location;
 - v. overshadowing;
 - vi. loss of privacy;
 - vii. visual amenity;
 - viii. waste management and littering; and
 - ix. alcohol-related anti-social behaviour.

6.2.5.2 Transport

- a. The extent to which the location, scale, intensity or duration of the activity and any associated buildings will adversely affect:
 - i. the efficiency of the transport network;
 - ii. public safety; and
 - iii. availability of parking for permanent commercial or community activities or local residents.

6.2.5.3 Economic recovery and resilience

- a. The extent to which the proposed activity will contribute positively to the local economy and create spill-over trade to permanent activities in commercial centres.

6.2.5.4 Competing requirements for the location

- a. The extent to which the proposed activity will limit public access to areas that would otherwise be accessible or restrict other temporary or permanent activities from making use of the location.

6.2.5.5 Site disturbance or alteration

- a. The extent to which proposed activities, buildings, associated earthworks, servicing or any additional accesses or car parking required will create an alteration or disturbance to any:
 - i. land;
 - ii. water bodies or their margins;
 - iii. vegetation; and/or
 - iv. ecosystems

that is irreversible or that will last beyond the duration of the activity or event and, where any such effects are reversible, the adequacy of any proposals for restoration.

6.2.5.6 Additional matters for Hagley Park

- a. The extent to which the activity will adversely affect:
 - i. existing landscape qualities, including vistas, water body margins and trees; and
 - ii. botanical and heritage features within the park.
- b. In relation to temporary parking within the dripline of trees:

- i. the extent to which the parking will result in disturbance to the ground or to the root systems of trees that would adversely affect the health or life span of the trees;
- ii. whether any such effects would be irreversible or last beyond the duration of the parking; and
- iii. where effects would be reversible or short-term, the adequacy of any proposals for restoration.

6.3 Outdoor Lighting

6.3.1 Introduction

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

This sub-chapter provides for artificial outdoor lighting throughout the district where it is required for night-time work, rural production, recreation, sport, entertainment, transportation and public health and safety, while managing the potential adverse effects of light spill and glare.

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

6.3.2 Objective and policies

6.3.2.1 Objective — Artificial Outdoor Lighting and Glare

- a. Artificial outdoor lighting enables night-time work, rural production, recreation, sport, entertainment, transportation and public health and safety while:
 - i. managing adverse effects on residential, commercial, open space and rural amenity values; areas of natural, historic or cultural significance and the night sky; and
 - ii. avoiding interference with the safe operation of transport and infrastructure.

6.3.2.1.1 Policy — Enabling night-time activity while managing the adverse effects of artificial outdoor lighting

- a. Recognise and provide for artificial outdoor lighting for night-time activities and safety while managing its scale, timing, duration, design and direction in a way that:
 - i. avoids, remedies or mitigates adverse effects on the rest or relaxation of residents; or any areas of natural, historic or cultural significance;
 - ii. does not interfere with the safe operation of the transport network or aircraft;
 - iii. minimises unnecessary light spill into the night sky.

6.3.3 How to interpret and apply the rules

- a. The rules that apply to artificial outdoor lighting in all zones are contained in:
 - i. The activity status tables (including activity specific standards) in Rule 6.3.4 Control of Glare;

- ii. The activity status tables (including activity specific standards) in Rule 6.3.5 Control of Light Spill; and
 - iii. The Light Spill Standards by Zone in Rule 6.3.6.
- b. The following activities generating light spill or glare are exempt from Rules 6.3.4 and 6.3.5:
 - i. temporary lighting for the purposes of emergency response or public safety including lighting from emergency response vehicles, lighting at the scene of an emergency, and lighting of emergency services facilities in response to an emergency;
 - ii. reflected glare from structures or vehicles;
 - iii. glare from the lights of vehicles, trains, trams and aircraft; and
 - iv. light spill and glare from traffic signals and navigation aids.
- c. Activities involving artificial outdoor lighting are also subject to the rules in the relevant zone chapters.
- d. The activity status tables, rules and standards in the following chapters also apply to activities involving artificial outdoor lighting (where relevant):
 - 5 Natural Hazards;
 - 6 The other sub-chapters of 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.
- e. Illuminated signage is also subject to the controls on illuminated signage in sub-Chapter 6.8.
- f. The standards for lux spill shall be measured and assessed in accordance with Standard AS4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting).

6.3.4 Rules - Activity status tables — Control of glare

6.3.4.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in the following table and the activity specific standards in Rule 6.3.5 Control of Light Spill.

Activities may also be restricted discretionary or non-complying as specified in Rules 6.3.4.2, 6.3.4.3 and 6.3.5.2.

Activity		Activity specific standards
P1	Any activity involving artificial outdoor lighting, other than activities specified in Rule 6.3.4.3 NC1 or NC2.	<p>a. All fixed exterior lighting shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces of sensitive activities, other than residential units located in industrial zones, so that the obtrusive effects of glare on occupants are minimised.</p> <p>b. Artificial outdoor lighting shall not result in a greater than 2.5 lux spill (horizontal or vertical) into any part of a major or minor arterial road or arterial route identified in Appendix 7.12 where this would cause driver distraction.</p> <p>Advice Note: See Appendix 6.11.13 for guidance on lighting design to reduce light spill and glare.</p>

6.3.4.2 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 6.3.7, 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 6.3.4.1 P1 that does not meet activity specific standard a..	a. Amenity – Rule 6.3.7.1
RD2	Any activity listed in Rule 6.3.4.1 P1 that does not meet activity specific standard b.. Any application arising from this rule shall not be publicly notified and shall be limited notified only to the road-controlling authority (absent its written approval).	a. Transport safety – Rule 6.3.7.2

6.3.4.3 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Any activity that results in a greater than 2.5 lux spill (horizontal or vertical) into any land outside the Specific Purpose (Airport) Zone that is within 500 metres of the threshold of a runway at Christchurch International Airport.
NC2	Any non-aeronautical ground lights in the areas shown in Appendix 6.11.7.4 that shine above the horizontal.

6.3.5 Rules - Activity status tables — Control of Light Spill

6.3.5.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in the following table and the activity specific standards in Rule 6.3.4 Control of Glare.

Activities may also be restricted discretionary or non-complying as specified in Rules 6.3.4.2, 6.3.4.3 and 6.3.5.2.

Activity		Activity specific standards
P1	Any activity involving outdoor artificial lighting	<p>a. Any outdoor artificial lighting shall comply:</p> <ul style="list-style-type: none"> i. with the light spill standards in Rule 6.3.6 as relevant to the zone in which it is located, and; ii. where the light from an activity spills onto another site in a zone with a more restrictive standard, the more restrictive standard shall apply to any light spill received at that site. <p>Advice Note: See Appendix 6.11.13 for guidance on lighting design to reduce light spill and glare.</p>

6.3.5.2 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 6.3.7, 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 6.3.5.1 P1 that does not meet the activity specific standard.	a. Amenity – Rule 6.3.7.1

6.3.6 Rules - Light Spill Standards by Zone

- a. The added horizontal or vertical illuminance from the use of artificial outdoor lighting must not exceed the limits in the following table of light spill standards by zone, when measured or calculated 2 metres within the boundary of any adjacent site.
- b. Where a site is divided by a zone boundary, each part of the site shall be treated as a separate site for the purpose of the standards contained in the following table of light spill standards by zone.

Table of Light Spill Standards by Zone

Zone or scheduled activity		Permitted lux spill (horizontal and vertical)
i.	Open Space Coastal Zone	4.0
ii.	Commercial Central City Business Zone	20.0
iii.	Commercial zones, all other	10.0
iv.	Residential Guest Accommodation Zone	5.0
v.	Industrial Park Zone; Industrial General Zone	10.0
vi.	Industrial zones, all other	20.0
vii.	Open Space Community Parks Zone; Open Space Natural Zone; Open Space Water and Margins Zone and Avon River Precinct / Te Papa Ōtākaro Zone	4.0
viii.	Open Space zones, all other	10.0
ix.	Papakāinga / Kāinga Nohoanga Zone	4.0
x.	Residential zones, all other	4.0
xi.	Rural Quarry Zone	10.0
xii.	Rural zones, all other	10.0
xiii.	Scheduled activities (taverns; service stations)	10.0
xiv.	Scheduled activities, all other	4.0
xv.	Specific Purpose (Cemetery) Zone; Specific Purpose (Hospital) Zone other than Christchurch Hospital; Specific Purpose (Schools) Zone; Specific Purpose (Tertiary Education) Zone; Specific Purpose (Flat Land Recovery) Zone	4.0
xvi.	Specific Purpose (Hospital) Zone - Christchurch Hospital; Specific Purpose (Golf Resort) Zone; Specific Purpose (Ruapuna Motorsport) Zone; Specific Purpose (Styx Mill Road Transfer Station) Zone; Specific Purpose (Defence Wigram) Zone	10.0
xvii.	Specific Purpose (Airport) Zone	20.0
xviii.	Transport Zone Advice Note: Exemptions from this standard can be found in 6.3.3.	Activities in the Transport Zone must meet the standards for the zones in which the adjacent sites are located.

6.3.7 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules 6.3.4.2 and 6.3.5.2, and as set out for that matter below.

6.3.7.1 Amenity

- a. The extent to which the timing, duration, direction, intensity, focus, design, height or type of lighting (e.g. moving or intermittent) create adverse effects on local amenity values, particularly where any of the above is likely to result in sleep disturbance or to restrict the reasonable use of outdoor living or recreation areas;
 - i. Reference shall be made where appropriate to Australian Standards AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting) to determine degrees of glare or discomfort and appropriate mitigation measures.
- b. Any measures taken to mitigate the effects in a.;
- c. Whether the artificial lighting is necessary for public safety or security;
- d. The consistency of the proposal with permitted background levels of artificial outdoor lighting in the receiving environment and the purpose, function and anticipated activities of affected zones;
- e. The likelihood of additional lighting contributing to cumulative adverse effects on residential, commercial, rural or open space amenity values;
- f. Whether the timing, direction or design of the lighting contributes to avoidable or unnecessary light spill into the night sky, except in the Central City.
- g. The proximity of the proposed artificial lighting to, and any potential adverse effects on:
 - i. any Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1;
 - ii. any heritage item or heritage setting listed in Appendix 9.3.7.2;
 - iii. any Wāhi Tapu / Wāhi Taonga Site of Ngai Tahu Cultural Significance identified in Schedule 9.5.6.1;
 - iv. any Outstanding Natural Landscape identified in Appendix 9.2.9.2.2;
 - v. any Outstanding Natural Feature identified in Appendix 9.2.9.2.1;
 - vi. any Significant Feature identified in Appendix 9.2.9.2.3; and
 - vii. any Area of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8.

6.3.7.2 Transport safety

- a. The risk of any artificial lighting or glare creating a distraction or other impediment to the safe operation of the transport network, ships or aircraft.

6.5 Scheduled Activities

6.5.1 Introduction

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

This sub-chapter relates to the management of scheduled activities throughout the district. Scheduled activities are specific established activities that are not generally anticipated by the underlying zoning. The provisions of this chapter recognise the benefits provided by such activities by enabling their ongoing operation, rebuilding, redevelopment and limited expansion, in a manner that maintains or enhances the amenity values, character and natural values of the adjoining environment. Scheduled activities are wide ranging, and include community, spiritual and cultural facilities, service stations, holiday parks, taverns and public utilities.

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

6.5.2 Objective and policy

6.5.2.1 Objective — Scheduled activities

- a. The community benefits provided by specific established activities, that are complementary to residential areas or that require distribution or location outside of commercial centres, are recognised and those activities are enabled to operate, rebuild, redevelop and expand on their existing sites in a way that maintains or enhances the amenity values, character and natural values of the adjoining residential, rural or open space environment.

6.5.2.1.1 Policy — Manage effects and expansion of scheduled activities

- a. Enable the ongoing operation, rebuilding, redevelopment and limited expansion of established scheduled activities that provide a community benefit where any significant adverse effects and expansion can be managed so as not to undermine other District Plan objectives including residential and rural amenity values, residential coherence, and the focusing of commercial and community activities in centres.

6.5.3 How to interpret and apply the rules

- a. On sites identified in Rule 6.5.7 Schedule of activities, the rules in sub-chapter 6.5 replace the zone rules for those sites with respect to the identified scheduled activity only.

- b. Any activity, other than the scheduled activity identified in Rule 6.5.7, shall be subject to the provisions of the zone listed in Rule 6.5.7 and shown on the planning maps.
- c. The rules that apply to the scheduled activities in Rule 6.5.7 are contained in:
 - i. the activity status tables (including activity specific standards) in Rule 6.5.4; and
 - ii. the built form standards in Rule 6.5.5.
- d. The activity status tables, rules and standards in the following chapters also apply to scheduled activities:
 - 5 Natural Hazards
 - 6 the other sub-chapters of General Rules and Procedures
 - 7 Transport
 - 8 Subdivision, Development and Earthworks
 - 9 Natural and Cultural Heritage
 - 11 Utilities and Energy
 - 12 Hazardous Substances and Contaminated Land

6.5.4 Rules - Activity status tables

6.5.4.1 Permitted activities

On the sites identified in Rule 6.5.7 Schedule of activities, the scheduled activities listed for each site in Rule 6.5.7 are permitted activities if they meet any relevant activity specific standards set out in the following table and the built form standards in Rule 6.5.5.

Activities may also be restricted discretionary or discretionary as specified in Rules 6.5.4.2 or 6.5.4.3.

Activity		Activity specific standards
P1	Scheduled public utilities	Nil
P2	Scheduled service centres and community centres	Nil
P3	Scheduled community facilities	Nil
P4	Scheduled spiritual facilities	Nil
P5	Scheduled cultural facilities	<p>a. There shall be no more than one residential unit on any site and it shall be for caretaker and site management purposes only.</p> <p>For Ferrymead Heritage Park only:</p> <p>b. Car parking shall be provided in accordance with the requirements for reserves in Table 7.2, unless Rule</p>

Activity		Activity specific standards
		7.4.2.10 (High trip generators) applies to any new activity on the site.
P6	Scheduled service stations	Nil
P7	Scheduled holiday parks	Nil
P8	Scheduled taverns	Nil

6.5.4.2 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 6.5.6, 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 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.1.	a. Distribution of commercial and community activities – Rule 6.5.6.1 b. Bulk and scale – Rule 6.5.6.2
RD2	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.2.	a. Distribution of commercial and community activities – Rule 6.5.6.1 b. Bulk and scale – Rule 6.5.6.2
RD3	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.3.	a. Minimum setback from road boundaries – Rule 6.5.6.3
RD4	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.4.	a. Minimum setback from internal boundaries – Rule 6.5.6.4
RD5	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.5.	a. Sunlight and outlook at boundaries with residential zones – Rule 6.5.6.5
RD6	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.6.	a. Outdoor storage areas – Rule 6.5.6.6
RD7	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.7.	a. Bulk and scale – Rule 6.5.6.2 b. Trees, planting and landscaping – Rule 6.5.6.7
RD8	Any activity listed in Rule 6.5.4.1 P1 - P8 that does not meet built form standard 6.5.5.8.	a. Bulk and scale – Rule 6.5.6.2 b. Trees, planting and landscaping – Rule 6.5.6.7
RD9	Any activity listed in Rule 6.5.4.1 P5 that does not meet activity specific standard b..	a. Minimum number of carpark required - Rule 7.4.4.1

6.5.4.3 Discretionary Activities

The activities listed below are discretionary activities.

	Activity
D1	Any activity listed in Rule 6.5.4.1 P5 that does not meet activity specific standard a..

6.5.5 Rules - Built form standards

6.5.5.1 Building height

- a. The maximum height of any building shall be as follows:

	Scheduled activity	Zone(s)	Standard
i	Public utilities	Residential Suburban; Open Space Community Parks	9 metres
ii	Service centres and community centres	Residential Suburban; Residential Suburban Density Transition	9 metres
iii	Community facility	Residential Central City	As per the relevant height overlay shown on the Central City Maximum Building Height Planning Map
iv	Spiritual facility	All residential zones, except as below	9 metres
v	Spiritual facility	Residential Medium Density	11 metres
vi	Spiritual facility	Residential Central City	As per the relevant height overlay shown on the Central City Maximum Building Height Planning Map
vii	Cultural facility	Open Space Community Parks; Rural Urban Fringe	10 metres
viii	Service station	Residential Suburban; Residential Suburban Density Transition; Residential Medium Density; Rural Urban Fringe	9 metres
ix	Service station	Residential Central City 1	As per the relevant height overlay shown on the Central City Maximum Building Height Planning Map
x	Holiday Park	Residential Suburban; Rural Urban Fringe	9 metres
xi	Tavern	Residential Suburban; Residential Suburban Density Transition; Rural Urban Fringe	9 metres

6.5.5.2 Site coverage

- a. The maximum percentage of the net site area covered by buildings shall be as follows:

	Scheduled activity	Zone(s)	Standard
i	Public utility (Mairehau Depot)	Open Space Community Parks	40%
ii	Service centres and community centres	Residential Suburban; Residential Suburban Density Transition	50%
iii	Community facility	Residential Central City	55%
iv	Spiritual facility	All residential zones, except as below	50%
v	Spiritual facility	Residential Central City	55%
vi	Cultural facility (Yaldhurst Transport and Science Museum)	Rural Urban Fringe	40%
vii	Service station (including canopy)	Residential Suburban; Residential Suburban Density Transition; Residential Medium Density; Rural Urban Fringe	50%
viii	Service station (including canopy)	Residential Central City	55%
ix	Holiday Park	Residential Suburban; Rural Urban Fringe	45%
x	Tavern	Residential Suburban; Residential Suburban Density Transition; Rural Urban Fringe	40%

6.5.5.3 Building setback from road boundaries

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

	Scheduled activity	Zone(s) and overlay	Standard
i	Public utility	Residential Suburban; Open Space Community Parks	6 metres
ii	Service centres and community centres	Residential Suburban; Residential Suburban Density Transition	4.5 metres
iii	Community facility	Residential Central City	2 metres
iv	Spiritual facility	All residential zones except as below	4.5 metres
v	Spiritual facility	Residential Banks Peninsula; Accommodation and Community Facilities Overlay	3 metres
vi	Spiritual facility	Residential Central City	2 metres
vii	Cultural facility	Rural Urban Fringe	3 metres
viii	Cultural facility	Open Space Community Parks	5 metres
ix	Service station (excluding canopy)	Residential Suburban; Residential Suburban Density Transition; Residential Medium Density; Rural Urban Fringe	10 metres
x	Service station (excluding canopy)	Residential Central City	10 metres
xi	Holiday park	Residential Suburban; Rural Urban Fringe	4.5 metres

	Scheduled activity	Zone(s) and overlay	Standard
xii	Tavern	Residential Suburban; Residential Suburban Density Transition; Rural Urban Fringe	6 metres

6.5.5.4 Building setback from internal boundaries

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

	Scheduled activity	Zone(s)	Standard
i	Public utility	Residential Suburban; Open Space Community Parks	3 metres
ii	Service centres and community centres	Residential Suburban; Residential Suburban Density Transition	1 metres
iii	Community facility	Residential Central City	3 metres
iv	Spiritual facility	All residential zones except as below	1 metres
v	Spiritual facility	Residential Central City	3 metres
vi	Cultural facility	Open Space Community Parks; Rural Urban Fringe	3 metres
vii	Service station	Residential Suburban; Residential Suburban Density Transition; Residential Medium Density; Residential Central City; Rural Urban Fringe	6 metres
viii	Holiday Park	Residential Suburban; Rural Urban Fringe	3 metres
ix	Tavern	Residential Suburban; Residential Suburban Density Transition; Rural Urban Fringe	6 metres

6.5.5.5 Sunlight and outlook at boundaries with residential zones

- a. Scheduled activities on sites adjoining the zones specified below shall not include buildings projecting above the following recession planes:

	Scheduled activity	Zone(s)	Standard
i	All, where the site of the activity adjoins the zones specified	All residential zones (including Residential Guest Accommodation), all open space zones, and Specific Purpose (Schools), Specific Purpose (Tertiary Education) and Specific Purpose (Cemetery) Zones in the Central City	a. New buildings or extensions shall comply with the recession plane standards for the relevant zone adjoining the site of the scheduled activity.

6.5.5.6 Outdoor storage areas

- a. Any outdoor storage area ancillary to a scheduled activity shall meet the following standards:

	Scheduled activity	Zone(s)	Standard
i	All	All	<p>a. Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining sites; and</p> <p>b. Outdoor storage areas shall not be located within the setbacks specified in Rules 6.5.5.3 and 6.5.5.4.</p> <p>These standards shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>

6.5.5.7 Trees

- a. Sites shall include at least the minimum tree planting set out in the table below:

	Scheduled activity	Zone(s)	Standard
i	All	All	<p>a. On boundaries adjoining residential, open space, rural or specific purpose (Schools, Hospital, Cemetery, Tertiary Education) zones, trees shall be provided and evenly spaced at a ratio of at least 1 tree for every 10m of the boundary.</p>
ii	All	Open Space Community Parks; Commercial Banks Peninsula; Residential Central City	<p>a. In addition to any planting required by Rule 6.5.5.7(a)(i) above, one tree shall be planted within or adjacent to the car parking area for every 5 car parking spaces.</p>

- b. All trees required by this rule shall comply with the requirements in Appendix 6.11.6 Part A.

6.5.5.8 Planting and landscaping

- a. The minimum percentage of a site to be set aside as a landscaped area shall be as follows:

	Scheduled activity	Zone(s)	Standard
i	Cultural facility (Ferryman's Quay Heritage Park)	Open Space Community Parks	50%

- b. All trees required by this rule shall comply with the requirements in Appendix 6.11.6 Part A.

6.5.6 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in Rule 6.5.4.2, and as set out for that matter below.

6.5.6.1 Distribution of commercial and community activities

- a. The extent to which any proposed extension or expansion of the activity:
 - i. serves primarily local demand or, if serving a larger catchment:
 - A. requires a form and scale that would not be consistent with any commercial centres in that catchment; or
 - B. serves a primarily community or cultural function; or
 - C. provides necessary critical, social or physical infrastructure;
 - ii. is consistent with the function of commercial centres as the primary focus of commercial and community activity;
 - iii. in the Central City, adversely affects the consolidation of commercial activity in the Central City Business zone, and/or the coherence of residential areas and their capacity to support an increased residential population in the Central City.

6.5.6.2 Bulk and scale

- a. The extent to which increased building height or site coverage:
 - i. is consistent with the function and character of neighbouring sites;
 - ii. affects the amenity of adjoining sites or public spaces due to:
 - A. visual dominance;
 - B. loss of privacy;
 - C. shading; or
 - D. lack of visual interest or architectural variation;
 - iii. is visually mitigated by the design and appearance of the building, the quality and scale of any landscaping and tree planting proposed, site topography or the location of buildings within the site or any other factors;
 - iv. improves outcomes on the remainder of the site; for example, by allowing for the retention of mature trees or other features, naturalisation of water bodies, or reducing visual dominance of buildings on the boundaries of the site;
 - v. provides adequate area for site access, manoeuvring and other activities.

6.5.6.3 Minimum setback from road boundaries

- a. The extent to which the proposed setback of the building from the street and the design of any building facades visible from a public area:
 - i. are consistent with the function and character of surrounding zones and existing buildings on the site;
 - ii. provide visual interest appropriate to the context and character of the site and its surroundings;

- iii. incorporate architectural variation into the façade and building form to provide interest and to break up the bulk of the building;
- iv. maintain clear and visible visual and physical connections between the interior of any buildings and the road and other public spaces;
- v. provide opportunities for landscaping along road boundaries;
- vi. allow a more efficient, practical and higher amenity use of the remainder of the site or enable the protection of significant trees or other natural or heritage features on the site;
- vii. provide safe site access.

6.5.6.4 Minimum setback from internal boundaries

- a. The extent to which the proposed setback of the building from any boundary with a residential, open space or specific purpose (Schools, Tertiary Education, Cemetery, Hospitals) zone:
 - i. maintains adequate levels of privacy, daylight and outlook for occupants and neighbours;
 - ii. is adjacent to less sensitive areas on neighbouring sites such as driveways, parking or service areas;
 - iii. provides opportunities for landscaping along internal boundaries;
 - iv. allows a more efficient, practical and higher amenity use of the remainder of the site or enables the protection of significant trees or other natural or heritage features on the site.

6.5.6.5 Sunlight and outlook at boundaries with residential zones

- a. The extent to which any building intrusion into a recession plane:
 - i. overshadows and impacts on the outdoor living spaces and main living areas of residential buildings, and/or activities undertaken within the space affected, while having regard to the time of year that overshadowing is expected to occur;
 - ii. visually impacts on the adjoining residential zones;
 - iii. impacts on the privacy of an adjoining site;
 - iv. is mitigated by the extent and quality of any landscaping proposed;
 - v. is necessary in order to avoid, remedy or mitigate adverse effects on the building resulting from a natural hazard including inundation or flooding;
 - vi. allows a more efficient, practical and higher amenity use of the remainder of the site or enables the protection of significant trees or other natural or heritage features on the site.

6.5.6.6 Outdoor storage areas

- a. The extent to which:
- the quality and form of any fencing, landscaping or other screening minimises the visual effects of outdoor storage areas as viewed from the street or an adjoining property;
 - the materials or goods stored within the setback have an adverse visual effect or generate dust or odour nuisance;
 - outdoor storage areas are adjacent to less sensitive areas on neighbouring sites such as driveways, parking or service areas

6.5.6.7 Trees, planting and landscaping

- a. The extent to which the proposed tree planting or landscaping:
- achieves a high level of on-site amenity while minimising the visual impact of activities and buildings on the surroundings;
 - supports the growth of vegetation and its protection through the provision of adequate space and light, or other methods (e.g. barriers);
 - utilises species suitable to the site conditions (relevant guidance is provided in Appendix 6.11.6).

6.5.7 Rule - Schedule of activities

ID	Scheduled activity	Address	Legal Description	Zone	Map No
Scheduled Public Utilities					
PU1	Beckenham Water Services Yard and Pumping Station	54 Colombo Street	Pt RS 138 Canterbury Dist, Pt Lots 13,14,15,16,17,18DP 2527	Residential Suburban	46
PU2	Mairehau Depot	280 Westminster Street	Pt Lot 65 DP 13198	Open Space Community Parks	25
Scheduled Service Centres and Community Centres					
SC1	Fendalton Community Centre	170 Clyde Road	Lot 1 DP 25574	Residential Suburban	31
SC2	Beckenham Service Centre	66 Colombo Street	Pt Lots 1,2 DP 24288, Pt Lots 10,11,12,13,14,6,7,8,9 DP 2527	Residential Suburban	46
SC3	Fendalton Service Centre	4 Jeffreys Road	Lot 1 DP 81683	Residential Suburban	31
SC4	Linwood Service Centre	180 Smith Street	Lot 16 DP 23797	Residential Suburban Density Transition	39; 40

ID	Scheduled activity	Address	Legal Description	Zone	Map No
Scheduled Community Facilities					
CO1	Christchurch City Mission	275 Hereford Street	Lots 2,3 DP 10123, Lots 1,2 DP 1639	Residential Central City	Central City Map
CO2	ALPA Community Cottage	28 Hurley Street	Pt Res 28 Christchurch Town	Residential Central City	H11
CO3	Canterbury Women's Club	190 Worcester Street	Lot 1 DP 3969	Residential Central City	H16
Scheduled Spiritual Facilities					
-	All spiritual facilities in Residential zones established before 3 September 2010	Various	Various	Various Residential	-
SF1	Addington Kingdom Hall of Jehovah's Witnesses	13 Wrights Road	Lot 1 & 2 DP 49955; Lot 1 DP 74681	Residential Suburban Density Transition	38
SF2	Akaroa Catholic Church	25 Rue Lavaud	Lot 2 DP 41800	Residential Banks Peninsula	77, R5
SF3	Al Noor Mosque	101 Deans Avenue	Lot 2 DP 13689	Residential Medium Density	38
SF4	All Saints Anglican Church, Lounge and Hall	305 New Brighton Road	PT Lot 4 DP 18218; PT RS 7943 Dist Canterbury	Residential Suburban	26
SF5	Aranui Christian Centre / Maori Evangelical Fellowship Church	234 Breezes Road	Lot 5 DP 7971	Residential Suburban	33
SF6	Aranui Salvation Army Centre	34 Portsmouth Street	Lot 471 & 472 DP 22293	Residential Suburban	33
SF7	Avonhead Baptist Church	102, 102A Avonhead Road	Lot 7, 8 & 9 DP 16365	Residential Suburban	30
SF8	Avonhead Presbyterian Church	150 Withells Road	Lot 1 DP 50297; Lot 2 DP 27112	Residential Suburban	30
SF9	Avonside Community Church	125 Kerrs Road	Lot 3 DP 12250; Lot 1 DP 50559	Residential Suburban	33
SF10	Baps Shri Swaminarayan Mandir	19 Frank Street	PT RS 304 Dist Canterbury	Residential Medium Density	24

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF11	Beckenham Baptist Church	146 Colombo Street	Lot 2 DP 301236	Residential Suburban Density Transition	46
SF12	Beckenham Methodist Church	83 Malcolm Avenue	Lot 1 DP 43723	Residential Suburban	46
SF13	Belfast Salvation Army Centre	792 Main North Road	Lot 45 & 46 DP 716	Residential Suburban	12
SF14	Beulah Christian Fellowship	136, 140 Springfield Road	Lot 1 & 2 DP 72559; PT RS 257 Dist Canterbury	Residential Suburban Density Transition	32
SF15	Bible Baptist Church	3 Pages Road, Christchurch	PT Lot 2 DP 22554; Sec 3 SO 18346	Residential Suburban	33
SF16	Bishopdale Catholic Church	28 Cotswold Avenue	Lot 2 DP 83055	Residential Suburban	24
SF17	Bishopdale Church of Christ	409 Greers Road	Lot 632, 633 & 634 DP 21743	Residential Suburban	24
SF18	Bishopdale Reformed Church	92 Highsted Road	Lot 1 DP5 1632	Residential Suburban	18
SF19	Bishopdale Seventh Day Adventist Church	2 Bonita Place	Lot 11 DP 35665	Residential Suburban	24
SF20	Bishopdale-St Margaret's Presbyterian Church	94, 100 Farrington Avenue	Lot 1 DP 64135; Lot 779 & 780 DP 22941	Residential Medium Density	24
SF21	Breezes Road Baptist Church	151 Breezes Road	Lot 1 & 2 DP 15830	Residential Suburban	33
SF22	Bryndwr Baptist Church	159, 161 Aorangi Road	Lot 16 & 17 DP 15128	Residential Suburban	24
SF23	Bryndwr Gospel Chapel	179 Idris Road	Lot 2 DP 387188	Residential Suburban	24
SF24	Burnside Catholic Church	152 Memorial Avenue	PT Lot 1 & 2 DP 8452	Residential Suburban	31
SF25	Burnside Elim Community Church	193 Grahams Road	Lot 175 & 176 DP 21904	Residential Suburban	24
SF26	Burwood Christian Centre	52, 56 Bassett Street	Lot 1, 2 DP 30386; Lot 2 DP 14773	Residential Suburban	26
SF27	Carmelite Monastery	52 Halswell Road	Lot 1 DP 23464; PT Lot 1 DP 10210	Residential Suburban	38
SF28	Cashmere Hill Presbyterian Church	2 MacMillan Avenue	Lot 2 DP 390875	Residential Hills	46

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF29	Cashmere New Life Church	30 & 32 Colombo Street	Lot 3 DP 42990; PT Lot 6 DP 8538; Lot 4 DP 300754	Residential Suburban	46
SF30	Chinese Abundant Life Church	160 & 162 Edinburgh Street	Lot 1 & 2 DP 2309	Residential Suburban Density Transition	38
SF31	Christadelphian Bible Hall	554 Gloucester Street	Lot 189 DP 420; PT Lot 190 DP 420	Residential Medium Density	32
SF32	Christchurch Baptist of Burwood	9 Burwood Road	Lot 1 DP 46541	Residential Suburban	26
SF33	Christchurch Chinese Church	286 Greers Road	Lot 2 DP 51329	Residential Suburban	24
SF34	Christchurch Interfaith Society	17 Kirkwood Avenue	Lot 1 & 2 DP 80246	Residential Suburban	31
SF35	Christchurch Korean Church, Wairakei Road Bible Church	392 Wairakei Road	Lot 6 & 7 DP 221144	Residential Suburban	24
SF36	Christchurch North Elim Church	803 Main North Road	Lot 1 DP 20313; Lot 1 & 2 DP 51468	Residential Suburban	12
SF37	Christchurch North Methodist Church	18 Chapel Street	PT RS 203 Dist Canterbury	Residential Suburban Density Transition	24
SF38	Christchurch North Presbyterian Church	2 Daniels Road	PT Lot 1 DP 5815	Residential Suburban	18
SF39	Christchurch-Knox Presbyterian Church and Presbyterian Support Services	36, 40, 44 Bealey Avenue	Lot 1 & 2 DP 2715; PT Lot 3, PT Lot 3 DP 522; Lot 4 DP 522; Lot 1 & 2 DP 11407	Residential Central City	32, CC, H10
SF40	Christchurch-Korean Presbyterian Church	75 Packe Street; 105, 135 Purchas Street	Lot 1 DP 340171; Lot 1 & 2 DP 319522; Lot 2 DP 395971	Residential Medium Density	32
SF41	Christian Brothers Community	24A, 24B, 24C, 24D Wharenui Road	Lot 3 DP 417657; Lot 2 DP 355145; Lot 1 & 2 DP 417657	Residential Suburban / Residential Suburban Density Transition	38
SF42	Christian Spiritualist Church	182 Edgeware Road	Lot 1 DP 7123	Residential Medium Density	32

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF43	Church of Ascension and Office hall and vicarage	39 Major Hornbrook Road	Lot 1 DP 44412; PT Lot 23 DP 6838	Residential Hills	47
SF44	Church of the Holy Family	212 Burwood Road	PT RS 24495 Dist Canterbury	Residential Suburban	26
SF45	Durham Street Methodist Church	54 Chester Street West	Lot 2 DP 51328	Residential Central City	32, CC, H15
SF46	Ekalesia Au Uso Kerisiano Samoa, Aranui Gospal Hall	107A Marlow Road	PT Lot 2 DP 16273	Residential Suburban	33
SF47	Emmett Street Community Church	106 Emmett Street	Lot 287 & 288 DP 15523	Residential Suburban	25
SF48	Falelotu Kosipeli	40, 42 Somerset Crescent	PT Lot 1, Lot 2 DP 23774; PT Lot 1 DP 9880	Residential Medium Density	38
SF49	Ferrymead Kingdom Hall of Jehovah's Witnesses	485 Worcester Street	Lot 115 & 182 DP 420	Residential Medium Density	32
SF50	First Church of Christ Scientist	66 Carlton Mill Road	PT RS 6 Dist Canterbury	Residential Medium Density	31
SF51	Fo Guang Shan	2 Harakeke Street	Lot 1 DP 341759	Residential Suburban Density Transition	31
SF52	Grace Vineyard Church	113 Seaview Road	PT Lot 16 DP 100	Residential Suburban Density Transition	33, 26
SF53	Greek Orthodox Church	52 Malvern Street	Lot 9 DP 9241	Residential Suburban Density Transition	25
SF54	Halswell Catholic Church	56 Nicholls Road	Lot 2 DP 39637	Residential Suburban	49, 44
SF55	Hei Hei Broomfield Community Hub	126 Hei Hei Road	Lot 22 DP 19901	Residential Suburban	30
SF56	Holy Trinity Church, Belfry and Bell; St Francis Hall and Office; Holy Trinity Hall Complex - includes one residence	20 Lychgate Close	PT Lot 2 DP 26713	Residential Suburban Density Transition	32

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF57	St Saviours at Holy Trinity Church, Holy Trinity Lounge and Vicarage	17 Winchester Street, Lyttelton	Res 28 Dist Canterbury	Residential Banks Peninsula	R1, 52
SF58	Hoon Hay Catholic Church	3/170 Hoon Hay Road	Lot 9 & 10 DP 15518	Residential Suburban	45
SF59	Hoon Hay Presbyterian Church	5 Downing Street	Lot 7, 8, & 9 DP 16167	Residential Suburban	45
SF60	Hope Presbyterian Church	27 Amyes Road	Lot 3, 4, 5 & 6 DP 22321; PT Lot 2 Dp 22321	Residential Suburban	37
SF61	Hornby Salvation Army Centre	23 Manurere Street	Lot 153 DP 19823	Residential Suburban	36
SF62	Hosanna Baptist Community Church	51 Bridge Street	Lot 1 DP 42687	Residential Suburban	34
SF63	Ilam Seventh Day Adventist Church	22 Ilam Road	Lot 1 DP 81460; Lot 2 DP 80934	Residential Suburban	31
SF64	Knox Presbyterian Church	28 Wharf Road, Pigeon Bay	Lot 10 DP 9833	Residential Small Settlement	65, R2
SF65	Korean Full Gospel Church	537 Ferry Road	Lot 1 DP 12907	Residential Suburban	39
SF66	Life Church (La Vida Trust)	34A Hansons Lane	Lot 1 DP 71158; Lot 2 DP 40305; PT Lot 24 DP 15781	Residential Suburban	37
SF67	Linwood Avenue Union Church	378 Linwood Avenue; 119 & 121 Tilford Street	Lot 9, 10, 11 & 13 DP 17855	Residential Suburban	40
SF68	Linwood Baptist Community Church	576 Worcester Street; 165, 2/167 Linwood Ave	Lot 22, PT Lot 21 DP1531;	Residential Suburban Density Transition	32
SF69	Linwood Bible Chapel	78 Stanmore Road	Lot 1 & 2 DP 5752	Residential Medium Density	32
SF70	Linwood Congregational Church	239 Ferry Road	Lot 15, 16, 17 & 18 DP 407	Residential Medium Density	39
SF71	Linwood Salvation Army Centre	177 Linwood Avenue	Lot 1, 2 DP17401; PT Lot 20, PT Lot 21 DP 1791; Lot 18 DP 1531	Residential Suburban Density Transition	32
SF72	Linwood/Aranui-St Georges/Iona Presbyterian Church 1	599 & 601 Gloucester Street	PT Lot 60; Lot 61 DP 1532	Residential Suburban Density Transition	32

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF73	Linwood/Aranui-St Georges/Iona Presbyterian Church 2	304 Breezes Road	Lot 20 DP 899	Residential Suburban	33
SF74	Lyttelton Union Church	44 Winchester Street, Lyttelton	Sec 77 Lyttelton Town	Residential Banks Peninsula	R1, 52
SF75	Port Hills Uniting Parish	40 Winchester Street, Lyttelton	Sec 75 Lyttelton Town	Residential Banks Peninsula	52, R1
SF76	Mt Pleasant, Heathcote and Ferrymead Presbyterian Church	63 St Andrews Hill Road	Lot 1 DP 7978	Residential Hills	47
SF77	New Apostolic Church	356 Wairakei Road	Lot 200 & 203 DP 20382; Lot 200 & 201 DP 2211	Residential Suburban	24
SF78	New Brighton Union Church	24 Union Street; 10 Collingwood Street	Lot 2 DP 39564; Lot 53 DP 100	Residential Suburban Density Transition	33
SF79	Noah's Ark	27A Revelation Drive	Lot 3 DP 485106	Residential Hills	48
SF80	North Avon Baptist Church	99, 101, 105 North Avon Road; 8 Petrie Street	Lot 5, 6 DP 2701; PT Lot 5, Lot 6 DP 2702	Residential Suburban	32
SF81	North Avon Presbyterian Church	56 Petrie Street	Lot 36 & 38 DP 3463	Residential Suburban	32
SF82	North Beach Christian Fellowship	143 Tedder Avenue	Lot 3 & 4 DP 4876	Residential Suburban	26
SF83	North Beach Samoan Assembly of God Church	246 Bower Avenue	Lot 13 & 17 DP 3130; Lot 1 & 2 DP 6569	Residential Suburban	26
SF84	Oasis Baptist Community Church	306 Waterloo Road	Lot 201 DP 18599	Residential Suburban	36
SF85	Opawa Baptist Church	276, 277 Wilsons Road; 205, 209 Hastings Street East	Lot 1 DP 24698; PT Lot 72 DP 45; Lot 2 DP 11112; Lot 6 & 7 DP 3680; PT Lot 65 DP 45	Residential Medium Density	39
SF86	Opawa Community Church	3, 7 Aynsley Terrace; 158 Opawa Rd	Lot 1, 2 DP 27875; PT Lot 9 DP 1666	Residential Suburban	39
SF87	Oxford Terrace Baptist Church	288, 294 Oxford Terrace; 79 Chester Street East	PT Lot 1 DP 3349; PT Sec 525, Sec 527 Christchurch Town	Residential Central City	32, CC, H16

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF88	Papanui Baptist Church	144, 146 Sawyers Arms Road; 10 La Perouse Place	Lot 1 DP 19452; RS 39552 Dist Canterbury; Lot 2 DP 41675; Lot 42 DP 36378	Residential Suburban	24
SF89	Parklands Kingdom Hall of Jehovah's Witnesses	3 Waitikiri Drive	Lot 7 DP 54875	Residential Suburban	20
SF90	Plymouth Brethren - Aylesford St	115 Aylesford Street	Lot 2 DP 30983	Residential Suburban	25
SF91	Plymouth Brethren - Breens Rd	24 Breens Road	Lot 1 DP 50457	Residential Suburban	23
SF92	Plymouth Brethren - Grahams Rd	3 Grahams Road	Lot 11 & 12 DP 22851	Residential Suburban	30
SF93	Plymouth Brethren - Harewood Rd	412 Harewood Road	Lot 2 DP 55759	Residential Suburban	24
SF94	Plymouth Brethren - Main North Rd	627 Main North Road	Lot 5 DP 17889	Residential Suburban	11
SF95	Plymouth Brethren - Tillman Ave	9 Tillman Avenue	Lot 1 DP 67026	Residential Suburban	24
SF96	Plymouth Brethren - Tuckers Rd	58 Tuckers Road	Lot 68 DP 63475	Residential Suburban	18
SF97	Quinns Road Bible Chapel	150 Quinns Road	PT Lot 35 DP 15260	Residential Suburban	25
SF98	Rasullulah Centre	3 Leacroft Street	Lot 885, 886 and 887 DP 22942	Residential Medium Density	24
SF99	Reformed Church of Christchurch	1/61 Cornwall Street	Lot 2 DP 63251	Residential Suburban Density Transition	32
SF100	Reformed Church of Dovedale	28 Shands Road	Lot 1 DP 27389	Residential Suburban Density Transition	36
SF101	Riccarton Baptist Church	110 Peverel Street	Lot 22, 23 & 24 DP 9725	Residential Suburban Density Transition	38
SF102	Riccarton Community Church	48 Elizabeth Street	Lot 2 DP 21277; PT Lot 3 DP 8503; Lot 4 DP 8303	Residential Medium Density	38

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF103	Riccarton-St Ninian's Presbyterian Church	5, 9 Puriri Street	Lot 2 & 3 DP 26214	Residential Suburban	31
SF104	Romanian Orthodox Church of the Dormition of the Theotokos	40 Phillips Street	Lot 107 & 108 DP 38	Residential Medium Density	39
SF105	Rowley Avenue Bible Chapel	26 Rowley Avenue	Lot 46 & 47 DP 27887	Residential Suburban	45
SF106	Rutland Street Church	12 Rutland Street	Lot 14, 15, 16 & 17 DP 6614	Residential Suburban Density Transition	32, 25
SF107	Samoan Addington Seventh Day Adventist	61 Brougham Street	Lot 1 DP 44839	Residential Medium Density	38
SF108	Samoan Congregational Church	91 Dyers Road	Lot 33 DP 405028; PT Lot 9 DP 49848	Residential Suburban	40
SF109	Shirley Methodist Church	168 North Parade; 6 New Brighton Road	PT Lot 9 DP 3856	Residential Medium Density	32, 25
SF110	Shirley Samoan Assembly of God Church	341 Hills Road	Lot 36 & 37 DP 13198	Residential Suburban	25
SF111	South West Baptist Church – Halswell	6, 10 Balcairn Street	Lot 15 & 16 DP 28414	Residential Suburban	44
SF112	South West Baptist Church – Spreydon	235, 242 & 248 Lyttelton Street; 31 & 55 Cobham Street	Lot 1 & 2 DP 80743; Lot 16 & 19 DP 24754; Lot 4 & 5 DP 7606	Residential Suburban Density Transition	38
SF113	Spreydon-St James Presbyterian Church	46 Bewdley Street	Lot 2 DP 301512	Residential Suburban Density Transition	38
SF114	St Aidan's Church, Vicarage and Hall	63 Brookside Terrace	Lot 75 DP 15693	Residential Suburban	24
SF115	St Albans Baptist Church	64 McFaddens Road	Lot 4 DP 70361	Residential Suburban	25
SF116	St Albans Uniting Church	36 Nancy Avenue; 262 Knowles Street	Lot 2 DP 38769; Lot 47 DP 15961	Residential Suburban	25
SF117	St Ambrose Church, Hall and Former Vicarage	309 Breezes Road	Lot 3, PT Lot 4 DP 3564	Residential Suburban	33

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF118	St Andrew's Church and Hall - Diamond Harbour	85 Marine Drive	Lot 36 & 37 DP 10949	Residential Banks Peninsula	59, R1
SF119	St Andrew's Church and Sunday School – Redcliffs	148 Main Road	Lot 1 DP 926; PT Lot 1 DP 1228	Residential Suburban	48
SF120	St Andrew's Church, Lounge and Kitchen	107 Marriotts Road	Lot 6 & 7 DP 5675; PT Lot 8 DP 5675	Residential Suburban	26
SF121	St Anne's Church and Hall	9 Wilsons Road South	PT Lots 10 & 11 DP 6118; Lot 9 DP 6118	Residential Suburban	46
SF122	St Augustines Church, Tower, Hall and Hannan Room	5 Cracroft Terrace	Lot 1 DP 78644	Residential Hills	46
SF123	St Barnabas Church, Hall and Parish Administration Offices	8 Tui Street	Pt RS 18 Canterbury Dist, Pt RS 18 Canterbury Dist, Pt Lots 3,4,4A,4A,5 DP 2528, Lot 6 DP 2528	Residential Suburban	31
SF125	St Chads Church and Hall	1 Carnarvon Street	Lot 2 DP 378215	Residential Suburban	33
SF126	St Christopher's Church, Hall 1958, and Hall 1964	242 Avonhead Road	Lot 1 DP 78643; Lot 2 DP 21506	Residential Suburban	30
SF127	St Columba's Church, Hall and Vicarage	452 Main South Road	Lot 1 DP 17023	Residential Medium Density	36
SF128	St David's Church and Hall	831 Main North Road	Lot 1 DP 45051	Residential Suburban	12
SF129	St Faith's Church and Parish Hall	46 Hawke Street	Lot 2 DP 305285	Residential Suburban Density Transition	26
SF130	St James' Church, Parish Lounge and Church House Offices	65, 69 Riccarton Road	Lot 1 & 2 DP 396599	Residential Medium Density	31
SF131	St John the Evangelist Church - Duvauchelle	6079 Christchurch Akaroa Road	Lot 2 DP 302088	Residential Banks Peninsula	70, R4
SF132	St John the Evangelist Church - Okains Bay	1131 Okains Bay Road	Lot 2 DP 53311	Residential Small Settlement	68, R5

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF133	St John's Church - Little River	4183 Christchurch Akaroa Road	PT RS 4259 Dist Canterbury	Residential Small Settlement	69, R4
SF134	St John's Church and Hall	2-4 Chedworth Avenue	Lot 2 DP 38458; Lot 1 DP 38458	Residential Suburban	24
SF135	St John's Church and Hall	10 St Johns Street	Lot 2 DP 38652	Residential Suburban	40
SF136	St John's Methodist Church	49 Bryndwr Road	Lot 2 DP 25855	Residential Suburban	31
SF137	St John's Union Church	4 Augusta Street	PT Lot 39 DP 926	Residential Suburban	48
SF138	St Kentigern's Burwood United Parish	45 Rookwood Avenue	Lot 25 DP 5753; PT Lot 24 DP 6099	Residential Suburban	26
SF139	St Luke the Evangelist Church and Vicarage	248 Manchester Street	Lot 1 DP 70089; PT Lot 2 DP 70089	Residential Central City	32, CC, H11
SF140	St Luke's Church	212 Pine Avenue	Lot 43 & PT Lot 42 DP 884	Residential Suburban	34
SF141	St Luke's Methodist Church	438 Halswell Road	Lot 1 DP 23481; Lot 2 DP 18478	Residential Suburban	49
SF142	St Luke's Samoan Assembly of God Church	21 St Lukes Street	Lot 2 DP 392141, Lot 8, 9 & 10 DP 43076	Residential Suburban	40
SF143	St Mark's Church and Hall	1 Vincent Place	Lot 1 DP 36248	Residential Suburban	39
SF144	St Mark's Methodist Church	94 Barrington Street; 5, 7 Somerfield Street	Lot 2 DP 22623; PT Lot 13 & PT Lot 14 DP 1885	Residential Suburban	45
SF145	St Martin's Church, Hall, Others and Vicarage	56 Lincoln Road; 15 Dundee Place	Lot 1 DP 17103; Lot 2 DP 19087; PT Lot 6 DP 1981; Pt Lot 2 DP 17103	Residential Suburban	38
SF146	St Martin's Presbyterian Church	43 St Martins Road	PT Lot 1 DP 6412	Residential Suburban	46
SF147	St Martin's Seventh Day Adventist Church	32 Riverlaw Terrace	Lot 5 DP 40173	Residential Suburban	39

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF148	St Mary's Church, Hall, Office and Vicarage, Merivale	24, 26, 30 Church Lane	Lot 1 DP 40505; Lot 1 DP 1720; Lot 1 DP 308329	Residential Medium Density	31
SF149	St Mary's Church and Belltower, Addington	30 Church Square	PT RS 72 Dist Canterbury	Residential Medium Density	38
SF150	St Mary's Church and Parish Hall, Halswell	329 Halswell Road	Lot 1 DP 60019	Residential Suburban	44
SF151	St Mary's Church and Parish Hall, Heathcote	2 Truscotts Road	Lot 25 & 26 DP 317; PT RS 19 Dist Canterbury	Residential Suburban	47
SF152	St Matthew's Church and Hall	143 Cranford Street	Lot 85 & PT Lot 86 DP 1527	Residential Suburban Density Transition	25
SF153	St Nicholas Church and Fellowship Centre	231 Barrington Street	Lot 10 DP 46856; PT Lot 1 DP 43402	Residential Suburban Density Transition	45
SF154	St Paul's Church, Parish Hall and Office	1 Harewood Road; 51 Bellvue Avenue	Lot 5, 6, 7 & 9 DP 16730; PT Res 64 Dist Canterbury	Residential Medium Density	24
SF155	St Pauls Lutheran Church	130 Burwood Road	Lot 1 DP 52160	Residential Suburban	26
SF156	St Peter's Church	24 Main South Road	PT Lot 2 DP 13527	Residential Suburban Density Transition	30
SF157	St Peter's Church and Parish Lounge	10 Rue Balguerrie	PT RS 200 Dist Canterbury	Residential Banks Peninsula	77, R5
SF158	St Peter's Parish Hall, Bowden Sunday School Hall	25 Yaldhurst Road	PT Lot 2 DP 13527	Residential Suburban Density Transition	30
SF159	St Saviour's Church and Hall	50 Kirk Road	Lot 1 DP 7455; PT RS 3124 Dist Canterbury	Residential Suburban	35
SF160	St Saviour's Church and Hall	202 Colombo Street	Lot 2 DP 6744; Lot 8 & 9 DP 9862; PT RS 227 Dist Canterbury	Residential Medium Density	39
SF161	St Silas Church	241 Main North Road	PT Lot 4 DP 15355; PT RS 291 Dist Canterbury	Residential Suburban	18
SF162	St Stephen's Church / Marsden Centre and Vicarage	2-6 Emmett Street	Lot 178, 179, 180 & 181 DP 15482	Residential Suburban	25

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF163	St Stephen's Methodist Church	376 Yaldhurst Road	Lot 3 DP 312492; PT Lot DP 338; PT RS 1226 Dist Canterbury	Residential Suburban	30
SF164	St Stephen's Presbyterian Church	190, 192 Aorangi Road	Lot 4, 5 DP 25168	Residential Suburban	31
SF165	St Thomas' Church and Hall	17 Strowan Road	Lot 56 DP 730	Residential Suburban	31
SF166	St Timothy's Burnside Anglican Church, Lounge and Vicarage	40-46 Kendal Avenue	Lot 399, 400, 401, 402 & 403 DP 20512	Residential Suburban	23
SF167	Subud Centre	105 Bridle Path Road	Lot 1 & 2 DP 2576; PT RS 19 Dist Canterbury	Residential Suburban	47
SF168	Sumner Uniting Church	6 Hardwicke Street	Lot 44 DP 13	Residential Suburban Density Transition	48
SF169	Sydenham Salvation Army Centre	250 Colombo Street	Lot 1 & 2 DP 1235	Residential Medium Density	39
SF170	Te Rangimarie Centre	360 Gloucester Street	Lot 1 DP 25875; PT RS 26 Dist Canterbury	Residential Medium Density	32
SF171	The Church in Christchurch	99 & 105 Mathers Road	Lot 458, 459, 460 & 461 DP 27578	Residential Suburban	45
SF172	The Church of Jesus Christ of Latter Day Saints - Avon River	31 MacKenzie Avenue	Lot 1 & 2 DP 35792; PT Lot 1 DP 4961	Residential Suburban Density Transition	39
SF173	The Church of Jesus Christ of Latter Day Saints - Cashmere	81 Ashgrove Terrace	Lot 1 DP 42842	Residential Suburban	45
SF174	The Church of Jesus Christ of Latter Day Saints – Merivale	25 Fendalton Road	Lot 2 DP 26862	Residential Suburban	31
SF175	The Lamb of God Centre	19 Thames Street	Lot 1 DP 6309; Lot 2 DP 16093	Residential Suburban	25
SF176	The Oratory	141 Rutland Street	Lot 1 DP 23263	Residential Suburban	24
SF177	The Potters House Christian Church	12 Berwick Street	Lot 1 DP 22800	Residential Suburban Density Transition	32
SF178	The Spiritualist Church of New Zealand	41 & 43 Glenroy Street	PT Lot 1 & 2 DP 455	Residential Suburban	40

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SF179	Travis Junction Life Centre	158 Travis Road; 71, 86 Atlantis Street	Lot 1, 2 DP 48405; Lot 101 DP 302934	Residential Suburban	26
SF180	True Jesus Church	7 & 9 Whiteleigh Avenue	PT Lot 1 DP 22425; Lot 2 DP 64955; PT Lot 4 DP 2851; Lot 1 DP 64955	Residential Medium Density	38
SF181	Upper Riccarton Methodist Church	20 Yaldhurst Road; 3 Brake Street	Lot 73 DP 212; PT Lot 41 DP 201	Residential Suburban Density Transition	30
SF182	Woolston Catholic Church	739 Ferry Road	PT Lots 4 & 5 DP 1932	Residential Suburban	40
SF183	Yolin Korean Church	180 Clarence Street	Lot 1 DP 10884; Lot 26 DP 552	Residential Medium Density	31
Scheduled Cultural Facilities					
CU1	Yaldhurst Transport and Science Museum	26 School Road	Pt RS 1482 Canterbury Dist	Rural Urban Fringe	29
CU2	Ferrymead Heritage Park	50 Ferrymead Park Drive; 275 Bridle Path Road	Lots 1 & 2 DP 75787; Lot 3 DP 75788; Lot 1 DP 75789; PT LOT 5 DP 860; PT RS 8 (BM 341); Lots 1 & 2 DP 28250; PT RS 8 (A 6402, BM 341); Lots 6-7 & 9 DP 814; PT Lots 8 & 34 DP 814; PT RS 43; Lots 1 & 2 DP 40605; Lots 1-3 DP 28401; RS 38893 (SO 9125)	Open Space Community Parks	47
Scheduled Service Stations					
SS1	Armagh Auto	317 Barbadoes Street	Lot 1 DP 71840	Residential Central City	H16
SS2	Z Energy Barrington	253 Barrington Street	Lot 1 DP 44640	Residential Suburban Density Transition	45
SS3	Beach Road Tyre and Auto Centre	89-91 Beach Road	Lots 1 & 2 DP 25521	Residential Suburban	26
SS4	Bealey Avenue Service Station	270 Bealey Avenue	Lots 1-4 DP 6752, Pt TR 159	Residential Central City	H11
SS5	On the Go Middleton	324 Blenheim Road	Lot 12 DP 13576	Residential Suburban	38
SS6	Blighs Road Service Station	64 Blighs Road	Lot 1 DP 28218 Lots 3 & 6 DP 1978	Residential Suburban	24
SS7	Bromley Auto Services	427 Breezes Road	Lot 1 DP 16645	Residential Suburban	33

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SS8	Z Energy Woolston	417-419 Ferry Road	Lots 1-3 DP 9049; Lot 4 DP 198	Residential Suburban Density Transition	39
SS9	Mobil Ferry Road	619 Ferry Road	Pt Lot 9 DP 10453, Pt Lot 1 DP 39	Residential Suburban	40
SS10	BP Halswell	244 Halswell Road	Lot 5 DP 18615, Lots 10,7,8,9 DP 20563	Residential Suburban	44
SS11	Challenge! Halswell	345 Halswell Road	Lot 2 DP 339018, Lot 2 DP 46884	Residential Suburban	49
SS12	Z Energy Bishopdale	208-210 Harewood Road	Lots 40-41 DP 17536 Pt Lot 1 DP 12609	Residential Suburban	24
SS13	Z Energy New Brighton	38-40 Hawke Street	Lot 1 DP 25884 Pt Lot 79 DP 140 Lot 1 DP 44932	Residential Suburban Density Transition	26; 27
SS14	BP Mairehau	435 Innes Road	Lots 4 & 5 DP 18127	Residential Suburban	25
SS15	Z Energy Addington	250 Lincoln Road	Lots 1,2,3 DP 42678	Residential Medium Density	38
SS16	BP Linwood	457 Linwood Avenue	Lot 1 DP 75853	Residential Suburban	40
SS17	BP Redcliffs	172 Main Road	Lot 1 & Pt Lot 2 DP 10599	Residential Suburban	48
SS18	Caltex Redwood	315 Main North Road	Pt Lot 2 DP 19040, Lot 1 DP 27253	Residential Suburban	18
SS19	Z Energy Belfast	713 Main North Road	Lot 1 DP 15151 Lot 1 DP 71863	Residential Suburban	12
SS20	Challenge Milton Street	115 Milton Street	Lots 3-5 DP 6505	Residential Suburban Density Transition	39
SS21	JD Motors	129 North Avon Road	Pt Lot 1 DP 2702, Lot 2 DP 2702	Residential Suburban	32
SS22	Mobil Aranui	336 Pages Road	Pt Lots 1 & 2 DP 60189	Residential Suburban	33
SS23	Z Energy Riccarton	33 Riccarton Road	Lot 4 DP 63363	Residential Medium Density	31
SS24	Caltex Russley Service Station	4 Russley Road	Pt Lot 1 DP 79303	Residential Suburban	30
SS25	BP Sawyers Arms Road	262 Sawyers Arms Road	Lot 2 DP 42741	Residential Suburban	18
SS26	Springs Road Auto Services Ltd	101 Springs Road	Lot 14 DP 15897	Residential Suburban	37
SS27	Goodyear Auto Service Centre Shirley	49 Warrington Street	Lot 2 DP 378413	Residential Suburban Density Transition	25

ID	Scheduled activity	Address	Legal Description	Zone	Map No
SS28	Caltex Withells Road	202 Withells Road	Lot 1 DP 23721	Residential Suburban	30
SS29	Z Energy Yaldhurst	39 West Coast Road	Lot 1 DP 47884, Lot 2 DP 75519	Rural Urban Fringe	29
SS30	Z Energy Linwood	214 Linwood Avenue	Lot 1 DP 54493	Residential Suburban Density Transition	32; 39
SS31	BP Fendalton	1 Memorial Avenue	Lot 2 DP 12792, Lot 1 DP 18466, Pt Lot 2 DP 18466, Lot 1 DP 26482, Lots 1, 4 DP 459881	Residential Suburban	31
SS32	St Martins Garage	238 Centaurus Road	Lot 1 DP 675	Residential Suburban	46
SS33	Mobil Wainoni	175 Wainoni Road	Lot 2 DP 12297, Pt Lot 3 DP 14198	Residential Suburban	33
SS34	Mobil Wigram	243 Main South Road	Lot 1 DP78344, Lot 2 DP78344	Residential Suburban	37
SS35	BP Westburn	196 Waimairi Road	Lot 1 DP 20449	Residential Suburban	30
Scheduled Holiday Parks					
HP1	Top 10 Holiday Park	39 Meadow Street	Lot 2 DP 334194; Lot 2 DP 369252; Lot 5 DP 17113; Lot 1 DP 334194; Lot 20 DP 7349; Lots 1 & 2 DP 36928	Residential Suburban; Rural Urban Fringe	24
Scheduled Taverns					
TN1	Blenheim Road Tavern	280 Blenheim Road	Lot 1 DP 77136	Residential Suburban; Residential Suburban Density Transition	38
TN3	Parklands Tavern	6 Inwoods Road	Lot 1 DP 81181	Residential Suburban	20
TN4	Avonhead Tavern	120 Withells Road	Pt Lot 2 DP 29243	Residential Suburban	30
TN5	Belfast Hotel	899 Main North Road	Lot 1 DP 331273, Lot 1 DP 334238, Lot 1 DP 76408	Residential Suburban; Rural Urban Fringe	12
TN6	Black Horse Hotel	33 Lincoln Road	Lots 1,3 DP 80912	Residential Suburban	38

6.6 Water Body Setbacks

6.6.1 Introduction

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

This sub-chapter relates to the management of activities and development adjacent to classified water bodies and their margins in order to protect and enhance the values and functions of these areas.

Classified waterbodies are identified on the Planning Maps and also in Appendix 6.11.5.4. The characteristics of each classification of water body are described in Appendix 6.11.5.1.

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

6.6.2 Objective and Policies

6.6.2.1 Objective – Protection of water bodies and their margins from inappropriate use and development

- a. Activities and development in water body margins are managed in a way that protects and/or enhances the following values and functions of the water body and its margins: flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access where appropriate for recreation, customary practices including mahinga kai, or maintenance.

6.6.2.1.1 Policy – Naturalisation of water bodies and their margins

- a. Take a catchment-wide approach to protecting and/or enhancing the natural form, function and ecology of water bodies and their margins in order to maintain or improve (where degraded) water quality, flood control, biodiversity, bank stability, mahinga kai, and amenity values, while:
 - i. in City and Settlement areas, supporting the provision of ecological corridors and public access where possible, recognising this may not be fully achievable for some classifications of water body because of historic development patterns or adjoining land uses.
 - ii. in Rural areas, providing for rural activities while:
 - A. ensuring adverse effects of land uses on the functions of water bodies are managed; and
 - B. recognising that protecting or improving water quality is a priority matter.
 - iii. in Natural areas, minimising development in water body setbacks.

6.6.2.1.2 Policy – Setbacks from water bodies

- a. Manage adverse effects of activities on water bodies and their margins within setbacks in a manner that is consistent with the classification of the water body.

	Water body classification (The characteristics of each water body classification are described in Appendix 6.11.5.1)	Functions of the water body setback
i.	All	<ul style="list-style-type: none"> a. Providing a buffer zone for natural erosion, sedimentation and land movement in the weak saturated soils that border water bodies; and minimising the risk that these processes pose to buildings or other structures. b. Minimising flood risk and damage by providing flood storage capacity, dispersal and effective land drainage; and managing risk and damage from structures that transfer flood hazard. c. Improving water quality and catchment-wide ecosystem health by filtering potential contaminants. d. Allowing space for riparian planting where possible in a continuous corridor to improve ecological values, and bank and slope stability. e. Providing access for the maintenance of water bodies and any associated hazard protection works.
ii.	Downstream waterway	<ul style="list-style-type: none"> a. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants. b. Encouraging the establishment, retention and maintenance of significant appropriate riparian vegetation. c. Contributing to the open space character and amenity of the surrounding area. d. Supporting customary uses including mahinga kai within the water body, its margins and catchment. e. Providing recreational opportunities for the public where this is consistent with the other functions of the setback.
iii.	Upstream waterway	<ul style="list-style-type: none"> a. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants. b. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation. c. Contributing to the open space character and amenity of the immediate area.
iii.	Environmental asset waterway	
iv.	Network waterway	<ul style="list-style-type: none"> a. Where feasible, creating or enhancing ecological corridors for terrestrial and aquatic animals and plants.
v.	Hill waterway	<ul style="list-style-type: none"> a. Contributing to the open space character and amenity of the surrounding area. b. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants.

	Water body classification (The characteristics of each water body classification are described in Appendix 6.11.5.1)	Functions of the water body setback
vi.	Environmental asset standing water body	<ul style="list-style-type: none"> a. Providing habitat for a wide range of terrestrial and aquatic animals and plants. b. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation. c. Contributing to the open space character and amenity of the surrounding area. d. Supporting customary uses including mahinga kai within the water body, its margins and catchment. e. Providing recreational opportunities for the public where this is consistent with the other functions of the setback.
vii	Banks Peninsula waterway	<ul style="list-style-type: none"> a. Providing interim protection of values for waterways on Banks Peninsula that have not yet been classified. b. Maintaining or enhancing habitat for terrestrial, and aquatic animals and plants. c. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation. d. Contributing to the open space character and amenity of the immediate area.

6.6.2.1.3 Policy — Management of activities in water body setbacks

- a. Where buildings, earthworks, other structures, impervious surfacing, or maintenance and enhancement works are undertaken within a water body setback, manage the activity so that:
 - i. any identified cultural significance of the water body to tangata whenua is appropriately recognised and provided for, including provision for customary access and use where applicable;
 - ii. water quality, biodiversity, and mahinga kai values are maintained or enhanced;
 - iii. connectivity between land, natural freshwater systems and the coast are retained or enhanced;
 - iv. the stability of water body banks and adjacent land is maintained and sedimentation and erosion minimised;
 - v. access for maintenance is enabled;
 - vi. the ability of water body margins, channels, or ponding areas to store and/or convey surface water safely and efficiently is not impeded;
 - vii. flood events are not exacerbated;
 - viii. adverse effects of flooding or erosion are not transferred to another site;

- ix. amenity and natural character values, including riparian planting, are retained or enhanced;
- x. activities do not, to more than a minor extent, disturb or visually detract from:
 - A. Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1;
 - B. Outstanding Natural Landscapes identified in Appendix 9.2.9.2.2;
 - C. Outstanding Natural Features identified in Appendix 9.2.9.2.1;
 - D. Significant Features identified in Appendix 9.2.9.2.3;
 - E. Rural Amenity Landscapes identified in Appendix 9.2.9.2.4;
 - F. Areas of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in Appendices 9.2.9.2.7 and 9.2.9.2.8;
 - G. Heritage items or heritage settings listed in Appendix 9.3.7.2;
 - H. Significant Trees listed in Appendix 9.4.7.1;
 - I. Wāhi Tapu / Wāhi Taonga Sites of Ngai Tahu Cultural Significance identified in Schedule 9.5.6.1 and, in the case of earthworks, Kaitorete Spit (ID 64) identified in Schedule 9.5.6.2;
 - J. Ngā Wai Sites of Ngai Tahu Cultural Significance identified in Schedule 9.5.6.4;
- xi. provision is made for public access appropriate to the classification and location of the water body and having regard to:
 - A. the relationship of tangata whenua with their ancestral lands, water and sites;
 - B. protection of Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1;
 - C. residential amenity;
 - D. Outstanding Natural Landscapes identified in Appendix 9.2.9.2.2;
 - E. Outstanding Natural Features identified in Appendix 9.2.9.2.1
 - F. bank and land stability;
 - G. public safety;
 - H. the operational or security requirements of infrastructure;
 - I. property ownership and the safe and efficient operation of rural and industrial sites.

6.6.3 How to interpret and apply the rules

- a. Classified waterbodies are identified on the Planning Maps and also in Appendix 6.11.5.4. The characteristics of each classification of water body are described in Appendix 6.11.5.1.

- b. The rules that apply within the water body setbacks are contained in the following provisions:

	Area	Zones	Provisions
i.	City and settlement area	All commercial; All industrial; All residential (except as below), including Residential Guest Accommodation; Papakāinga / Kāinga Nohoanga; All specific purpose; Open Space Metropolitan Facilities; Open Space Community Parks; Open Space Avon River Precinct / Te Papa Otakaro; Open Space Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in Rule 6.6.4
ii.	Rural area	All rural; Residential Large Lot; Open Space McLeans Island; Open Space Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in Rule 6.6.5
iii.	Natural area	Open Space Natural; Open Space Coastal; Open Space Water and Margins (except as above); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in Rule 6.6.6

- c. The rules that apply are based on the zoning of the site. For sites within the Transport and Open Space Water and Margin Zones, the applicable rules are those for the adjoining zone on the landward side of the water body excluding any other Transport or Open Space Water and Margins Zone.
- d. Activities in water body setbacks are also subject to the rules in the relevant zone chapters.
- e. The activity status tables, rules and standards in the following chapters also apply to activities in water body setbacks, where relevant:

- 5 Natural Hazards;
- 8 The other sub-chapters of 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.
- f. Where other chapter or zone rules specify water body setback distances, those provisions supersede the provisions in sub-chapter 6.6 with regard to any matters specified.
- g. Ngā Wai Sites of Ngāi Tahu Cultural Significance are identified in sub-chapter 9.5 Schedule 9.5.6.4 and shown on aerial maps in Appendix 9.5.7.3.
- h. The following activities are exempt from Rules 6.6.4 - 6.6.6, except where specified in h. below:
- i. post holes for the erection of permitted fences;
 - ii. planting holes for trees or other vegetation;
 - iii. excavation for any wells where any necessary resource consents or building consents have been obtained;
 - iv. filling or excavation permitted pursuant to an approved building consent, except filling or excavation for building foundations;
 - v. bridges or culverts with a regional consent;
 - vi. filling or excavation permitted pursuant to the repair of earthquake damaged land;
 - vii. earthworks and structures associated with utilities permitted or consented in accordance with the provisions of Chapter 11 Utilities and Energy, and their replacement, repair or maintenance;
 - viii. earthworks associated with the maintenance, upgrade or construction of hazard mitigation and protection works, including defences against water, where undertaken by any territorial or regional authority, the Department of Conservation or the Crown;
 - ix. park management activities undertaken or coordinated by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;
 - x. vegetation management otherwise permitted in the District Plan;
 - xi. pervious surfaces;
 - xii. permitted activities in the Open Space – Water and Margins zone and the Avon River Precinct (Te Papa Otakaro) Zone except for buildings;
 - xiii. signage otherwise permitted in the District Plan;
 - xiv. construction within a building platform identified in an approved subdivision consent.
- i. The exemptions in h. above do not apply in the following circumstances:
- i. within a Ngā Wai Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.4, the exemptions listed in h. iii-v do not apply.

- ii. in any part of the water body setback to Te Waihora/Lake Ellesmere below 1.2 metres above the 1937 Lyttelton vertical datum, the exemptions listed in h. vii and viii do not apply to dams, stopbanks, or drains.

Advice Notes:

1. Land use consents or water or discharge permits may also be required from the Canterbury Regional Council for activities in, on, under or over the bed of water bodies or within close proximity to them.
2. The Building Act requires that land and other property be protected from erosion, falling debris, slippage, subsidence, inundation, alluvion or avulsion notwithstanding any other consent required for the proposed activity.
3. Attention is drawn to District and Regional Council bylaws relating to earthworks and stormwater management.

6.6.4 Rules - Activity status tables - City and Settlement Water Body Setbacks

6.6.4.1 Area of effect

- a. The rules for city and settlement water body setbacks in Rule 6.6.4 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway (except Mona Vale)	30 metres	Measured from the banks of waterways indicated on the Planning Maps (see Appendices 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
ii.	Downstream waterway (Mona Vale)	15 metres		
iii.	Downstream waterway (Christ’s College)	See Appendix 6.11.12.1		
iv.	Upstream waterway	10 metres		
v.	Environmental asset waterway	7 metres		
vi.	Network waterway	5 metres	Measured from the banks of waterways falling under the definition of “network waterway”	
vii.	Hill waterway	10 metres	Measured from the centreline of waterways falling under the definition of “hill waterway”	

	Water body classification	Setback width	Area of effect	Activities controlled
viii.	Environmental asset standing water body	7 metres	Measured from the banks of standing water bodies indicated on the Planning Maps (see Appendices 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	

- b. Where the water body setbacks from two different water body classifications overlap, the rules applying to the larger setback apply.

6.6.4.2 Permitted activities

Within the water body setback areas specified in Rule 6.6.4.1, the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

Activities may also be restricted discretionary or discretionary as specified in Rules 6.6.4.3 and 6.6.4.4.

Activity		Activity specific standards
Earthworks		
For the purposes of these rules “earthworks” excludes quarrying		
P1	Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment.	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
Buildings and other structures (including impervious surfaces)		
For the purposes of these rules “building” includes “accessory building”. The definition of building includes decks.		
P2	Use, maintenance or repair of lawfully-established buildings, fences and impervious surfaces existing at the time of notification of the District Plan and for activities otherwise permitted by the District Plan.	Nil
P3	Extensions or alterations to existing buildings at least 1.8m above ground level.	a. Where any such extensions or alterations increase the floor area of any building, they shall have a maximum additional area of 10m ² within the water body setback. b. Shall not include any struts, supports or other structures that come within 1.8m of the ground.
P4	Removal or demolition of any building or part of a building including associated earthworks.	a. No lawfully established flood protection or erosion or bank stability control structures shall be removed. b. No parts of the structure shall remain in the water body setback that could catch debris or otherwise affect land drainage.

Activity		Activity specific standards
		<p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
P5	Lawfully-established impervious surfaces existing at the time of notification of the District Plan.	<p>a. Shall not exceed 10% of the water body setback area within any site in any zone, except an open space zone or the Transport Zone where impervious surfaces are not restricted.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Standard a. above controls the percentage of the water body setback on a site that may be covered with impervious surfaces. It does not permit additional surfacing.
P6	Lawfully-established fences existing at the time of notification of the District Plan.	<ol style="list-style-type: none"> a. Shall not be built over any part of a water body. b. Shall allow access to the water body for maintenance purposes. c. Shall not be located closer to the water body bank than 3 metres or 1/3 of the normal water body setback distance whichever is the greater. d. Shall consist of no greater than 20% solid structure. <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Temporary fencing or construction hoarding remaining on a site for less than three months are exempt from the activity specific standards. 2. Where a legal road, esplanade reserve or esplanade strip exists between the water body and the fence, the activity specific standards shall not apply.
P7	Culvert crossings for network waterways.	<p>a. Shall be designed in accordance with the Council's Waterways, Wetlands and Drainage Guide.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Authorisation for culvert crossings is required from the Council's Assets and

Activity		Activity specific standards
		Network Unit.
Maintenance and enhancement works		
P8	Water body bank maintenance and/or enhancement works where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.	a. Works shall not prevent the passage of fish. b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga. Advice Notes: 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
P9	Any works related to the operation, repair or maintenance of transport infrastructure.	a. A carriageway shall not be extended closer to the water body in such a way that it permanently removes or reduces vegetation between the existing paved area and the water body. Advice Notes: 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.

6.6.4.3 Restricted discretionary activities

Within the water body setback areas specified in Rule 6.6.4.1, 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 6.6.7, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Earthworks:	All water body classifications a. Natural hazards – Rule 6.6.7.1

Activity	The Council's discretion shall be limited to the following matters:
<p>a. not exempt by 6.6.3 h. and not provided for by Rule 6.6.4.2 P1; and/or</p> <p>b. listed in Rule 6.6.4.2 P1 that do not meet one or more of the activity specific standards;</p> <p>other than earthworks provided for by Rule 6.6.4.4 D1 or D2.</p>	<p>b. Natural values – Rule 6.6.7.2</p> <p>c. Maintenance access – Rule 6.6.7.5</p> <p>Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing Water Bodies</p> <p>d. Amenity and character – Rule 6.6.7.3</p> <p>e. Cultural values – Rule 6.6.7.4</p> <p>f. Public / Recreational access – Rule 6.6.7.6</p> <p>Additional for Environmental Asset Waterways</p> <p>g. Amenity and character – Rule 6.6.7.3</p> <p>h. Cultural values – Rule 6.6.7.4</p> <p>Additional for Hill Waterways</p> <p>i. Cultural values – Rule 6.6.7.4</p> <p>Exception for sites adjoining Downstream Waterways with features intervening between the site and the waterway</p> <p>j. Where a:</p> <ul style="list-style-type: none"> i. legal road; or ii. esplanade reserve; or iii. esplanade strip wider than 10 metres <p>exists between a Downstream Waterway and a site being assessed, Council's discretion with respect to that part of the site separated from the water body is restricted to Natural hazards – Rule 6.6.7.1</p>
<p>RD2</p> <p>a. New buildings, other structures or impervious surfaces not provided for by Rule 6.6.4.2 P2 - P7; and/or</p> <p>b. Buildings, other structures or impervious surfaces listed in Rule 6.6.4.2 P2 - P7 that do not meet one or more of the activity specific standards;</p> <p>other than activities provided for by Rule 6.6.4.4 D1 or D2.</p> <p>Any application arising from RD2 b., for activities listed in Rule 6.6.4.2 P5 - P7 in the setback of a network waterway or hill waterway, shall not be limited or publicly notified.</p>	<p>All water body classifications</p> <p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p> <p>c. Maintenance access – Rule 6.6.7.5</p> <p>Additional for Downstream and Upstream Waterways, Ngā Wai and Environmental Asset Standing Water Bodies</p> <p>d. Amenity and character – Rule 6.6.7.3</p> <p>e. Cultural values – Rule 6.6.7.4</p> <p>f. Public / Recreational access – Rule 6.6.7.6</p> <p>Additional for Environmental Asset Waterways</p> <p>g. Amenity and character – Rule 6.6.7.3</p> <p>h. Cultural values – Rule 6.6.7.4</p>

Activity	The Council's discretion shall be limited to the following matters:
	<p>Additional for Hill Waterways</p> <p>i. Cultural values – Rule 6.6.7.4</p> <p>Exception for sites adjoining Downstream Waterways with features intervening between the site and the waterway</p> <p>j. Where a:</p> <p>i. legal road; or</p> <p>ii. esplanade reserve; or</p> <p>iii. esplanade strip wider than 10 metres</p> <p>exists between a downstream waterway and a site being assessed, Council's discretion with respect to that part of the site separated from the water body is restricted to Natural hazards – Rule 6.6.7.1</p>
<p>RD3 Water body bank maintenance and/or enhancement works listed in Rule 6.6.4.2 P8 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.4.4 D1 or D2.</p>	<p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p>

6.6.4.4 Discretionary activities

Within the water body setback areas specified in Rule 6.6.4.1, the activities listed below are discretionary activities.

Activity
<p>D1 Any activity listed in Rule 6.6.4.3, which is located adjacent to a water body identified as a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1 (other than in the Central City).</p>
<p>D2 The extension or widening, except for maintenance purposes, of any existing roadway, adjacent footpath, or parking area directly adjoining the Open Space Water and Margins Zone along:</p> <p>a. the Avon River (Estuary – Fendalton Road), excluding the Central City;</p> <p>b. the Heathcote River (Estuary – Cashmere Stream Confluence)</p> <p>in a way that reduces the distance between the edge of the roadway, adjacent footpath, or parking area and the waterway.</p>

6.6.5 Rules - Activity status tables - Rural Water Body Setbacks

6.6.5.1 Area of effect

- a. The rules for rural water body setbacks in Rule 6.6.5 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway	30 metres	Measured from the banks of waterways indicated on the Planning Maps (see Appendices 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement
ii.	Upstream waterway	20 metres		Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement
iii.	Environmental asset waterway	10 metres		Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement
iv.	Network waterway	5 metres	Measured from the banks of waterways falling under the definition of “network waterway”	Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
v.	Hill waterway	15 metres	Measured from the centreline of waterways falling under the definition of “hill waterway”	Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement
vi.	Environmental asset standing water body	20 metres	Measured from the banks of water bodies indicated on the Planning Maps (see Appendices 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement
vii.	Banks Peninsula waterway	15 metres	Measured from the banks of rivers and streams on Banks Peninsula that are not classified on the Planning Maps and do not fit the definition of hill waterway or network waterway	Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement

- b. Where the water body setbacks from two different water body classifications overlap, the rules applying to the larger setback apply.

6.6.5.2 Permitted activities

Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are permitted activities if they meet any activity specific standards set out in the following table.

Activities may also be restricted discretionary, discretionary or prohibited as specified in Rules 6.6.5.3, 6.6.5.4 and 6.6.5.5.

Activity	Activity specific standards
Earthworks	

Activity		Activity specific standards
Note: For the purposes of these rules “earthworks” excludes quarrying		
P1	Any test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment.	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
Buildings and other structures (including impervious surfaces)		
Note: For the purposes of these rules “building” includes “accessory building”. The definition of building includes decks.		
P2	Use, maintenance or repair of lawfully-established buildings, fences and impervious surfaces existing at the time of notification of the District Plan and for activities otherwise permitted by the District Plan.	Nil
P3	Extensions or alterations to existing buildings at least 1.8m above ground level.	a. Where any such extensions or alterations increase the floor area of any building, they shall have a maximum additional area of 10m ² within the water body setback. b. Shall not include any struts, supports or other structures that come within 1.8 metres of the ground.
P4	Removal or demolition of any building or part of a building including associated earthworks.	a. No lawfully established flood protection or erosion or bank stability control structures shall be removed. b. No parts of the structure shall remain in the water body setback that could catch debris or otherwise affect land drainage. Advice Notes: 1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
P5	Lawfully-established impervious surfaces existing at the time of notification of the District Plan.	a. Shall not exceed 10% of the water body setback area within any site in any zone except an Open Space Zone or the Transport Zone where impervious surfaces are not restricted. Advice Note: 1. Standard a. above controls the percentage of the water body setback on a site that may be covered with impervious surfaces. It does not permit additional surfacing.
P6	Lawfully-established fences existing at the time of	a. Fences built over any part of a water body shall be no more than 20% solid structure.

Activity	Activity specific standards
notification of the District Plan.	<p>b. Shall allow access to the water body for maintenance purposes.</p> <p>c. Shall not be located closer to the water body bank than 3 metres or 1/3 of the normal water body setback width, whichever is the greater.</p> <p>d. Shall consist of no greater than 20% solid structure.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Temporary fencing or construction hoarding remaining on a site for less than three months are exempt from the activity specific standards. 2. Where a legal road, esplanade reserve or esplanade strip exists between the water body and the fence, the activity specific standards shall not apply.
P7 Water storage tanks up to 30,000 litres in capacity; water troughs; pumps and pump sheds under 10m ² GFA; and associated power poles or pipes.	Nil
P8 Culvert crossings for network waterways.	<p>a. Shall be designed in accordance with the Council's Waterways, Wetlands and Drainage Guide.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Authorisation for culvert crossings is required from the Council Assets and Network Unit.
Maintenance and enhancement works	
P9 Water body bank maintenance and/or enhancement works where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
P10 Any works related to the operation, repair or maintenance of transport infrastructure.	<p>a. A carriageway shall not be extended closer to the water body in such a way that it permanently removes or reduces vegetation between the existing paved area and the water body.</p> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies.

Activity	Activity specific standards
	<ol style="list-style-type: none"> 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.

6.6.5.3 Restricted discretionary activities

Within the water body setback areas specified in Rule 6.6.5.1, 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 6.6.7, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
RD1 Earthworks: <ol style="list-style-type: none"> a. not exempt by 6.6.3 g. and not provided for by Rule 6.6.5.2 P1; and/or b. listed in Rule 6.6.5.2 P1 that do not meet one or more of the activity specific standards; other than earthworks provided for by Rule 6.6.5.4 D1 or Rule 6.6.5.5 PR1.	All water body classifications <ol style="list-style-type: none"> a. Natural hazards – Rule 6.6.7.1 b. Natural values – Rule 6.6.37.2 c. Maintenance access – Rule 6.6.7.5 Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing Water Bodies <ol style="list-style-type: none"> d. Amenity and character – Rule 6.6.7.3 e. Cultural values – Rule 6.6.7.4 f. Public / Recreational access – Rule 6.6.7.6 Additional for Environmental Asset Waterways and Banks Peninsula Waterways <ol style="list-style-type: none"> g. Amenity and character – Rule 6.6.7.3 h. Cultural values – Rule 6.6.7.4 Additional for Hill Waterways <ol style="list-style-type: none"> i. Cultural values – Rule 6.6.7.4 Exception for sites adjoining Downstream Waterways with features intervening between the site and the waterway <ol style="list-style-type: none"> j. Where a: <ol style="list-style-type: none"> i. legal road; or ii. esplanade reserve; or iii. esplanade strip wider than 10 metres exists between a downstream waterway and a site being assessed, Council's discretion with respect to that part of the site separated from the water body is restricted to Natural hazards – Rule 6.6.7.1

Activity	The Council's discretion shall be limited to the following matters:
<p>RD2</p> <p>a. New buildings, other structures or impervious surfaces not provided for by Rule 6.6.5.2 P2 - P8; and/or</p> <p>b. Buildings, other structures or impervious surfaces listed in Rule 6.6.5.2 P2 - P8 that do not meet one or more of the activity specific standards;</p> <p>other than activities provided for by Rule 6.6.5.4 D1 or Rule 6.6.5.5 PR1.</p> <p>Any application arising from RD2 b., for activities listed in Rule 6.6.5.2 P5, P6 or P8 in the setback of a network waterway or hill waterway, shall not be limited or publicly notified.</p>	<p>All water body classifications</p> <p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p> <p>c. Maintenance access – Rule 6.6.7.5</p> <p>Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing Water Bodies</p> <p>d. Amenity and character – Rule 6.6.7.3</p> <p>e. Cultural values – Rule 6.6.7.4</p> <p>f. Public / Recreational access – Rule 6.6.7.6</p> <p>Additional for Environmental Asset Waterways and Banks Peninsula Waterways</p> <p>g. Amenity and character – Rule 6.6.7.3</p> <p>h. Cultural values – Rule 6.6.7.4</p> <p>Additional for Hill Waterways</p> <p>i. Cultural values – Rule 6.6.7.4</p> <p>Exception for sites adjoining downstream waterways with features intervening between the site and the waterway</p> <p>j. Where a:</p> <p>i. legal road; or</p> <p>ii. esplanade reserve; or</p> <p>iii. esplanade strip wider than 10 metres</p> <p>exists between a downstream waterway and a site being assessed, Council's discretion with respect to that part of the site separated from the water body is restricted to Natural Hazards – Rule 6.6.7.1</p>
<p>RD3</p> <p>Plantation forestry, other than provided for by Rule 6.6.5.4 D1.</p>	<p>In addition to the matters of discretion for Plantation Forestry in Rule 17.8.2.4:</p> <p>a. Natural hazards – Rule 6.6.7.1</p>
<p>RD4</p> <p>Water body bank maintenance and/or enhancement works listed in Rule 6.6.4.2 P9 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.5.4 D1 or Rule 6.6.5.5 PR1.</p>	<p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p>

6.6.5.4 Discretionary activities

Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are discretionary activities.

Activity	
D1	Any activity listed in Rule 6.6.5.3, which is located adjacent to a water body identified as a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1.

6.6.5.5 Prohibited activities

Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are prohibited activities.

Activity	
PR1	<p>Damming, stopbanking, polderisation or drainage of any part of Te Waihora/Lake Ellesmere outside the bed of the lake and below 1.2 metres above the 1937 Lyttelton vertical datum except:</p> <ul style="list-style-type: none"> a. polderisation for fish-farming or for research into fisheries; b. stopbanks or drains that existed on 27 June 1986; and c. earthworks associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.

6.6.6 Rules - Activity status tables - Natural Area Water Body Setbacks

6.6.6.1 Area of effect

- a. The rules for natural area water body setbacks in Rule 6.6.6 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway	30 metres	Measured from the banks of waterways indicated on the Planning Maps (see Appendices 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures; Maintenance and enhancement
ii.	Upstream waterway	20 metres		Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
iii.	Environmental asset waterway	20 metres		Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
iv.	Network waterway	5 metres	Measured from the banks of waterways falling under the definition of “network waterway”	Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
v.	Hill waterway	20 metres	Measured from the centreline of waterways falling under the definition of “hill waterway”	Earthworks; Buildings and other structures (including impervious surfaces)

	Water body classification	Setback width	Area of effect	Activities controlled
				surfaces); Maintenance and enhancement
vi.	Environmental asset standing water body	20 metres	Measured from the banks of water bodies indicated on the Planning Maps (see Appendix 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures (including impervious surfaces); Maintenance and enhancement
vii.	Banks Peninsula waterway	20 metres	Measured from the banks of rivers and streams on Banks Peninsula that are not classified on the Planning Maps and do not fit the definition of hill waterways	Earthworks; Buildings and other structures (including impervious surfaces); Plantation forestry; Maintenance and enhancement

- b. Where the water body setbacks from two different water body classifications overlap, the rules applying to the larger setback apply.

6.6.6.2 Permitted activities

Within the water body setback areas specified in Rule 6.6.6.1, the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

Activities may also be restricted discretionary, discretionary or prohibited as specified in Rules 6.6.6.3, 6.6.6.4 and 6.6.6.5.

Activity		Activity specific standards
Earthworks		
Note: For the purposes of these rules “earthworks” excludes quarrying		
P1	Any test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment.	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
Buildings and other structures (including impervious surfaces)		
Note: For the purposes of these rules “building” includes “accessory building”. The definition of building includes decks.		
P2	Use, maintenance or repair of lawfully-established buildings, fences and impervious surfaces existing at the time of notification of the District Plan for activities otherwise permitted by the District Plan.	Nil
P3	Removal or demolition of any building or part of a building including associated earthworks.	a. No lawfully established flood protection or erosion or bank stability control structures shall be removed. b. No parts of the structure shall remain in the water body setback that could catch debris or otherwise affect land drainage.

Activity	Activity specific standards
	<p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
<p>P4 Lawfully established fences existing at the time of notification of the District Plan.</p>	<ol style="list-style-type: none"> a. Shall not be built over any part of a water body. b. Shall allow access to the water body for maintenance purposes. c. Shall not be located closer to the water body bank than 3m or 1/3 of the normal water body setback width, whichever is the lesser. d. Shall consist of no greater than 20% solid structure. <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Temporary fencing or construction hoarding remaining on a site for less than three months are exempt from the activity specific standards. 2. Where a legal road, esplanade reserve or esplanade strip exists between the water body and the fence, the activity specific standards shall not apply.
<p>P5 Culvert crossings for network waterways.</p>	<ol style="list-style-type: none"> a. Shall be designed in accordance with the Council's Waterways, Wetlands and Drainage Guide. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Authorisation for culvert crossings is required from the Council Assets and Network Unit
<p>Maintenance and enhancement works</p>	
<p>P6 Water body bank maintenance and/or enhancement works where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.</p>	<ol style="list-style-type: none"> a. Works shall not prevent the passage of fish. b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga. <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.

Activity	Activity specific standards
P7 Any works related to the operation, repair or maintenance of transport infrastructure.	a. A carriageway shall not be extended closer to the water body in such a way that it permanently removes or reduces vegetation between the existing paved area and the water body. Notes: 1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies. 2. The Canterbury regional plans include provisions for earthworks in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.

6.6.6.3 Restricted discretionary activities

Within the water body setback areas specified in Rule 6.6.6.1, 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 6.6.7 for each standard, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
RD1 Earthworks: a. not exempted by 6.6.3 g. and not provided for by Rule 6.6.6.2 P1; and/or b. listed in Rule 6.6.6.2 P1 that do not meet one or more of the activity specific standards; other than earthworks provided for by Rule 6.6.6.4 D1 or Rule 6.6.6.5 PR1.	All water body classifications a. Natural hazards – Rule 6.6.7.1 b. Maintenance access – Rule 6.6.7.5 c. Natural values – Rule 6.6.7.2 d. Amenity and character – Rule 6.6.7.3 e. Cultural values – Rule 6.6.7.4 f. Public / Recreational access – Rule 6.6.7.6
RD2 a. New buildings, other structures or impervious surfaces not provided for by Rule 6.6.6.2 P2 - P5; and/or b. Buildings, other structures or impervious surfaces listed in Rule 6.6.6.2 P2 - P5 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.6.4 D1 or Rule 6.6.6.5 PR1. Any application arising from RD2 b., for activities listed in Rule 6.6.6.2 P4 or P5 in the setback of a network waterway or hill waterway, shall not be limited or publicly notified.	All water body classifications a. Natural hazards – Rule 6.6.7.1 b. Maintenance access – Rule 6.6.7.5 c. Natural values – Rule 6.6.7.2 d. Amenity and character – Rule 6.6.7.3 e. Cultural values – Rule 6.6.7.4 f. Public / Recreational access – Rule 6.6.7.6

Activity		The Council's discretion shall be limited to the following matters:
RD3	Water body bank maintenance and/or enhancement works listed in Rule 6.6.6.2 P6 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.6.4 D1 or Rule 6.6.6.5 PR1.	a. Natural hazards – Rule 6.6.7.1 b. Natural values – Rule 6.6.7.2

6.6.6.4 Discretionary activities

Within the water body setback areas specified in Rule 6.6.6.1, the activities listed below are discretionary activities.

Activity	
D1	Any activity listed in Rule 6.6.6.3, which is located adjacent to a water body identified as a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1.

6.6.6.5 Prohibited activities

Within the water body setback areas specified in Rule 6.6.6.1, the activities listed below are prohibited activities.

Activity	
PR1	Damming, stopbanking, polderisation or drainage of any part of Te Waihora/Lake Ellesmere outside the bed of the lake and below 1.2 metres above the 1937 Lyttelton vertical datum except: <ul style="list-style-type: none"> a. polderisation for fish-farming or for research into fisheries; b. stopbanks or drains that existed on 27 June 1986; and c. earthworks associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.

6.6.7 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules 6.6.4.3, 6.6.5.3 and 6.6.6.3, and as set out for that matter below.

6.6.7.1 Natural hazards

All activities

- a. Any adverse effects on surface drainage.

- i. Earthworks, buildings, or other structures including fences, decks, posts and struts, located in water body setbacks shall not impede the capability of waterway channels or ponding areas to store or convey surface water.
 - ii. Adverse effects shall not be displaced to adjacent properties.
- b. The cumulative effect of developments adjacent to the water body on land drainage or flood risk.
- c. Any adverse effects likely as a result of tidal influences during flood periods including the potential for exacerbation of effects with sea level rise.
- d. The likely effects on the natural functioning of the water body, including any likelihood of work undertaken exacerbating inundation, erosion, alluvion or avulsion whether upstream or downstream of the site.
- e. Any beneficial effects of the proposal for the function of the water body such as decreased likelihood of blockage or improved surface drainage where these effects remain consistent with protecting the ecological health of the water body.
- f. Any functional necessity for the activity to locate within the setback.

Additional for buildings, other structures and impervious surfaces

- g. The risk of damage to buildings and property posed by natural hazards including flooding, liquefaction (including lateral spread) and slumping and the scale and likelihood of that potential damage.

Additional within a Flood Management Area:

- h. Matters of discretion that apply to buildings and/or filling and excavation in a Flood Management Area (Rules 5.5.1.5, 5.5.2.4 and 5.5.3.3, as relevant to the Flood Management Area).

6.6.7.2 Natural values

- a. Any beneficial or adverse effects on the natural qualities of the water body and the ecology of areas within and adjacent to the water body including cumulative effects.
- b. The extent to which naturalisation of the water body is achieved at the time of development or potential for naturalisation in the future is retained.
- c. Any adverse effects of discharge of sediment to the water body and the downstream receiving environment.
- d. The timing and duration of any proposed earthworks or construction and its implication for seasonal and long-term natural cycles in the water body habitat.
- e. Proximity of any proposed earthworks or buildings to significant trees listed in Appendix 9.4.7.1.
- f. The extent to which the proposal has regard to any relevant operative Council-approved master plans or management plans.

- g. The extent to which the proposal avoids, or has minimal adverse effect (including cumulative effects) on the natural values of the area, including:
 - i. biodiversity and any measures proposed to protect, enhance and provide for indigenous plants and animals;
 - ii. nesting, feeding and breeding areas;
 - iii. the habitat of threatened or protected species, both terrestrial and aquatic; and
 - iv. disruption of ecological corridors or other potential connections between ecosystems.

6.6.7.3 Amenity and character

- a. Any beneficial or adverse visual impacts on the natural form and character of the water body including landscape treatment, screening, site layout and design and preservation of viewing opportunities of the water body from adjoining sites.
- b. The degree to which the proximity or bulk of any structure dominates or otherwise detracts from the spaciousness and open character of the water body.
- c. The extent to which the proposal has regard to any relevant operative Council-approved master plans or management plans.

6.6.7.4 Cultural values

- a. Any beneficial or adverse effects on cultural practices including mahinga kai or customary use.
- b. The degree to which the proposal has had regard to the objectives and policies of the Mahaanui Iwi Management Plan.
- c. Any adverse effects on sites of archaeological significance or historic heritage.
- d. Any adverse effects on customary access where applicable.
- e. The degree to which the proposal on Māori land in the Papakāinga / Kāinga Nohoanga Zone is in accordance with Tikanga Māori.
- f. Within a Site of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6, the matters set out in Rule 9.5.5 as relevant to the site classification:
 - i. 9.5.5.1 – Wāhi Tapu / Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit;
 - ii. 9.5.5.2 – Ngā Tūranga Tūpuna;
 - iii. 9.5.5.3 – Ngā Wai.

6.6.7.5 Maintenance access

- a. Any adverse effects on access to or along the water body for maintenance of the water body or any associated natural hazard protection works.

6.6.7.6 Public/Recreational access

- a. Any beneficial or adverse effects on legal public or recreational access to or along the water body.

6.7 Aircraft Protection

6.7.1 Introduction

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

This sub-chapter seeks to provide for the protection of aircraft so they can safely and efficiently approach, land, take-off and depart from airports, airfields or helipads. The aircraft protection provisions in the sub-chapter relate to the Christchurch International Airport and the Wigram helipad only.

The objectives, policies, rules and appendices in this sub-chapter provide for aircraft protection in the following forms:

- a. Aircraft Protection Surfaces for Christchurch International Airport - These are defined surfaces in the airspace above and adjacent to the aerodrome (see Appendix 6.11.7.1 and 6.11.7.2). Activities that protrude through these protection shafts are restricted or avoided to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.
- b. Runway End Protection Areas (REPAs) - These relate to four specific areas located at the end of the runways for the Christchurch International Airport (see Appendix 6.11.7.3). The provisions in the plan seek to avoid activities at the ends of runways that would interfere with the vision of a pilot, or exacerbate the effects of an aircraft accident. For example, the provisions seek to avoid unwanted light sources, the mass assembly of people, most buildings, and the use and storage of hazardous substances.
- c. Bird Strike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) and new landfills – Activities that have the potential to attract birds are managed within a defined radius of Christchurch International Airport, to avoid or mitigate the potential for increased risk of bird strike on aircraft taking off and landing (see Appendix 6.11.7.5 for the extent of this area). Examples of activities the provisions seek to manage include the creation of new water bodies, fish processing plants and abattoirs within the Bird Strike Management Area, and new landfills within Christchurch District (excluding Banks Peninsula Ward).
- d. Protection Surfaces for Defence Wigram – These relate to two defined surfaces located in the airspace above and adjacent to the Wigram helipad (see Appendix 6.11.7.6). The provisions in the plan seek to avoid activities that would protrude through these protection shafts to enable helicopters to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the helipad.

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

6.7.2 Objective and Policies

6.7.2.1 Objective — Safe and efficient aircraft operation

- a. Aircraft are able to safely and efficiently approach, land, take-off and depart from airports, airfields or helipads.

6.7.2.1.1 Policy — Avoidance of physical obstructions

- a. Avoid physical obstructions that are not essential to aircraft operations in take-off, approach, landing or departure paths and in runway end protection areas (REPAs).

6.7.2.1.2 Policy - Avoidance or mitigation of navigational or operational impediments

- a. Avoid or mitigate the potential effects of activities that could interfere with the safe navigation and control of aircraft including activities that could interfere with visibility or increase the possibility of bird strike.

6.7.2.1.3 Policy - Risk minimisation

- a. Avoid or mitigate activities at the ends of runways that would exacerbate the effects of an aircraft accident.

6.7.3 How to interpret and apply the rules

- a. The rules that apply to activities within the areas covered by Christchurch International Airport's Protection Surfaces, Runway End Protection Areas (REPAs) and Bird Strike Management Area, and to landfills within Christchurch District excluding Banks Peninsula Ward, are contained in the activity status tables (including activity specific standards) in Rules 6.7.4.1, 6.7.4.2 and 6.7.4.3.
- b. The rules that apply to activities within the areas covered by Defence Wigram's Protection Surfaces are contained in the activity status tables (including activity specific standards) in Rule 6.7.5.1.
- c. Activities within the areas covered by Christchurch International Airport's Protection Surfaces, Runway End Protection Areas (REPAs) and Bird Strike Management Area (and landfills within Christchurch District excluding Banks Peninsula Ward), and Defence Wigram's Protection Surfaces, are also subject to the rules in the relevant zone chapters.
- d. The activity status tables, rules and standards in the following chapters also apply to activities within the areas covered by Christchurch International Airport's Protection Surfaces, Runway End Protection Areas (REPAs) and Bird Strike Management Areas (and landfills within Christchurch District excluding Banks Peninsula Ward), and Defence Wigram's Protection Surfaces, (where relevant):

5 Natural Hazards;

- 6 The other sub-chapters of 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.
- e. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) contain a separate code of rules for the operation, maintenance, upgrading, relocation or removal of National Grid transmission lines existing on 14 January 2010. The Regulations in the NESETA apply where such works penetrate the protection surfaces set out in 6.7.4.4 and would otherwise be prohibited by Rule 6.7.4.1.3 (PR1).

6.7.4 Rules – Christchurch International Airport

6.7.4.1 Activity status tables – Protection Surfaces

6.7.4.1.1 Permitted activities

Within the areas covered by Christchurch International Airport's Protection Surfaces as specified in Rule 6.7.4.4 and shown on the diagrams in Appendix 6.11.7.1 and 6.11.7.2, the activities listed below are permitted activities.

Activities may be restricted discretionary or prohibited as specified in Rules 6.7.4.1.2 and 6.7.4.1.3.

Activity		Activity Specific Standards
P1	Any activity not specifically provided for as a restricted discretionary or prohibited activity in Rules 6.7.4.1.2 or 6.7.4.1.3.	Nil

6.7.4.1.2 Restricted discretionary activities

Within the areas covered by Christchurch International Airport's Protection Surfaces as specified in Rule 6.7.4.4 and shown on the diagrams in Appendix 6.11.7.1 and 6.11.7.2, the activities listed below are restricted discretionary activities.

Activity		The Council's discretion shall be limited to the following matters
RD1	a. Any alteration, relocation or replacement of a tower of a National Grid transmission line existing on 14 January 2010 that penetrates the Protection Surfaces.	a. The extent to which any adverse effects on navigable airspace, representing a hazard to the safety or regularity of aircraft

Activity	The Council's discretion shall be limited to the following matters
Any application arising from this rule shall not be publicly notified or shall be limited notified only to Christchurch International Airport Limited and the Director of the Civil Aviation Authority (absent their written approval).	<p>operations, are avoided or mitigated.</p> <p>b. The adequacy of consideration of possible alternatives.</p>

6.7.4.1.3 Prohibited activities

Within the areas covered by Christchurch International Airport's Protection Surfaces as specified in Rule 6.7.4.4 and shown on the diagrams in Appendix 6.11.7.1 and 6.11.7.2, the activities listed below are prohibited activities.

Activity
<p>PR1 Any part of a building, structure, tree or utility that penetrates the Protection Surfaces (other than provided for by Rule 6.7.4.1.2 RD1), except for:</p> <ul style="list-style-type: none"> a. navigational aids for aircraft; and b. maintenance or repair works on any existing building, structure or utility, including minor upgrading of existing transmission or distribution towers where this does not increase the height or external envelope of the utility.

6.7.4.2 Activity status tables — Runway End Protection Areas

6.7.4.2.1 Permitted activities

Within the Runway End Protection Areas (REPAs) as shown in Appendix 6.11.7.3, the activities listed below are permitted activities.

Activities may be prohibited as specified in Rule 6.7.4.2.2.

Activity	Activity specific standards
<p>P1 Any activity not specifically provided for as a prohibited activity in Rule 6.7.4.2.2.</p>	Nil

6.7.4.2.2 Prohibited activities

Within the Runway End Protection Areas (REPAs) as shown in Appendix 6.11.7.3, the activities listed below are prohibited activities.

Activity
<p>PR1 Any building or utility, excluding:</p> <ul style="list-style-type: none"> a. navigational aids for aircraft; b. structures associated with upgrades for State Highway 1; c. maintenance or repair works on any existing building or utility; d. enclosed walkways associated with vehicle parking areas which are no greater than 2.4 metres in height and 1.8 metres in width; and

Activity	
	e. the establishment or replacement of any underground utility.
PR2	Mass assembly of people.
PR3	The use or storage of hazardous substances in fuel storage facilities or for other industrial or commercial operations.
PR4	<p>Production of direct light beams or reflective glare that could interfere with the vision of a pilot excluding:</p> <ul style="list-style-type: none"> a. normal operational reflection from glass and mirrors used in motor vehicles; and b. normal operational light from motor vehicles. <p>Advice Note:</p> <p>1. Refer also to Rule 6.3.4.3 with regard to rules applying to outdoor lighting within 500 metres of the threshold of a runway at Christchurch International Airport.</p>

6.7.4.3 Activity status tables – Bird Strike Management Areas

6.7.4.3.1 Permitted activities

In the Bird Strike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) as shown in Appendix 6.11.7.5, the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

Activities may be controlled, restricted discretionary or discretionary as specified in Rules 6.7.4.3.2, 6.7.4.3.3 or 6.7.4.3.4.

Activity		Activity specific standards
P1	Any activity not specifically provided for as a permitted, controlled, restricted discretionary or discretionary activity in Rules 6.7.4.3.1 - 6.7.4.3.4.	Nil
P2	Fish processing or packing plants, abattoirs or freezing works.	<ul style="list-style-type: none"> a. Storage, processing and disposal of all organic material takes place within enclosed buildings. b. There is no disposal of effluent onto land associated with the plant or works.
P3	<p>Creation of new water bodies (including wastewater oxidation ponds) or stormwater basins, which, either individually or in combination with other waterbodies or stormwater basins (which are wholly or partly within 0.5km of the water body or stormwater basin's edge), exceed 1000m² in area.</p> <p>Except that</p> <p>This rule does not apply to any area of a water body covered by an aviary/s.</p>	<ul style="list-style-type: none"> a. Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards: <ul style="list-style-type: none"> i. Stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; ii. Sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of

Activity	Activity specific standards
	<p>stormwater outside the infiltration area(s); and</p> <p>iii. Plant species used shall be limited to those listed in Appendix 6.11.9.</p> <p>b. Any other water body has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <p>i. Side slopes shall be at least as steep as 4V:1H except for:</p> <p>A. any side slope treated with rock armouring; or</p> <p>B. any area required for vehicle access, provided that such access has a gradient of at least 1V:8H:</p> <p>ii. No permanent island features shall be included, that could provide perching sites for birds; and</p> <p>iii. Plant species used shall be limited to those listed in Appendix 6.11.9.</p>

6.7.4.3.2 Controlled activities

In the Bird Strike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) as shown in Appendix 6.11.7.5, 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.

Activity	The matters over which Council reserves its control:
<p>C1 Any activity listed in Rule 6.7.4.3.1 P2 that does not meet one or more of the activity specific standards. Applications must be accompanied by a bird strike risk assessment from a qualified and experienced ornithologist, and that assessment must include recommendations for appropriate conditions for mitigation of bird strike risk.</p>	<p>a. Mitigation of bird strike risk, including by design measures and operation or management procedures.</p>

6.7.4.3.3 Restricted discretionary activities

In the Bird Strike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) as shown in Appendix 6.11.7.5, the activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion, 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 6.7.4.3.2 C1, where the application is not accompanied by the required bird strike risk assessment.	a. Scale and significance of bird strike risk likely to be created at the location proposed.
RD2	Any activity listed in Rule 6.7.4.2.1 P3 that does not meet one or more of the activity specific standards.	b. Mitigation of bird strike risk including by design measures and operation or management procedures, direct intervention practices and monitoring

6.7.4.3.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	New landfills, excluding cleanfills, within Christchurch District excluding Banks Peninsula Ward (as shown in Appendix 2.1).

6.7.4.4 Protection Surfaces for Christchurch International Airport

- a. General explanation
 - i. The environs of Christchurch International Airport are protected by a series of protection surfaces - defined surfaces in the airspace above and adjacent to the aerodrome (see Figure 6.7.1 below and Appendix 6.11.7.1 and 6.11.7.2).
 - ii. These protection surfaces are necessary to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.
 - iii. These surfaces are in accordance with the Civil Aviation Authority of New Zealand Rule Part 139 Appendix E with surface dimensions as noted in Advisory Circular 139-6 (AC 139-6).

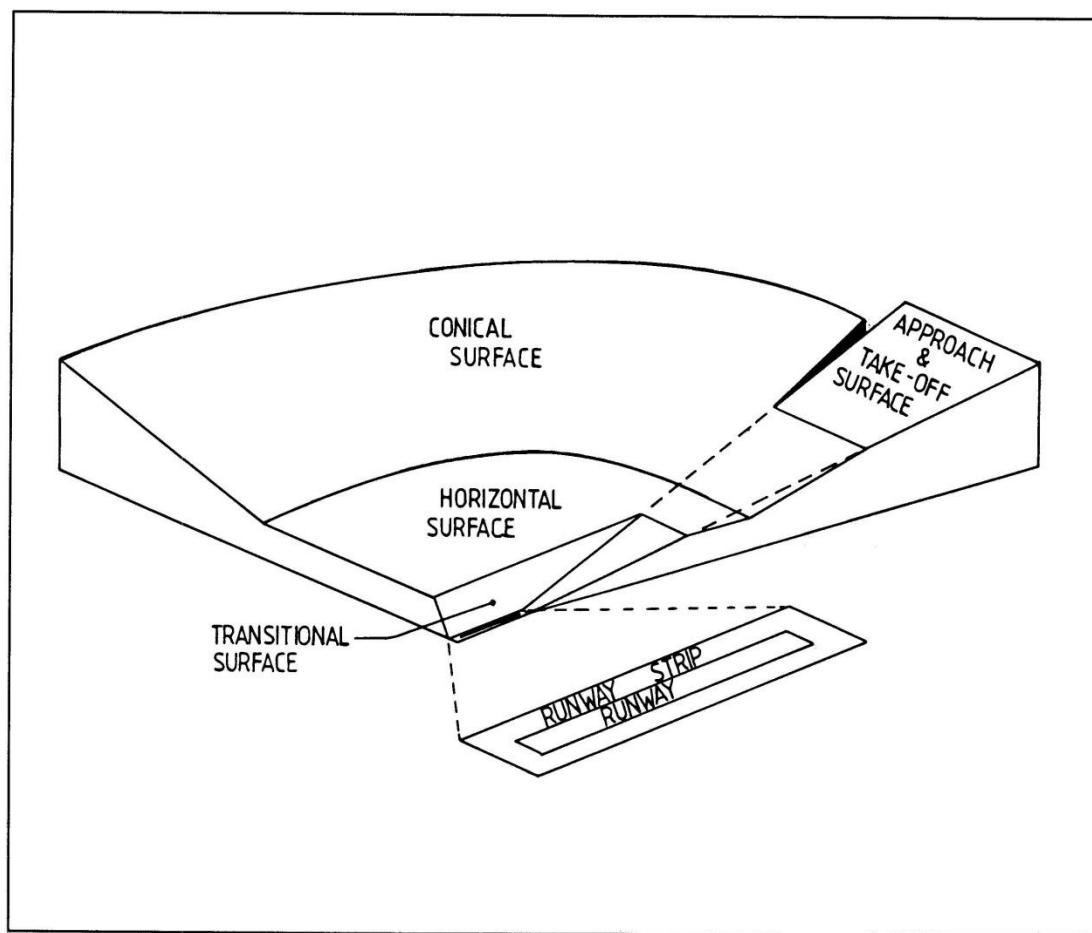


Figure 6.7.1: Illustration of categories of airport protection surfaces. From Civil Aviation Authority Advisory Circular Aerodrome Design AC139-6 Revision 4 (2011) p.55.

- b. Horizontal surface for Christchurch International Airport
 - i. The horizontal surface consists of a surface located in a horizontal plane above the aerodrome and its environs and having its outer limits at a locus of 4000 metres measured from the periphery of the runway strip.
 - ii. The inner horizontal surface is located 83 metres AMSL (45 metres above the aerodrome elevation datum (RL 38.00 AMSL)).
- c. Conical surface for Christchurch International Airport
 - i. The conical surface is a surface sloping upwards and outwards from the periphery of the horizontal surface.
 - ii. The lower edge is coincident with the periphery of the horizontal surface and rises upwards and outwards at a gradient of 1:20 to an elevation of 150 metres above the aerodrome datum level (RL 38.00 AMSL).
 - iii. The slope is measured in a vertical plane perpendicular to the periphery of the horizontal surface i.e. 5%.
- d. Approach surfaces for Christchurch International Airport

- i. Each runway has an inclined approach surface. The approach path is located within a defined area called the approach fan.
 - ii. The origin of the approach fan is an inclined plane originating at the end of the strip. The coordinates of the centre-line of the strip are shown in Appendix 6.11.7.1.
 - iii. The fan is essentially a truncated triangle with a cut-off apex line called the inner edge. The width of this inner edge is 300 metres.
 - iv. The expanding sides of the approach fan diverge at a constant rate of 1:6.6 (15%, 8° 31' 51") related to the distance from the end of the strip, and extend to a distance of 15,000 metres from the origin except that at any point on the Port Hills where the distance between the ground and the protection surface is less than 10m, the protection surface will be assumed to be at 10 metres.
 - v. The elevation of the inner edge of the approach fan is equal to the elevation of the midpoint of the threshold.
 - vi. The slope of the approach surface is 1:50 (2%, 1° 8' 45") and is measured in the vertical plane containing the centre line of the runway.
- e. Transitional surfaces for Christchurch International Airport
- i. Transitional surfaces originate along the side of the strip and part of the side of the approach surface that slopes upwards and outwards to the horizontal surface.
 - ii. From the sides of the strip and the approach surfaces, the transitional surfaces slope upwards and outwards at a gradient of 1:7, extending until they reached the horizontal surface.
- f. Take-off surfaces for Christchurch International Airport
- i. Each runway has a take-off surface. The take-off path is located within a defined area called the take-off fan which originates from the end of the runway strip.
 - ii. The take-off fan is essentially a truncated triangle with the cut-off apex line called the inner edge. The width of this inner edge is 180 metres. The distance from the inner edge to the runway ends is:
- | | |
|-----------------------|------------|
| Runway end 02 (north) | 432 metres |
| Runway end 11 (east) | 60 metres |
| Runway end 20 (south) | 60 metres |
| Runway end 29 (west) | 300 metres |
- iii. The expanding sides of the take-off fan diverge at a constant rate of 1:8 (12.5%, 7° 07' 30") related to the distance from the origin. It expands to a maximum width of 1,200 metres and then the sides remain parallel for a distance of 15,000 metres except that at any point on the Port Hills where the distance between the ground and the protection surface is less than 10 metres, the protection surface will be assumed to be at 10 metres.
 - iv. The elevation of the inner edge of the take-off fan is equal to the elevation of the midpoint of the threshold.

- v. The slope of the take-off climb is 1:62.5 (1.6%) and is measured in the vertical plane containing the centre line of the runway.

6.7.5 Rules – Defence Wigram

6.7.5.1 Activity status tables – Protection surfaces

6.7.5.1.1 Permitted activities

Within the areas covered by the Defence Wigram Protection Surfaces as specified in Rule 6.7.5.2 and shown on the diagrams in Appendix 6.11.7.6, the activities listed below are permitted activities.

Activities may be prohibited as specified in Rule 6.7.5.1.2.

Activity		Activity Specific Standards
P1	Any activity not specifically provided for as a prohibited activity in Rule 6.7.5.1.2.	Nil

6.7.5.1.2 Prohibited activities

Within the areas covered by the Defence Wigram Protection Surfaces as specified in Rule 6.7.5.2 and shown on the diagrams in Appendix 6.11.7.6, the activities listed below are prohibited activities.

Activity	
PR1	Any part of a building, utility or tree that penetrates the Protection Surfaces, except for navigational aids for aircraft.

6.7.5.2 Protection Surfaces for Defence Wigram

a. General explanation

- i. The environs of the New Zealand Defence Force (NZDF) land at Wigram are protected by two protection surfaces associated with the helipad safety area. The protection surfaces for the NZDF land at Wigram include two inclined approach and take-off climb surfaces with alignments suitable to different conditions (a northwest approach for use in strong northwest winds and a southwest approach that provides for safe operations during the predominant northeast wind).
- ii. The protection surfaces are defined surfaces in the airspace above and adjacent to the helipad. These protection surfaces are necessary to enable helicopters to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the helipad.
- iii. These surfaces are in accordance with the Civil Aviation Authority of New Zealand Advisory Circular 139-8 (Revision 2, 2007), Chapter 4, paragraphs 4.1.1 to 4.1.2.

- b. Approach and take-off climb surfaces for Defence Wigram
- i. The origin of the approach fans is an inclined plane originating at the edge of the helipad. The fan is essentially a truncated triangle with the cut-off apex line called the inner edge.
 - ii. The elevation of the inner edge of the protection surface is the same as the highest point on the helipad.
 - iii. The slope of the approach protection surfaces rise upwards at 1.8 (12.5%) from the centre edge of the helipad to an elevation of 152.4 metres.

Northwest Approach and Take-off Climb Surface

- iv. The expanding sides of the northwest protection surface diverge at a constant rate of 1:6.6 (15° 31' 51") from the helipad and extend to a distance of 1225 metres.

Southwest Approach and Take-off Climb Surface

- v. The southwest protection surface expands outwards at a gradient of 1:10 (day) and 1:6 (night) until it reaches the widths of 114.1 metres (day) and 163 metres (night). Beyond that point the sides extend parallel to a distance of 1225 metres from the helipad.

6.8 Signs

Note: Text in blue is from Decision 24 MAIL and is not the subject of this decision. Where required, consequential numbering and style changes have been made.

6.8.1 Introduction

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

This sub-chapter relates to the management of signs throughout the district. It does this by enabling the use of signs for business, infrastructure and community activities to promote their activities and maintain public safety, while controlling the potential adverse effect of signs on visual amenity values and character. The provisions in the sub-chapter give effect to the Chapter 3 Strategic Directions Objectives.

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

6.8.2 Objective and policies

6.8.2.1 Objective — Signage

- a. Signage collectively contributes to Christchurch's vitality and recovery by:
 - i. supporting the needs of business, infrastructure and community activities;
 - ii. maintaining public safety; and
 - iii. enhancing the visual amenity values and character of the surrounding area, building or structures.

6.8.2.1.1 Policy - Enabling signage in appropriate locations

- a. Enable signage:
 - i. as an integral component of commercial and industrial environments, strategic infrastructure and community activities throughout the City; and
 - ii. that is necessary for public health and safety and to provide direction to the public.

6.8.2.1.2 Policy - Controlling signage in sensitive locations

- a. Ensure the character and amenity of residential, open space and rural zones are protected from adverse visual and amenity effects from large areas or numbers of signage, or off-site signage within these zones.

6.8.2.1.3 Policy - Managing the potential effects of signage

- a. In considering Policies 6.8.2.1.1 and 6.8.2.1.2, ensure that the size, number, height, location, design, appearance and standard of maintenance of signs:
 - i. do not detract from, and where possible contribute to, the character and visual amenity of the surrounding area and public realm;
 - ii. integrate within the building façade, do not detract from the integrity of the building design, and maintain the building as the primary visual element;
 - iii. are in proportion to the scale of buildings and the size of the site; and
 - iv. enhance the Central City.

6.8.2.1.4 Policy - Transport safety

- a. Ensure that signs do not cause obstruction and/or distraction for motorists and pedestrians and other road users.

6.8.2.1.5 Policy - Temporary signage and signage managed by other agencies

- a. Enable temporary signage subject to meeting basic activity and built form standards.
- b. Enable signage required or controlled through other legislation or government agencies.

6.8.2.1.6 Policy - Managing off-site signage

- a. Limit off-site signage in the sensitive zones specified in Policy 6.8.2.1.2 and to enable such signage where it:
 - i. is compatible with the surrounding environment and is located within a commercial or industrial context;
 - ii. is appropriately maintained;
 - iii. will not cause or contribute to visual clutter and other cumulative adverse effects; and
 - iv. is consistent with the outcomes sought in Policy 6.8.2.1.3.

6.8.3 How to interpret and apply the rules

- a. The rules that apply to signage in all zones are contained in:
 - i. The activity status tables (including activity specific standards) in Rule 6.8.4; and
 - ii. The built form standards in Rule 6.8.5.
- b. The rules in the relevant zone chapters also apply to signage (where relevant).
- c. The activity status tables, rules and standards in the following chapters also apply to signage (where relevant):

- 5 Natural Hazards;
- 6 The other sub-chapters of 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.

Advice Notes:

1. Attention is drawn to Council by-laws that control outdoor advertisements displayed in public places such as footpaths and pedestrian malls or squares. Attention is also drawn to Council policies in the policy register regarding election campaigns, signboards in public places, and advertising on bus shelters. Where a conflict exists between a rule in the plan relating to outdoor advertisements and the provisions of any by-laws or the policy register, the rule in the Plan shall be the prevailing control.
2. Where the sign is to be erected in the Transport Zone, and regardless of that sign being a listed permitted activity or any resource consent for the sign being granted under the provisions of this chapter, the person(s) erecting the sign must get the written permission of the Council, or the New Zealand Transport Agency, (if the land in the zone is a State highway), or KiwiRail (if the land is in the rail corridor) as the owner of the land before the sign can be erected.
3. Attention is also drawn to the Advertising Standards Authority Code of Practice. The Code of Practice includes a code of ethics which specifies criteria for offensiveness and decency of advertising. The Advertising Standards Authority adjudicates in cases where there are alleged breaches of the Code of Practice. It is expected that complaints regarding offensive content of advertising will in the first instance be referred to this body.

6.8.4 Rules - Activity status tables

6.8.4.1 Permitted activities

The activities listed below are permitted activities if they meet any activity specific standards set out in the following table.

Activities may also be controlled, restricted discretionary, discretionary, or non-complying as specified in Rules 6.8.4.2, 6.8.4.3 6.8.4.4, and 6.8.4.5 below.

	Activity	Activity specific standards
P1	Any sign not specifically provided for as a permitted, controlled,	a. Relevant built form standards in Rule 6.8.5

	Activity	Activity specific standards
	restricted discretionary, discretionary or non-complying activity.	
P2	All signs permitted by Council bylaws, NZTA regulations and standards, all signs controlled by the Electoral (Advertisements of a Specified Kind) Regulations 2005, and all signs mandated under other legislation or regulation including the NESETA, as per Advice Note 1 below table.	a. Relevant built form standards in Rule 6.8.5, except that where the standards in Rule 6.8.5 conflict with Council bylaws, NZTA regulations and standards, the Electoral (Advertisements of a Specified Kind) Regulations 2005 and other regulation or legislation, the regulations and standards in the Council bylaws, NZTA regulations and standards, the Electoral (Advertisements of a Specified Kind) Regulations 2005 and other regulation or legislation shall prevail.
P3	Temporary signs advertising the following not for profit events: <ol style="list-style-type: none"> community gatherings; celebrations; non-motorized sports; and performances. 	<ol style="list-style-type: none"> Signs shall be erected no more than 4 weeks before the first day of the event. Signs shall be removed within one week of the event ending. Where the sign is in a residential zone, it shall be the only sign on the site on which it is located. Signs shall display the name and contact details of the person who erected the sign, and the date the sign was erected on the site. Relevant built form standards in Rule 6.8.5.
P4	Any sign on private land, which is not visible from a publicly accessible space or a residential, open space or transport zone.	Nil
P5	Temporary signs, or other notices, for the purposes of providing information necessary to the public about any rebuilding or recovery work occurring on, or otherwise affecting, that site.	<ol style="list-style-type: none"> Temporary signs or notices shall be removed within one month of completion of the project. Relevant built form standards in Rule 6.8.5.1.
P6	Temporary signs advertising real estate or development projects.	<ol style="list-style-type: none"> Signs may be erected for the duration of the activity, but shall be removed immediately after completion of sale or completion of the development project. In residential zones, the maximum area of signage on a site shall not exceed 3m². The built form standards in Rule 6.8.5.1.
P7	Business and building identification signs made of three dimensional letters and/or symbols in: <ol style="list-style-type: none"> residential zones (other than the Residential Guest Accommodation Zone or where located within a Character Area Overlay); 	<ol style="list-style-type: none"> The maximum symbol/lettering height shall be 200mm. No more than 30 letters and/or symbols shall be displayed on each building frontage. Letters and/or symbols shall be applied with no visible mounting structure The background shall not be differentiated from the fabric and colour of the rest of the façade Signs shall not extend above façade height.

	Activity	Activity specific standards
	<ul style="list-style-type: none"> b. the Papakāinga / Kāinga Nohoanga Zone; c. all open space and rural zones; and d. the Specific Purpose (School) Zone. 	<p>Advice Note:</p> <p>1. Where any one or more of the activity specific standards a. - e. above are not met, Rule 6.8.4.1 P1 shall apply.</p>
P8	<p>Business and building identification signs made of three dimensional letters and/or symbols in:</p> <ul style="list-style-type: none"> a. the Residential Guest Accommodation Zone, b. all commercial zones other than: <ul style="list-style-type: none"> i. the Commercial Core Zone in a Key Activity Centre where the maximum building height is 20 metres; ii. the Commercial Banks Peninsula Zone in Akaroa; iii. the Commercial Retail Park Zone; and iv. the Commercial Central City Business Zone where the signage is displayed at a height of greater than 17 metres; c. all industrial zones; and d. the Specific Purpose (Hospital), Specific Purpose (Styx Mill Road Transfer Station), Specific Purpose (Defence Wigram), Specific Purpose (Airport) and Specific Purpose (Tertiary Education) Zones. 	<ul style="list-style-type: none"> a. Letters and symbols shall not exceed a height of 500mm. b. No more than 30 letters and/or symbols shall be displayed on each building frontage. c. Letters and/or symbols shall be applied with no visible mounting structure. d. The background shall not be differentiated from the fabric and colour of the rest of the facade. e. Signs shall not extend above façade height <p>Advice Note:</p> <p>1. Where any one or more of the activity specific standards a. - e. above are not met, Rule 6.8.4.1 P1 shall apply.</p>
P9	<p>Business and building identification signs made of three dimensional letters and/or symbols in:</p> <ul style="list-style-type: none"> a. Commercial Core Zones in Key Activity Centres where the maximum building height is 20 metres; b. the Commercial Retail Park Zone; and 	<ul style="list-style-type: none"> a. Letters and symbols shall not exceed a height of 1 metre. b. No more than 30 letters and/or symbols shall be displayed on each building frontage c. Letters and/or symbols shall be applied with no visible mounting structure. d. The background shall not be differentiated from the material and colour of the rest of the facade. e. Signs shall not extend above façade height

	Activity	Activity specific standards
	c. the Commercial Central City Business Zone where the signage is displayed at a height of greater than 17 metres.	Advice Note: 1. Where any one or more of the activity specific standards a. - e. above are not met, Rule 6.8.4.1 P1 shall apply.
P10	Signs on utilities or utility structures. (See Advice Note 1 below table)	a. The total area of signs shall not exceed 10m ² per utility or utility structure b. Each sign shall be for utility operational, or utility operator identification, purposes only.
P11	Small off-site signs in: a. all residential zones; b. all commercial zones, except for the Commercial Central City Business Zone; and c. all industrial zones, except for the Industrial Park Zone (Memorial Avenue) within the 20 metre setback adjacent to Memorial Avenue.	a. Each sign shall have a maximum area, including the border, of 1.4m ² . b. No sign shall be able to be seen from any site located within a residential zone; c. Each sign shall be sealed and waterproof; d. Each sign shall be subject to a written maintenance programme, in the form set out in Appendix 6.11.16 to be undertaken by the operator / provider that has been lodged with the Council prior to its erection; e. No sign shall have moving parts or changing images; f. No sign shall be illuminated; g. Each sign shall have the name and address of the sign operator / provider and other contact details on the sign; h. There shall be no more than three small off-site signs on each street frontage of any site.
P12	Posters on bollards as authorised by the Council in accordance with a bollard maintenance contract.	Nil
P13	Signage in association with public walking and cycling tracks or areas of public open space that is for track marking, entrance identification, warning, direction, or interpretation of the natural or cultural environment.	a. Each sign shall be less than 0.25m ² in area where used for track marking; b. Each sign shall be less than 2m ² in area where used for track entrance identification, warning, direction, or interpretation.
P14	Any sign on Māori land in the Papakāinga / Kāinga Nohoanga Zone, except for signs that are flashing, illuminated, intermittently illuminated, with moving components, billboards, captive balloons or blimps, or off-site signs.	Nil
P15	Static and digital display billboards located on sites fronting arterial and/or collector roads within: a. the Commercial Retail Park Zone;	a. The maximum area of any single billboard shall be 18m ² . b. The maximum height shall be 9 metres.

	Activity	Activity specific standards
	b. the Specific Purpose (Airport) Zone; and c. all industrial zones, other than the Industrial Park Zone (Memorial Avenue).	c. The site shall have a minimum road frontage of 40 metres per billboard, provided that no more than 2 billboards may be erected on any single site. d. Any billboard shall not be directly visible from any place within a residential zone. e. Each billboard shall be subject to a written maintenance programme, in the form set out in Appendix 6.11.16, to be undertaken by the operator/provider, that has been lodged with the Council prior to the erection of the billboard. f. The billboard shall be located at least 50 metres from any signalised traffic intersection. In addition, for digital display billboards: g. The billboard shall result in no more than 10.0 lux spill (horizontal and vertical) of light when measured or calculated 2 metres within the boundary of any adjacent site and/or arterial and/or collector road. h. No live broadcast or pre-recorded video shall be displayed on the screen. Only still images shall be displayed with a minimum duration of 7 seconds. i. There shall be no movement or animation of the images displayed on the screen. j. The material displayed on the screen shall not contain any flashing images and the screen itself shall not contain any retro-reflective material. k. There shall be no transitions between still images apart from cross-dissolve of a maximum of 0.5 seconds. l. There shall be no sound associated with the screen and no sound equipment is to be installed as part of the screen. m. The screen shall incorporate lighting control to adjust brightness in line with ambient light levels. n. The billboard shall not be located on or adjacent to a state highway with a speed limit that is greater than 70km/hr.
P16	In the Industrial Park Zone (Memorial, Avenue), any sign within the 20 metre setback adjacent to Memorial Avenue	a. There shall be no more than two signs within the 20 metre setback for the entire zone boundary adjacent to Memorial Avenue, and each shall: <ol style="list-style-type: none"> be double sided; not exceed a total area of 10m² per side; have a maximum height above ground level of 10 metres at the top of the sign; have a maximum width of 5 metres; be for directional purposes and only contain the name of the complex, the names of businesses within the complex, access information, the

	Activity	Activity specific standards
		<p>onsite location of facilities (including carparks), and hours of operation;</p> <p>vi. not be flashing or illuminated by any means other than lights directed on to it; and</p> <p>vii. be located within 10 metres of a vehicle access point.</p>

Advice Note:

1. The National Environmental Standards for Electricity Transmission Activities Regulations 2009 (NESETA) manages the installation and modification of signs on support structures of existing transmission lines that are intended to identify a structure or owner, or intended to help with navigation or safety.

6.8.4.2 Controlled activities

The activities listed below are controlled activities if they meet any activity specific standards set out in the following table.

Unless otherwise specified, controlled activities shall not be limited or publicly notified.

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

Activity	The Council's control is reserved to the following matters:
<p>C1 Signage that forms part of any new building, or addition to a building, that is subject to urban design certification under Rule 15.4.2.1 (b) and that:</p> <p>a. does not meet one or more of the relevant built form standards in Rule 6.8.5; and</p> <p>b. is certified by a qualified urban design expert on a Council approved list as meeting the provisions / outcomes in Rule 6.8.6.1.</p> <p>Certification shall include sufficient detail to demonstrate how the relevant provisions / outcomes in Rule 6.8.6.1 have been met.</p>	<p>a. That the signage is displayed in accordance with the urban design certification.</p>

6.8.4.3 Restricted discretionary activities

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 6.8.6, as set out in the following table.

Activity	Council's discretion shall be limited to the following matters:
RD1 Any sign listed in Rule 6.8.4.1 P1 - P15 (other than P7, P8, P9 or P15), that does not meet one or more of the activity specific standards, other than signs provided for in Rule 6.8.4.2 C1, Rule 6.8.4.3 RD2 – RD4, or discretionary or non-complying activities in Rule 6.8.4.4 and Rule 6.8.4.5. Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Transport Agency where it concerns a road under its control (absent its written approval).	a. All signs and ancillary support structures - Rule 6.8.6.1
RD2 The following signs in all commercial and industrial zones (other than Commercial Banks Peninsula and Commercial Central City Business Zones) and in the Specific Purpose (Airport) Zone, other than signs provided for in Rule 6.8.4.1 P11 or P15, or Rule 6.8.4.5 NC1: a. Off-site signs, other than those provided for in Rule 6.8.4.1 P2, P3, P4, P5, P6, P12, P13 or P16; b. Flashing or intermittently illuminated signs; c. Signs with moving components; d. Signs with changing images / digital signs; and e. Captive balloons or blimps; which meet the relevant built form standards in Rule 6.8.5.	a. All signs and support structures - Rule 6.8.6.1 b. Illuminated, moving, changing, flashing or retro-reflective displays - Rule 6.8.6.2 c. Static and digital billboards – Rule 6.8.6.3
RD3 Static and digital display billboards listed in Rule 6.8.4.1 P15 that do not meet one or more of the activity specific standards in Rule 6.8.4.1 P15.	a. Static and digital billboards – Rule 6.8.6.3
RD4 Any sign listed in Rule 6.8.4.1 P16 that does not meet one or more of the activity specific standards, unless otherwise specified in Rule 6.8.4.5 NC1. Any application arising from this rule shall not be publicly or limited notified.	a. Signage adjacent to Memorial Avenue – 6.8.6.4
RD5 Small off-site signs in the Commercial Central City Business Zone that meet all the activity specific standards specified for Rule 6.8.4.1.1 P11.	a. All signs and ancillary support structures - Rule 6.8.6.1

6.8.4.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
D1	The following signs in all zones, other than signs provided for in Rule 6.8.4.1 P11 or P15, Rule 6.8.4.3 RD2, RD3 or RD5, or Rule 6.8.4.5 NC1: a. Off-site signs, other than signs provided for by Rule 6.8.4.1 P2, P3, P4, P5, P6, P12, P13 or P16; b. Illuminated signs including intermittently illuminated signs; c. Signs with moving components; d. Signs with changing images/digital signs; and

	Activity
	e. Captive balloons or blimps.
D2	Signs listed in Rule 6.8.4.3 RD2 that do not meet one or more of the relevant built form standards in Rule 6.8.5.

6.8.4.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
NC1	Any billboard within the Industrial Park Zone (Memorial Avenue).

6.8.5 Rules - Built form standards

6.8.5.1 Measurement of the area of a sign

- a. For the purposes of measuring the area of any sign in accordance with Rule 6.8.5, a double-sided sign shall be measured as the area of one side only, being the larger of any one side (see Rule 6.11.8 - Diagram 2).

6.8.5.2 Traffic safety - applies to all signs

- a. Any sign shall be located so as not to obscure or to detract from the interpretation of any traffic sign or controls.
- b. No sign shall be located adjacent to a state highway or arterial road where any one or more of the following criteria are met:
 - i. the road has a speed limit of 70km per hour or greater; or
 - ii. the sign is located within a road boundary building setback required by a built form standard for the relevant zone; or
 - iii. the sign is located within 100 metres (in urban zones) or 200 metres (in rural or open space zones) in front of any official regulatory or warning sign or traffic signal.

Explanatory Note:

Official regulatory signs exclude street naming signs and brown information signs.

6.8.5.3 Integration with building design

- a. Any sign displayed on wall surfaces, including individual lettering, shall not obscure any window, door or architectural feature, visible from the exterior of the building.

- b. Where a sign, including a flag, extends over part of a transport zone the lowest part of the sign shall be located a minimum of 2.6 metres above ground level.

6.8.5.4 Signs attached to buildings

- a. For signage on heritage items and in heritage settings the rules in Chapter 9 also apply.
- b. The maximum area and height of signs shall be as follows:

Zone or scheduled activity	Maximum total area of signs per building	Maximum height above ground level at top of sign
All residential zones (other than Residential Guest Accommodation Zone)	0.5m², or as specified in an activity status table for permitted non-residential activities in Chapter 14 Residential Zones.	4 metres or façade height, whichever is lower
Open Space Community Parks Zone	2m²	
Open Space Water and Margins Zone and Open Space Avon River Precinct/Te Papa Ōtākaro Zone		
Open Space Natural Zone		
Rural Banks Peninsula Zone		
Open Space Metropolitan Facilities Zone	3m²	
Open Space McLeans Island Zone		
All rural zones (other than Rural Banks Peninsula Zone)	4m²	
All specific purpose zones not listed elsewhere in this table		
Commercial Banks Peninsula Zone (except Lyttelton)	Length along primary building frontage (m) x 0.2m.	6 metres or façade height, whichever is lower
Residential Guest Accommodation Zone		9 metres or façade height, whichever is lower
Commercial Banks Peninsula Zone (Lyttelton)	Length along primary building frontage (m) x 0.5m.	6 metres or façade height, whichever is lower
Commercial Local Zone		
Commercial Office Zone		
Commercial Core Zone (except where listed elsewhere in this table)		
All scheduled activities (Rule 6.5) other than service stations	Length along primary building frontage (m) x 0.5m	6 metres or façade height, whichever is lower

Zone or scheduled activity	Maximum total area of signs per building	Maximum height above ground level at top of sign
Specific Purpose (Tertiary Education)		
Commercial Central City Business Zone	Length along primary building frontage (m) x 0.5m.	9 metres or façade height, whichever is lower
Commercial Central City Mixed Use Zone		
Commercial Central City (South Frame) Mixed Use Zone		
Commercial Core Zone (Hornby, The Palms Mall only)	Length along primary building frontage (m) x 1m	Where the maximum height standard is 20 metres, 9 metres or façade height, whichever is lower. Where the maximum height standard is 12 metres, 6 metres or façade height, whichever is lower
Specific Purpose (Airport) Zone		9 metres or façade height, whichever is lower
Scheduled activities (Rule 6.5) service stations		
Commercial Retail Park Zone	Building length of primary building frontage facing roads or customer carparks (m) x 1.2m.	9 metres or façade height, whichever is lower
All industrial zones		
Commercial Core Zone (Eastgate Mall, Northlands Mall, Riccarton Mall only)	Total amount of signage 1500m ² per mall	12 metres or façade height, whichever is lower
Specific Purpose (Hospital) Zone	No limit on number and area of signs provided they are related solely to hospital activities	
Specific Purpose (Lyttelton Port) Zone	No limit on number and area of signs provided they are related solely to port activities	Façade height
Specific Purpose (Styx Mill Road Transfer Station) Zone	5% x road frontage x 1m	6 metres or façade height, whichever is lower
Specific Purpose (Defence Wigram) Zone		4 metres or façade height, whichever is lower

6.8.5.5 Projecting signs and signs attached to or on verandas

In addition to meeting the built form standards in Rule 6.8.5.4, signs mounted and affixed to or on verandas, signs mounted to the face of verandas, and signs projecting from the face of a building, shall also meet the following built form standards:

- a. Signs mounted and affixed to or on verandas (see Rule 6.11.8 - Diagrams 4 & 5)

Maximum projection into any transport zone	2.5 metres
Minimum height above ground level for the lowest part of the sign	2.6 metres
Maximum distance from veranda top surface	1.2 metres
Minimum setback from the face of the kerb	0.5 metres

- b. Signs mounted to the face of verandas (see Rule 6.11.8 - Diagram 4)

Maximum height of sign display	0.5 metres
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- c. Signs projecting from the face of a building (see Rule 6.11.8 - Diagrams 6 & 7)

Signs Parallel to the Building Face	Maximum projection from the face of the building.		0.2 metres
Signs Perpendicular to the Building Face	Maximum projection from the face of the building	Greater than 2.6m above ground level	1.2 metres
		No greater than 2.6m above ground level	0.2 metres
	Minimum setback from the face of the kerb		0.5 metres

- d. Signs shall not project forward of the face of the veranda on which they are located.
- e. Projecting signs shall only be at right angles to the building face they are fixed to.

6.8.5.6 Free-standing signs

- a. Any free-standing sign located within a heritage setting identified in Sub-chapter 9.3 is subject to Rule 9.3.4.1 P6 and Rule 9.3.4.3 RD7 and the below table does not apply.
- b. The maximum number, area, width and height of free-standing signs shall be as follows:

Zone or scheduled activity	Number of Signs per Site	Maximum total area of signs	Maximum height above ground level at top of sign
All residential zones (other than Residential Guest Accommodation Zone)	1	0.2m², or as specified in an activity status table for permitted non-residential activities in Chapter 14 Residential Zones.	4 metres
Open Space Community Parks Zone	1 for each formed vehicle access (refer to Rule 6.8.5.6 c. and d. below) and 1 for each formed pedestrian entrance (refer to	1m² per sign	
Open Space Water and Margins Zone and Open Space Avon River Precinct/Te Papa Ōtākaro Zone			

Zone or scheduled activity	Number of Signs per Site	Maximum total area of signs	Maximum height above ground level at top of sign
Open Space Natural Zone (except Orton Bradley Park)	Rule 6.8.5.6 d. below).		
Open Space Metropolitan Facilities Zone			
Open Space McLeans Island Zone			
All rural zones			
Open Space Natural Zone (Orton Bradley Park)	1	3m ²	4 metres

Zone or scheduled activity		Relating to Pedestrian Entrances			Relating to Vehicle Entrances		
		Maximum width	Maximum total area of sign	Maximum Height above ground level at top of sign	Maximum width	Maximum total area of sign	Maximum Height above Ground level at top of sign
Commercial Banks Peninsula Zone	1 for each formed vehicle access (refer to Rule 6.8.5.6 c. and d. below) and 1 for each formed pedestrian entrance (refer to Rule 6.8.5.6 d. below). (other than billboards permitted under Rule 6.8.4.1 P15)	1 metre	2m ²	2 metres	2 metres	2m ²	4 metres
Residential Guest Accommodation Zone							
Commercial Local Zone							
Commercial Office Zone							
Commercial Central City Business Zone							
All scheduled activities (Rule 6.5) other than service Stations							
All specific purpose zones, other than Specific Purpose (Lyttelton Port), Specific Purpose (Airport), and Specific Purpose (Hospital) Zones							

Zone or scheduled activity		Relating to Pedestrian Entrances			Relating to Vehicle Entrances		
Commercial Central City Mixed Use Zone		1 metre	2m ²	2 metres	2.5 metres (other than billboards permitted under Rule 6.8.4.1 P15)	18m ²	9 metres
Commercial Central City (South Frame) Mixed Use Zone							
Commercial Core Zone							
Commercial Retail Park Zone							
All industrial zones (other than the Industrial Park Zone (Memorial Avenue) - refer to Rule 6.8.5.6 e. below))							
Scheduled activities (Rule 6.5) service stations							
Specific Purpose (Lyttelton Port) Zone							
Specific Purpose (Airport) Zone							
Specific Purpose (Hospital) Zone	No limit on signs provided they are related solely to hospital activities.						

- c. Signs relating to a formed vehicle access do not need to be located at the vehicle entrance they relate to.
- d. Pedestrian and vehicle access in Rule 6.8.5.6 refer to entrances to sites not to buildings, for example, a vehicle crossing from the road to a car park, or a pedestrian entrance from the footpath into a site. Building entry and garage doors are not considered to be vehicle or pedestrian entrances when considering standards for free-standing sign under this rule.
- e. [Rules 6.8.4.1 P16, 6.8.4.3 RD4 and 6.8.4.5 NC1 apply to the Industrial Park Zone \(Memorial Avenue\). Where rules conflict, Rules 6.8.4.1 P16, 6.8.4.3 RD4 and 6.8.4.5 NC1 shall prevail.](#)

6.8.6 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in Rule 6.8.4.3, and as set out for that matter below.

6.8.6.1 All signs and ancillary support structures

- a. Whether the scale, design, colour, location and nature of the signage will have impacts on the architectural integrity, amenity, character, visual coherence, and heritage values of:
 - i. the building and the veranda on which the signage is displayed and its ability to accommodate the signage;
 - ii. the surrounding area (including anticipated changes in the area);
 - iii. residential activities; and
 - iv. heritage items or heritage settings, open spaces, protected trees or areas possessing significant natural values.
- b. Whether the extent of the impacts of the signage are increased or lessened due to:
 - i. the design, dimensions, nature and colour of the sign or support structure;
 - ii. the level of visibility of the sign; and
 - iii. vegetation or other mitigating features.
- c. Whether the signage combines with existing signage on the building, the site or in the vicinity, to create visual clutter or set a precedent for further similar signage.
- d. Whether there are any special circumstances or functional needs relating to the activity, building, site or surroundings, which affect signage requirements including:
 - i. operational, safety, directional, and functional requirements;
 - ii. its size, scale or nature; and
 - iii. the length of the road frontage.
- e. Whether the signage:
 - i. enlivens a space or screens unsightly activities;
 - ii. will result in an orderly and co-ordinated display; and
 - iii. relates to the business or activity on the site and the necessity for the business or activity to identify and promote itself.
- f. For small scale grouped poster signage: The nature and extent of any management and maintenance regime in place including keeping the posters current, and the posters and sites on which they are installed clean and free of graffiti.

- g. The potential of the signage to cause distraction, or confusion to motorists and/or adversely affect traffic safety due to its location, visibility, and/or content including size of lettering, symbols or other graphics.
- h. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.

6.8.6.2 Illuminated, moving, changing, flashing or retro-reflective displays

- a. Whether the extent of the impacts of the signage are increased or lessened due to:
 - i. the frequency and intensity of intermittent or flashing light sources, and the proposed periods of illumination and frequency of image changes;
 - ii. the prominence of the sign due to its illuminated or animated nature and ability to draw the eye;
 - iii. the nature of surrounding land use activities; and
 - iv. the proximity of the display to other properties and the likely effects of such intermittent or flashing lights or changing images upon those properties and their occupants.
- b. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.

6.8.6.3 Static and digital billboards

- a. Whether the scale, design, colour, location and nature of the billboard will have impacts on the architectural integrity, amenity, character, visual coherence, and heritage values of:
 - i. the building and the veranda on which the billboard is displayed and its ability to accommodate the signage;
 - ii. the surrounding area (including anticipated changes in the area);
 - iii. residential activities; and
 - iv. heritage buildings items or heritage settings, open spaces, protected trees or areas possessing significant natural values.
- b. Whether the extent of the impacts of the billboard are increased or lessened due to:
 - i. the design, dimensions, nature and colour of the sign or support structure;
 - ii. the level of visibility of the billboard; and
 - iii. vegetation or other mitigating features.
- c. Whether the billboard combines with existing signage on the building, the site or in the vicinity, to create visual clutter or set a precedent for further similar signage.
- d. Whether the billboard:
 - i. enlivens a space or screens unsightly activities; and

- ii. will result in an orderly and coordinated display.
- e. Whether the extent of the impacts of the billboard are increased or lessened due to:
 - i. the frequency and intensity of intermittent or flashing light sources, and the proposed periods of illumination and frequency of image changes;
 - ii. the prominence of the billboard due to its illuminated or animated nature and ability to draw the eye;
 - iii. the nature of surrounding land use activities;
 - iv. the proximity of the display to other properties and the likely effects of such intermittent or flashing lights or changing images upon those properties and their occupants; and
 - v. The potential of the billboard to cause distraction, or confusion to motorists in their observance of traffic conditions, directions or controls.

6.8.6.4 Signage adjacent to Memorial Avenue

- a. The extent to which the location, area, number, height, width and illumination of outdoor advertisements adversely affects the visual amenity, character and significance of Memorial Avenue as a memorial.
- b. The degree of visual intrusion that outdoor advertisements have on the surrounding environment including adverse effects on the amenity of the surrounding area.
- c. The extent to which advertisements will result in visual clutter and the loss of visual coherence of the character and amenity of the environment.
- d. The extent to which the proposed outdoor advertisement relates to the businesses or activity on the site and within the zone.
- e. The potential effects of the outdoor advertisement on the safety of the surrounding transport network including the potential for motorists to be distracted, confused, or adversely affected.

6.9 Late Night Licensed Premises

6.9.1 Introduction

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

This sub-chapter relates to the management of late night licensed premises throughout the district. Objectives, policies, rules and matters of discretion provide for late night licensed premises, while managing the potential impacts of late night noise and traffic generation at the interface between residential and commercial zones.

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

6.9.2 Objective and policies

6.9.2.1 Objective - Late-night licensed premises

- a. Late night licensed premises are provided for in a manner that:
 - i. encourages Central City late night licensed premises to locate in entertainment and hospitality precincts to support Central City recovery and vitality;
 - ii. manages adverse effects from late night licensed premises located within, or in close proximity to, residential zones to a level consistent with the intended residential amenity within that environment.

6.9.2.1.1 Policy – Late-night licensed premises

- a. Provide for late night licensed premises in the Central City to support the economic success, continued investment and vitality of the area, by:
 - i. encouraging late night licensed premises to locate in identified entertainment and hospitality precincts; and
 - ii. requiring additional acoustic insulation for sensitive activities within, or in proximity to entertainment and hospitality precincts.
- b. Discourage late night licensed premises from establishing, or operating in a manner, where adverse effects on late night amenity, including noise, would conflict with or undermine intended residential amenity within residential zones.

6.9.3 How to interpret and apply the rules

- a. The rules that apply to sale and/or supply of alcohol are contained in the activity status tables (including activity specific standards) in Rule 6.9.4.

- b. Sub-chapter 6.9 applies to the sale and/or supply of alcohol in all zones, except for the Papakāinga / Kāinga Nohoanga Zone where sub-chapter 6.9 does not apply.
- c. Activities involving the sale and/or supply of alcohol are also subject to the rules in the relevant zone chapters.
- d. The activity status tables, rules and standards in the following chapters also apply to activities involving the sale and/or supply of alcohol (where relevant):
 - 5 Natural Hazards;
 - 6 The other sub-chapters of 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.

6.9.4 Rules - Activity status tables

6.9.4.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

Activities may also be restricted discretionary as specified in Rule 6.9.4.2.

Activity		Activity specific standards
P1	Legal sale and/or supply of alcohol, except as specified in Rule 6.9.4.2 RD1.	Nil

6.9.4.2 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 6.9.5, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Sale and/or supply of alcohol between the hours of 11pm and 7am from any site located within 75m of a residential zone, other than the sale and/or supply of alcohol:	a. Amenity – Rule 6.9.5.1

Activity	The Council's discretion shall be limited to the following matters:
<ul style="list-style-type: none"> a. to any person residing on the premises; b. for consumption off the premises; c. authorised by a special licence; d. accompanying a meal served by a guest accommodation premises; and e. in a Category 2 Entertainment and Hospitality Precinct (as identified on the Central City Entertainment and Hospitality Precinct Overlay Planning Map) where the restricted hours are 11pm to 7am along Victoria Street and 1am to 7am for other Category 2 precincts. 	

6.9.5 Rules - Matters of discretion

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the table in Rule 6.9.4.2, and as set out for that matter below.

6.9.5.1 Amenity

- a. The extent to which late-night licensed premises:
 - i. are of a character, duration, scale and intensity consistent with the anticipated residential amenity for the receiving environment particularly with regard to:
 - A. on-site and off-site noise;
 - B. traffic generation; and
 - C. anti-social behaviour;
 - ii. are consistent with other existing and/or permitted uses in the area;
 - iii. can be managed in a way that mitigates adverse effects by means such as the provision of screening, buffer areas, local topography, site layout including location of point of sale, or operational practices of activities.

6.10 Works for the Purposes of Earthquake Recovery

6.10.1 Introduction

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

This sub-chapter relates only to the management of works undertaken by the Crown, in order to complete clearance of earthquake damaged buildings and structures, site remediation, infrastructure repair, and maintenance of properties owned by the Crown, which are located on the Port Hills, at Sumner, Taylors Mistake and Boulder Bay, and around Lyttelton Harbour.

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

6.10.2 How to interpret and apply the rules

- a. These rules only apply to the activities specified in the activity status tables in Rule 6.10.3, and only within the areas shown on the maps in Appendix 6.11.11.
- b. The activity status tables, rules and standards in the following sub-chapters also apply to works for the purpose of earthquake recovery provided for in sub-chapter 6.10:
 - 6.1 Noise
 - 6.3 Lighting and Glare

6.10.3 Rules - Activity status tables

6.10.3.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

Activities may also be non-complying activities as specified in Rule 6.10.3.2.

Activity		Activity specific standards
P1	Any works, including ancillary hazard mitigation works, carried out or commissioned by the Crown in order to complete clearance of earthquake damaged buildings	<ol style="list-style-type: none"> a. The works shall be designed, supervised and certified by a Chartered Professional Engineer with experience in structural and geotechnical engineering, b. Where the works to be carried out include the removal or modification of foundations or retaining walls or require the modification of the land surface then they shall be certified by a Chartered Professional Engineer with experience in geotechnical engineering, or a Professional Engineering Geologist (IPENZ Registered).

Activity	Activity specific standards
and structures, site remediation, infrastructure repair, and maintenance of properties owned by the Crown on [the date the Plan becomes operative] and which are located within the mapped area shown in Appendix 6.11.11	<p>c. At least 7 working days prior to commencing any work on the site, including preparatory works:</p> <ul style="list-style-type: none"> i. written notice shall be provided to the Council informing it of the location of the works and the name and contact details of the supervising engineer. This notice shall include a site-specific work plan identifying potential hazards and how they will be avoided, remedied or mitigated; and ii. written notice shall be provided to any occupier of a residential dwelling adjoining the site to inform them that the works will be taking place, the expected duration of the works and provide contact details of the site supervisor; and iii. a sign shall be erected at the front of the property including the name and contact details of the site supervisor. <p>d. A statement of professional opinion completed by a Chartered Professional Engineer with experience in structural and geotechnical engineering, or a Professional Engineering Geologist (IPENZ Registered) shall be provided to the Council within 3 months of the works being completed to the effect that the works and land stability will meet all applicable standards and requirements and be suitable for its intended purpose. This shall include as-built plans of the works.</p> <p>e. Works shall be commenced prior to December 2019 and shall be completed by 1 July 2020.</p> <p>f. Fill shall consist of clean fill.</p>

6.10.3.2 Non-complying activities

The activities listed below are non-complying activities.

Activity	
NC1	Any activity listed in Rule 6.10.3.1 P1 that does not meet one or more of the activity specific standards.

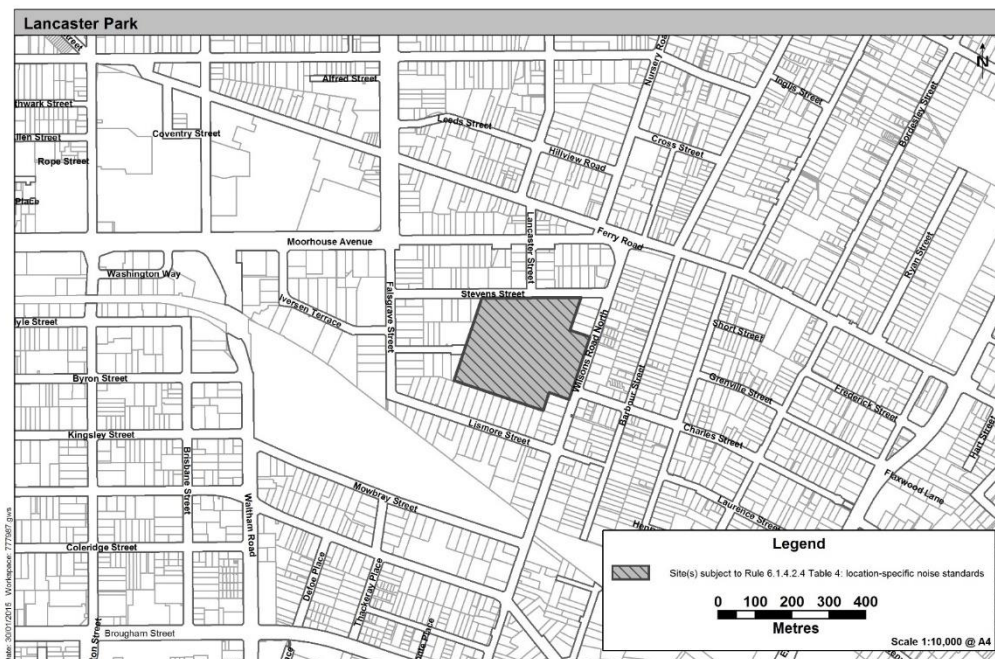
6.11 Appendices

Add the following to Sub-chapter 6.11 Appendices:

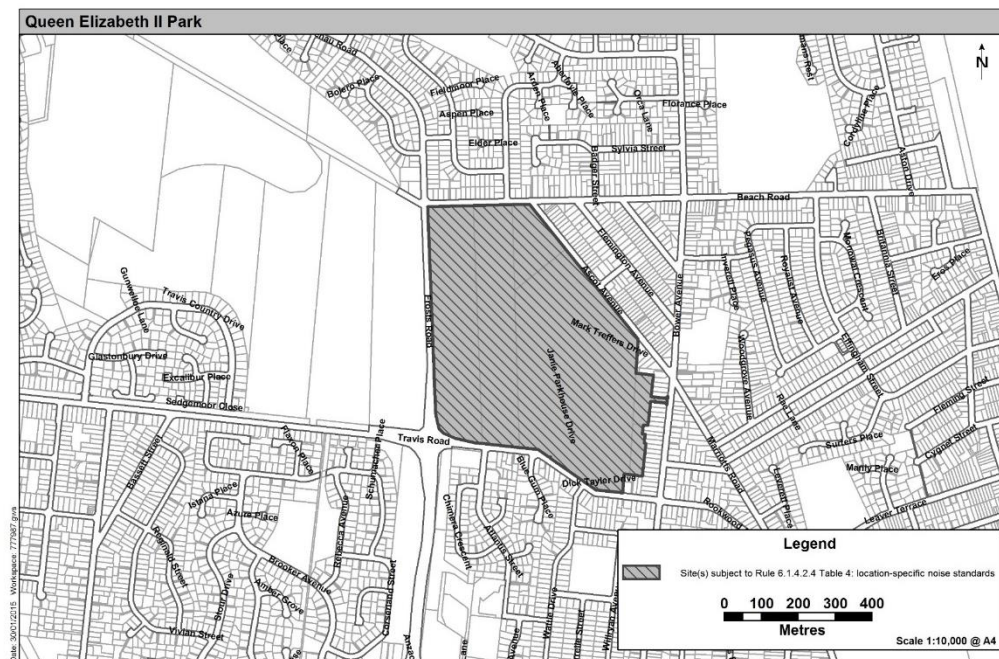
6.11.3 Sites with Location-Specific Noise Rules — Maps

[Refer to Directions for amendments]

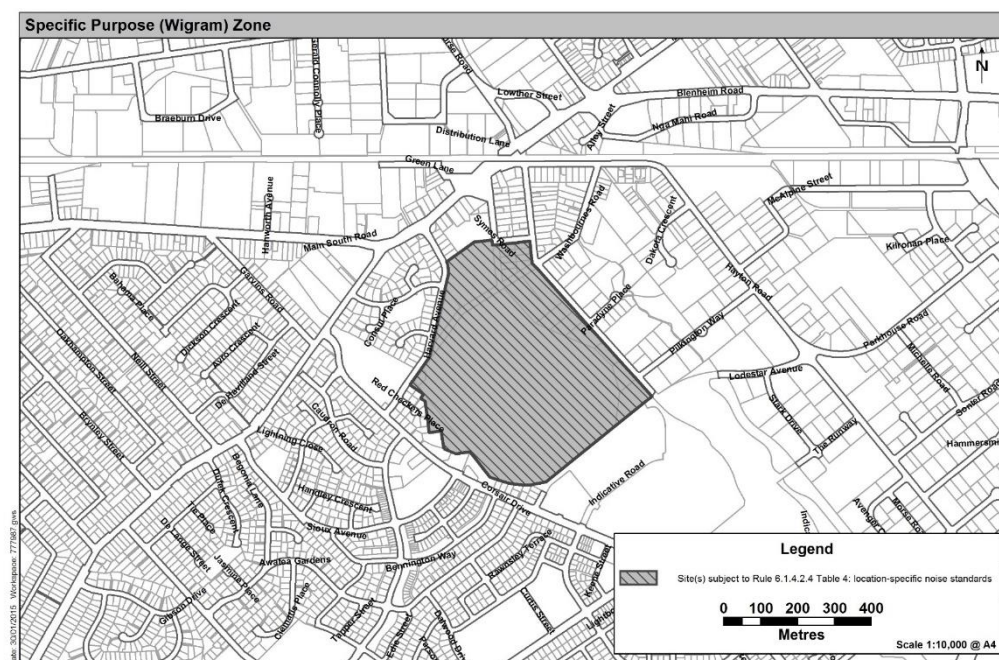
6.11.3.1 Lancaster Park



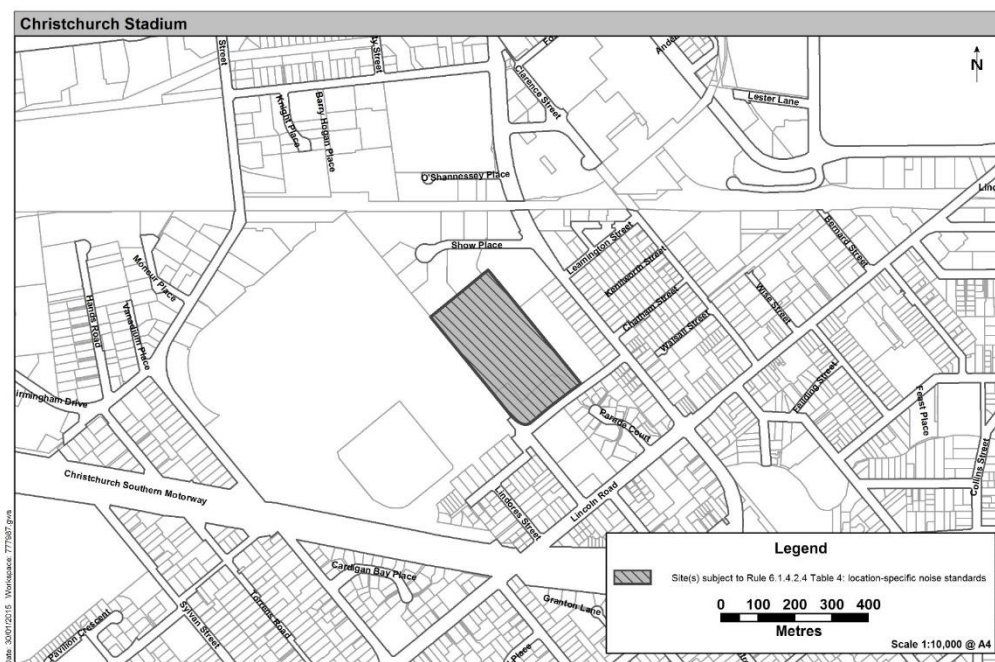
6.11.3.2 Queen Elizabeth II Park



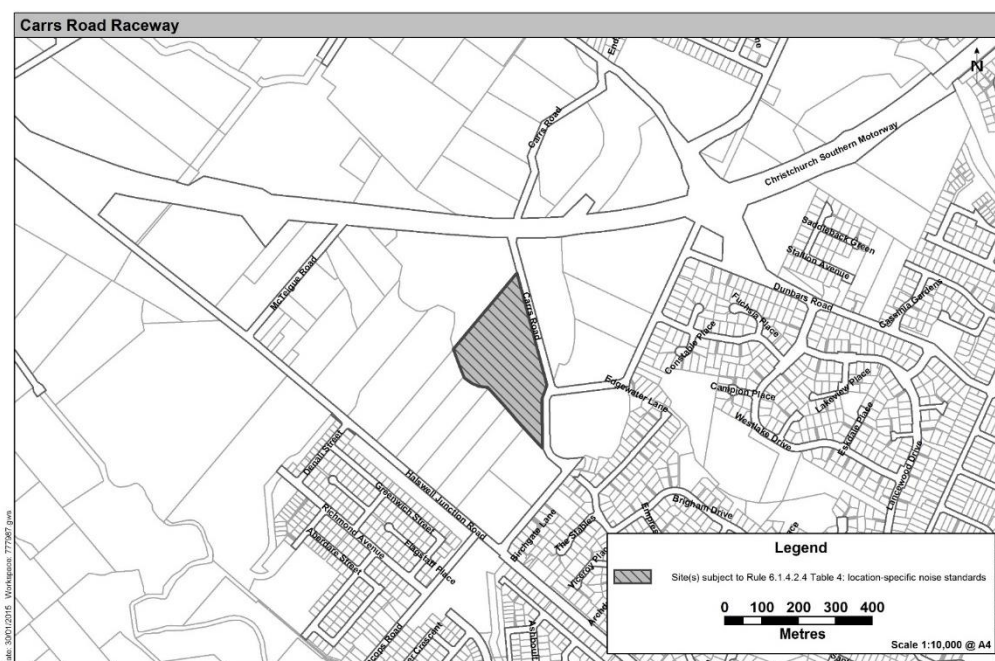
6.11.3.3 Specific Purpose (Wigram) Zone



6.11.3.4 Temporary Christchurch Stadium



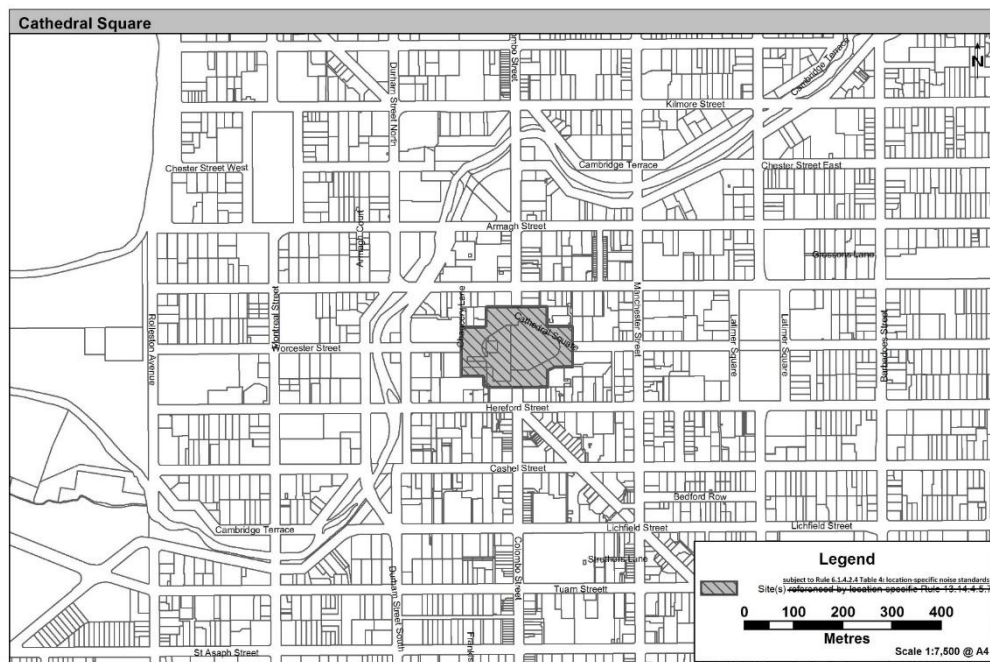
6.11.3.5 Christchurch Kart Club Raceway at Carrs Road



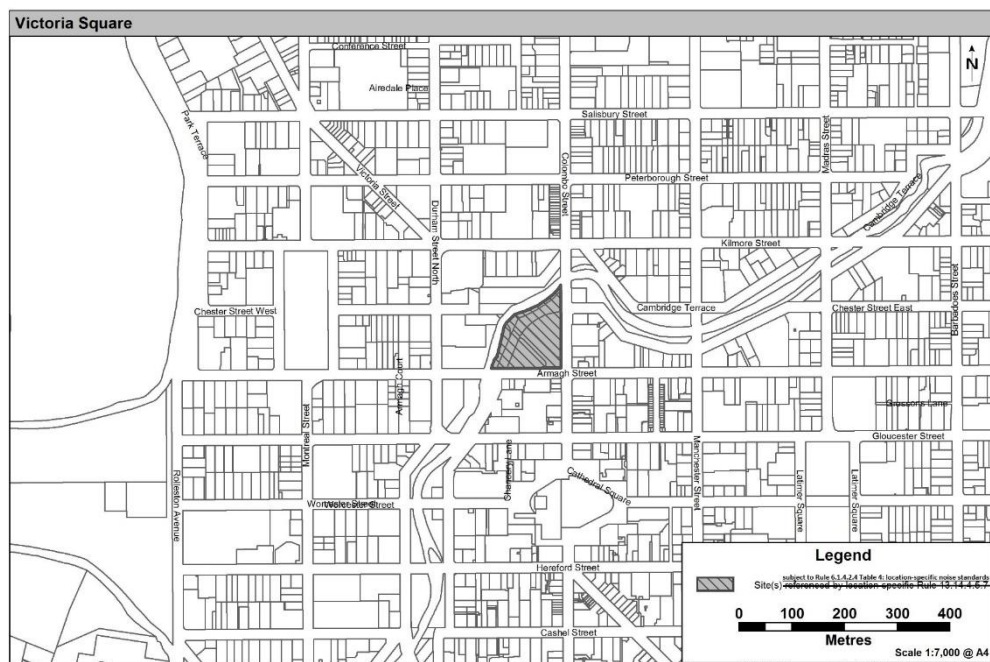
6.11.3.6 Ruapuna Motorsport Park - Specific Purpose (Ruapuna Motorsport) Zone

For Ruapuna Motorsport Park - Specific Purpose (Ruapuna Motorsport) Zone, refer to Planning Maps 29 and 36.

6.11.3.8 Cathedral Square



6.11.3.9 Victoria Square



6.11.4 Noise Attenuation Construction Requirements

6.11.4.1 Noise Attenuation Construction Requirements to achieve 30 dB Dtr,2m,nT,w + Ctr

Building Element	Minimum Construction Requirement
External walls of habitable spaces (refer Note 1)	<p>Walls with cladding: Minimum not to be less than 25 kg/m² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs).</p> <p>Assumes minimum 100mm wall cavity. Minimum exterior cladding to be 20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 200mm). Fibrous acoustic blanket (Batts or similar) required in cavity for all exterior walls. Interior: One layer of 13mm gypsum plasterboard (refer to Note 1 below).</p> <p>Mass walls: 190mm concrete block, strapped and lined internally with 9.5mm gypsum plaster board OR 150mm concrete wall.</p>
Windows of habitable spaces (refer Note 2)	Windows of up to 35% of floor area: 10/12/6 double glazing or 14 mm laminate glass or glazing systems of equivalent acoustic performance.
	Window areas greater than 35% of floor area will require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be new aluminium window frames with compression seals or equivalent.
Pitched roof (refer Note 3)	<p>Cladding: 0.55mm profiled steel or tiles or 6mm corrugated fibre cement.</p> <p>Frame: Timber truss with 100mm acoustic blanket. Fibrous acoustic blanket (Batts or similar) required for all ceilings with combined mass of less than 25 kg/m².</p> <p>Ceiling: 13mm gypsum plaster board.</p>
Skillion roof (refer Note 3)	<p>Cladding: 0.55mm profiled steel or 6mm fibre cement</p> <p>Sarking: 20mm particle board (no gaps).</p> <p>Frame: 100mm gap with acoustic blanket.</p> <p>Ceiling: two layers of 9.5mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (Batts or similar) required for all ceilings with combined mass 25kg/m².</p>
External Door to habitable spaces	Solid core door (min 24kg/m ²) with weather seals (where the door is exposed to exterior noise).

Advice Notes:

- Where exterior wall cladding has a mass of greater than 25kg/m² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard
- Ventilation requirements shall be in compliance with Rule 6.1.7.2.1 a.viii.

3. In determining the insulation performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing, capping and guttering detail used in normal construction.

6.11.4.2 Noise Attenuation Construction Requirements to achieve 35 dB Dtr,2m,nT,w + Ctr

Building Element	Minimum Construction Requirement
External walls of habitable spaces (refer Note 1)	<p>Either:</p> <p>External cladding with a surface mass not less than 23 kg/m²; Ex 100 x 50 timber framing at 600 mm centres; Fibrous thermal insulation; Internal lining of one layer 13mm thick high density Gypsum board (minimum 12 kg/m²).</p> <p>Or:</p> <p>Any wall construction utilising at least 50 mm thick concrete; Secondary timber strapping or wall framing not less than 50 mm thick lined with at least 10 mm thick gypsum board; and Fibrous thermal insulation.</p>
Windows of habitable spaces (refer Note 2)	<p>4/12/4 thermal double glazing; with 6mm thick secondary pane at least 75mm from the outer glazing; and Windows to be new aluminium frames with fixed panes or opening sashes with full compression seals.</p>
Pitched roof (refer Note 3)	<p>Profiled longrun steel or tiles, with minimum steel thickness of 0.4mm; Timber trusses at minimum 800mm centres; Fibrous thermal insulation; and Ceiling lining of one layer 13mm thick high density Gypsum board (minimum 12kg/m²).</p>
Skillion roof (refer Note 3)	<p>Profiled long-run steel or tiles, with minimum steel thickness of 0.4mm; Timber framing at minimum 600 centres; Fibrous thermal insulation; Ceiling lining of two layers 13mm thick high density Gypsum board (minimum 12kg/m² each layer); and Minimum cavity between roof and ceiling 200mm.</p>
External Door to habitable spaces	Specific acoustic design required.

Advice Notes:

- Where exterior wall cladding has a mass of greater than 25kg/m² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
- Ventilation requirements shall be in compliance with 6.1.7.2.1 a.viii..

3. In determining the insulation performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing, capping and guttering detail used in normal construction.

6.11.5 Water Body Classifications and Interpretation

6.11.5.1 Characteristics of water body classifications

	Classification	Characteristics of water body
i.	Downstream waterway	<ul style="list-style-type: none"> Downstream sections of large rivers with wide beds, continuous flow, extensive floodplains and, in many cases, tidal reaches. Significant ecological values; or part of a catchment with significant ecological values and capable of enhancement or restoration. Contribute significantly to the character and amenity of the surrounding area and the district for the benefit of both the general public and private property owners. This contribution could include: landscape values; sense of openness and spaciousness; and recreational opportunities. In many cases, significant cultural values and associations and either existing or the potential for mahinga kai and customary use.
ii.	Upstream waterway	<ul style="list-style-type: none"> The upper to middle reaches of rivers and major streams with wide floodplains. The upper reaches may be intermittently dry but the middle reaches have continuous flow. High ecological values including significant riparian planting; or part of a catchment with high ecological values and capable of enhancement or restoration. High amenity and landscape values providing a sense of openness and spaciousness; and, in some instances, recreational opportunities. Potential cultural values and associations and opportunities for mahinga kai or customary use.
iii.	Environmental asset waterway	<ul style="list-style-type: none"> Tributary or engineered waterways with some identifiable ecological and amenity values and/or a strong potential for enhancement. Some are intermittently dry. Most environmental asset waterways have identifiable floodplains and may be susceptible to flood risk. Moderate amenity values including spaciousness, privacy, tranquillity and natural landscape values.
iv.	Network waterway	<ul style="list-style-type: none"> Generally engineered or modified waterways with limited existing ecological values but some potential for enhancement. Flooding of surrounding land is generally a result of obstruction of the waterway rather than a significant natural floodplain. Amenity values for property owners and immediate neighbours are generally incidental to the drainage functions of the waterway.
v.	Hill waterway	<ul style="list-style-type: none"> See also the definition of “Hill waterway”. Steep waterways sometimes with seasonally dry channels.

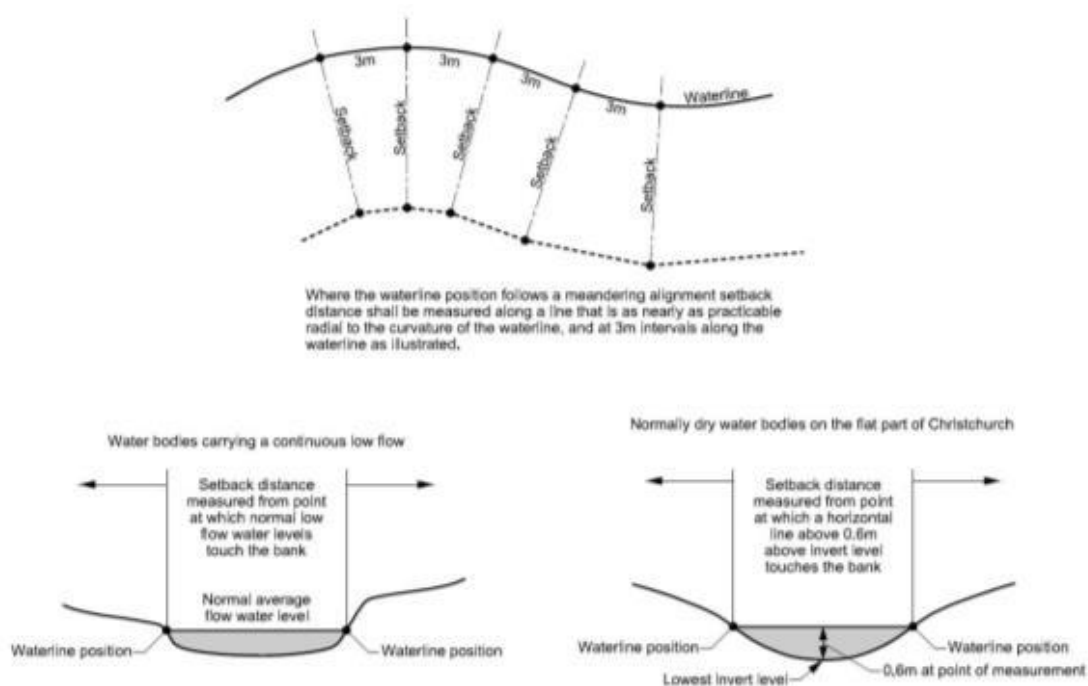
	Classification	Characteristics of water body
		<ul style="list-style-type: none"> Wildlife values may be limited because of the steep gradient, past erosion and rapid and/or ephemeral flow of some of these waterways, however, well-developed riparian planting is necessary to control erosion. Some hill waterways provide habitat and support ecological corridors to downstream receiving environments. Hill waterways contribute to the open space and natural landscape character of the Port Hills and Banks Peninsula. Potential in some instances for recreational and customary use opportunities.
vi.	Environmental asset standing water body	<ul style="list-style-type: none"> Lakes or ponds with significant existing ecological values (or part of a catchment with significant ecological values and capable of restoration). High amenity and landscape values for the general public as well as private landowners, providing a sense of openness and spaciousness and recreational opportunities. Potential cultural values and associations including opportunities for mahinga kai or customary use. Provides water treatment, and therefore ecosystem functioning to immediate and downstream receiving environments
vii.	Banks Peninsula waterway	<ul style="list-style-type: none"> This is an interim classification for rivers and streams on Banks Peninsula that do not meet the definition of hill waterways and have not already been otherwise classified.

6.11.5.2 Measurement of water body setbacks

All setbacks specified shall be measured from:

	Water body classification	Setback measured from:
a.	Upstream waterway; Downstream waterway; Environmental asset waterway; Network waterway	The bank of the water body (see Appendix 6.11.5.3 for interpretation)
b.	Hill waterway	The centreline of the waterway
c.	Environmental asset standing water body	The bank of the water body (see Appendix 6.11.5.3 for interpretation) except for constructed water bodies where the point at which the peak 1/50-year design water surface touches the banks should be used.

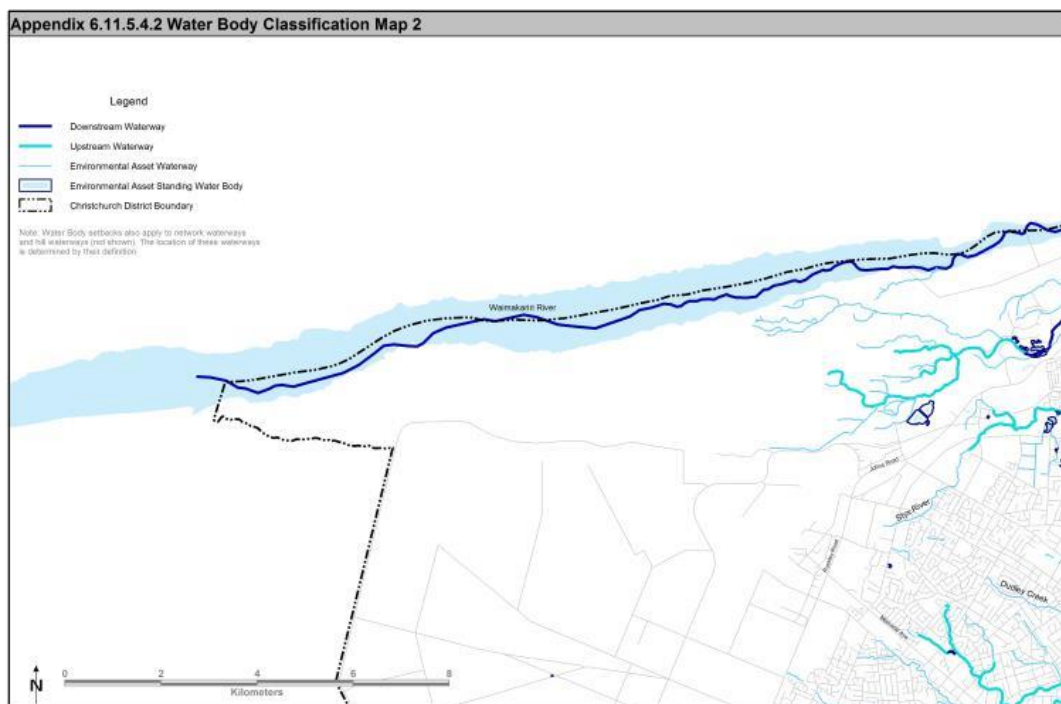
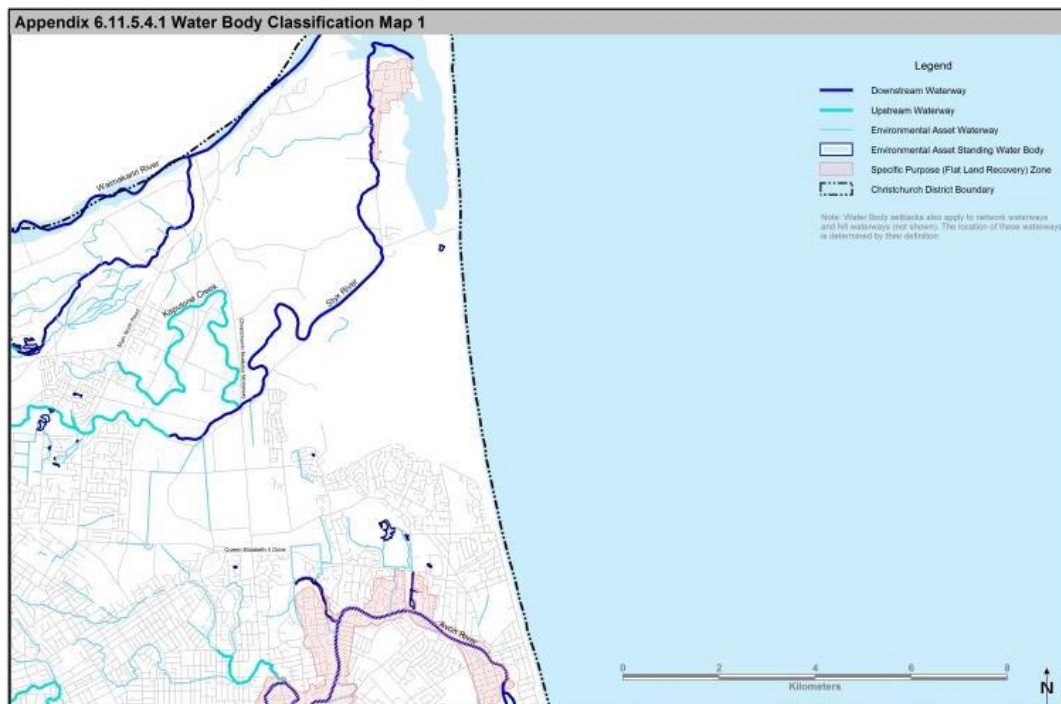
6.11.5.3 Interpretation of banks of water bodies



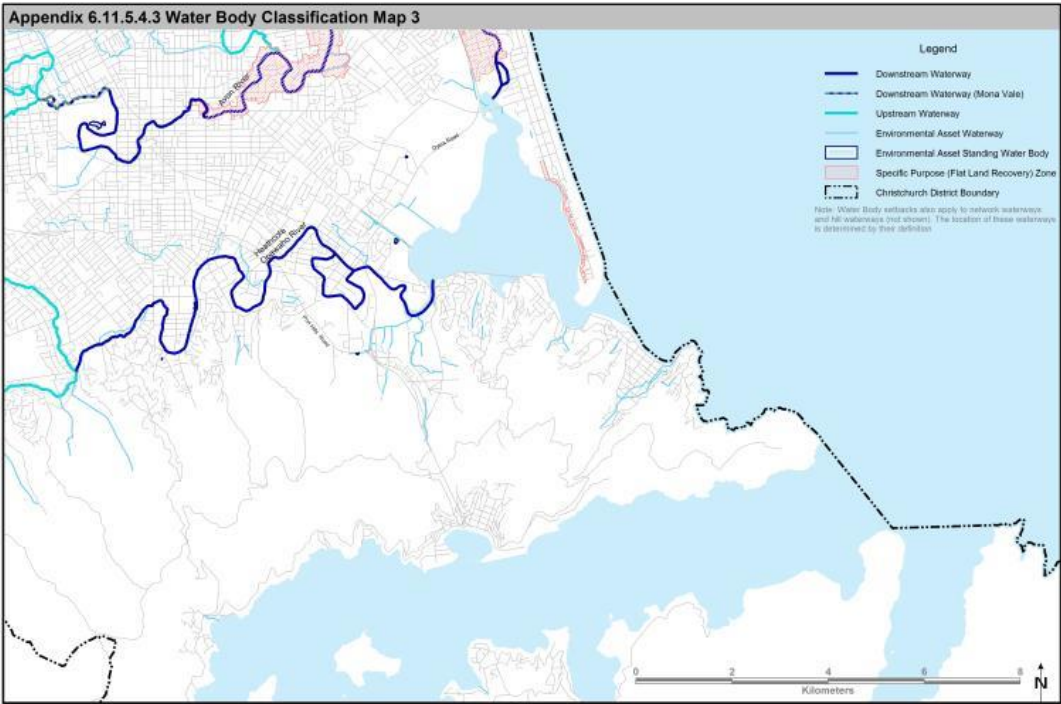
Measurement of bank of an environmental asset standing water body - The bank of an environmental asset standing water body shall be measured from the edge of the bed as defined in Section 2 of the RMA.

6.11.5.4 Maps of Water Body Classifications

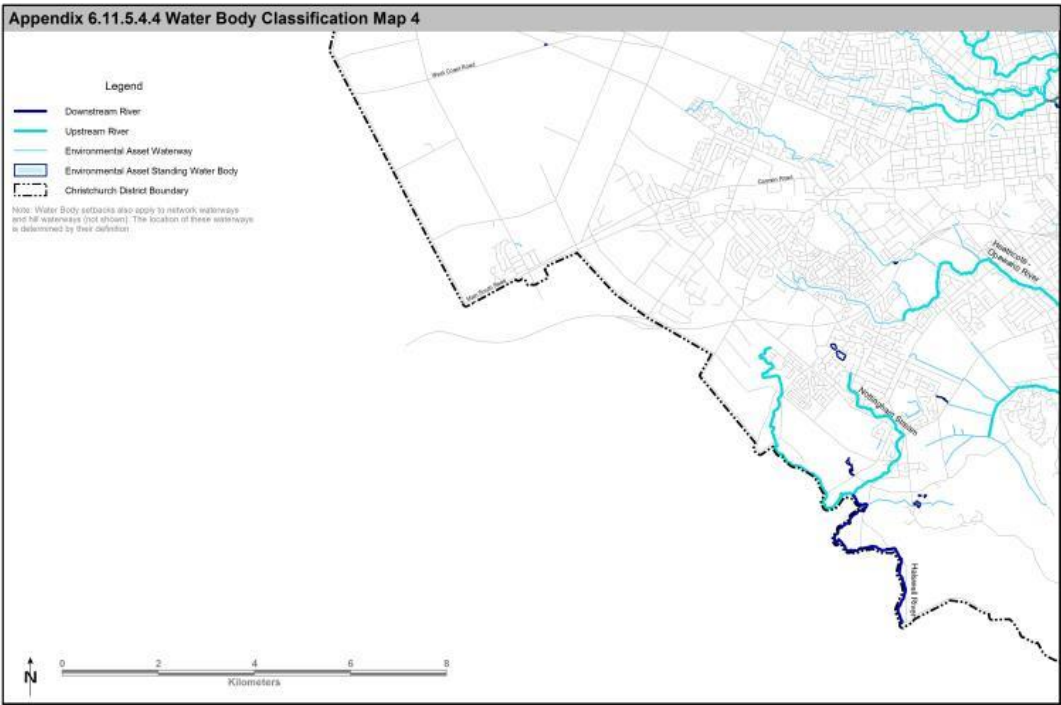
[Refer to Directions for amendment]



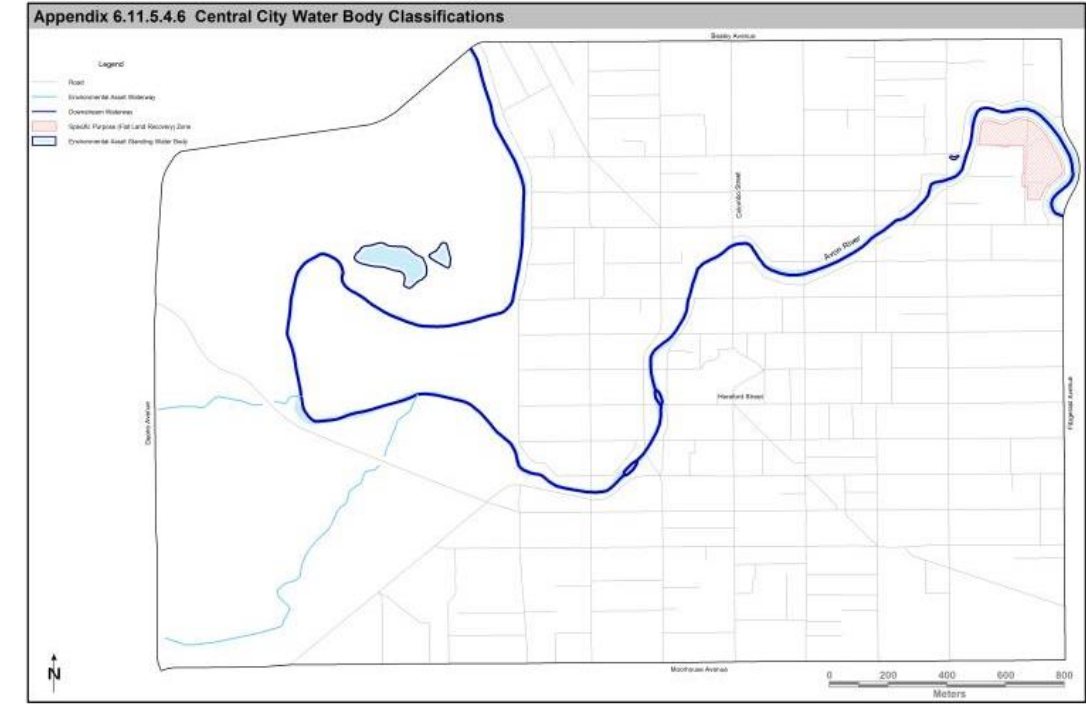
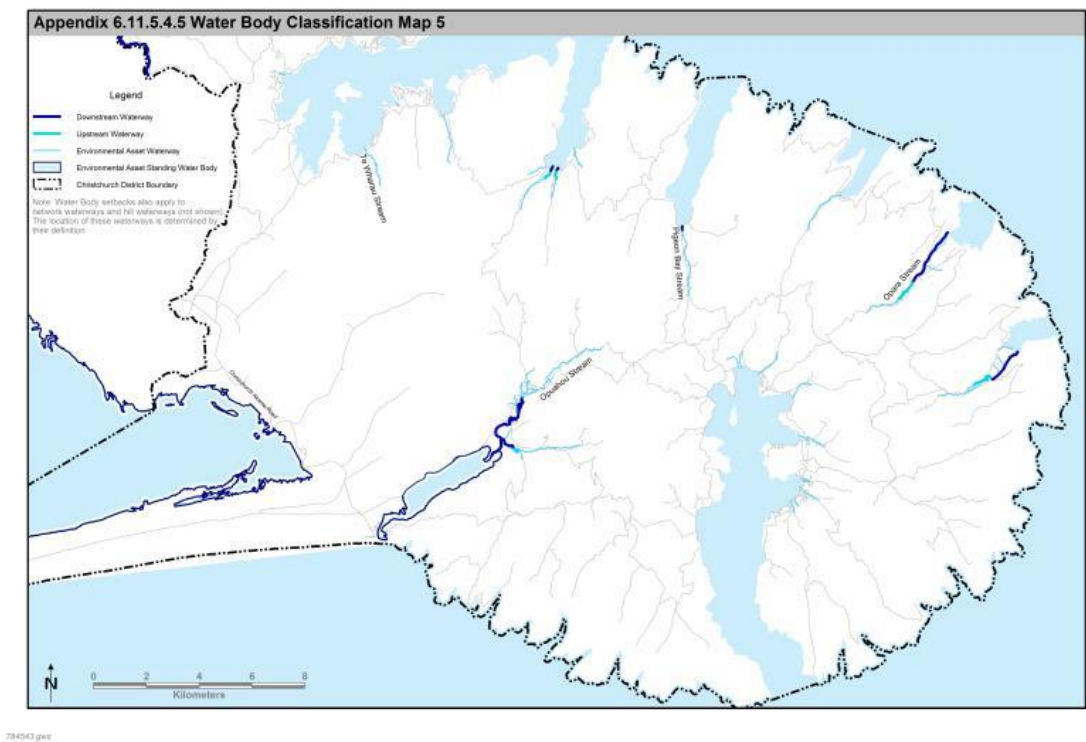
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6.11.6 Landscaping and Tree Planting – Rules and Guidance

The provisions in Part B of this Appendix are for information and guidance only and are not statutory rules. They have been incorporated to assist in the choice of species suitable for planting in particular site conditions, and to help ensure the Council's requirements are successfully achieved.

Part A: Tree requirements - statutory requirements

1. Tree Size

- a. Any tree required under Landscaped Area rules shall be:
 - i. not less than two metres high at the time of planting;
 - ii. a species capable of reaching a minimum height at maturity of eight metres.

Note: Trees listed in Part B of this appendix would meet this clause.

2. Tree protection

- a. Any trees required under Landscaped Area rules shall be located within a landscaping strip, or within a planting protection area, with a minimum dimension or diameter of 1.5 metres.
- b. No more than 10% of any landscaping strip required under Landscaped Area rules, or any planting protection area, shall be covered with any impervious surfaces.
- c. Landscaping strips or planting protection areas adjacent to a road boundary, or adjacent to or within a car parking area, shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least one metre from any tree.

3. Maintenance of trees and landscaping

- a. Any landscaping or trees required under Landscaped Area rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.

4. Trees in the vicinity of the National Grid

- a. Trees and vegetation planted in the vicinity of the National Grid shall be selected and maintained to ensure that the Electricity (Hazards from Trees) Regulations 2003 are not breached.

Part B: Tree species — information and guidance only, non-statutory requirements

- a. The lists of trees and shrubs contained in Sections 1 to 3 of this Part are considered suitable for Christchurch conditions.
- b. Section 2 of this Part specifies the suitability of the trees that meet the requirements in Part A for particular conditions, these being:
 - i. trees suitable for moist/wet soil conditions;
 - ii. trees suitable for dry soil conditions;
 - iii. frost tender trees;
 - iv. trees suitable for coastal areas;
 - v. trees suitable for car parking/ paved areas etc;
 - vi. trees susceptible to wind damage/ breakages;
 - vii. trees with aggressive root system (relevant to driveways and underground services);
 - viii. trees prone to common diseases.
- c. More detailed descriptions and requirements for each tree can be obtained from various plant manuals or by seeking advice from the Christchurch City Council City Arborist or Nursery Supervisor. It should be noted that the tree size ranges are estimates for trees that are planted in highly modified environments, e.g. streets, car parks, pedestrian malls, storm water swales. Trees planted in parks or large gardens are expected to grow larger.
- d. The shrubs listed in Section 3 are considered suitable for planting between trees in landscaped strips.

Section 1 — Trees considered suitable for Christchurch conditions

1.1 Deciduous broadleaved trees

Common name	Botanical name	Height range	Canopy spread range
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Red oak	<i>Quercus rubra</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Scarlet oak	<i>Quercus coccinea</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Willow oak	<i>Quercus phellos</i>	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Sawtooth oak	<i>Quercus acutissima</i>	15m-20m	10m-15m
Turkish hazel	<i>Corylus collurna</i>	10m-15m	6m-10m
European beech	<i>Fagus sylvatica</i>	15m-20m	10m-15m
Copper or purple beech	<i>Fagus sylvatica purpureum</i> (and 'Riversii')	15m-20m	10m-15m
Weeping beech	<i>Fagus sylvatica pendula</i>	15m-20m	6m-10m
Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck'	10m-15m	3m-6m
Purple Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck Purple'	10m-15m	3m-6m
American beech	<i>Fagus grandifolia</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	Fraxinus 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m
Golden ash	<i>Fraxinus excelsior</i> 'Jaspidea' (or 'Aurea')	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m
Horsechestnut	<i>Aesculus hippocastanum</i>	15m-20m	10m-15m
Seedless horsechestnut	<i>Aesculus plantierensis</i>	15m-20m	10m-15m
Walnut	<i>Juglans regia</i>	15m-20m	10m-15m
Common lime	<i>Tilia x europaea</i>	15m-20m	10m-15m
Large leaved lime	<i>Tilia platyphyllos</i>	15m-20m	10m-15m
Small leaved lime	<i>Tilia cordata</i>	15m-20m	10m-15m
Weeping silver lime	<i>Tilia petiolaris</i>	15m-20m	10m-15m
Silver lime	<i>Tilia tomentosa</i>	15m-20m	10m-15m
Liquidambar 'Worplesdon'	Liquidambar 'Worplesdon'	15m-20m	10m-15m
London plane	<i>Platanus acerifolia</i>	15m-20m	10m-15m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m
Autumn glory plane	<i>Platanus orientalis insularis</i>	15m-20m	10m-15m
Cut leaf plane	<i>Platanus orientalis digitata</i>	15m-20m	10m-15m
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Variegated Norway maple	<i>Acer platanoides</i> 'Drummondii'	10m-15m	10m-15m
Acer 'Bloodgood'	Acer 'Bloodgood'	3m-10m	6m-10m
Trident maple	<i>Acer burgerianum</i>	15m-20m	10m-15m
Paper bark maple	<i>Acer griseum</i>	3m-10m	6m-10m

Common name	Botanical name	Height range	Canopy spread range
Field maple	<i>Acer campestre</i>	10m-15m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m
Paper birch	<i>Betula papyrifera</i>	15m-20m	10m-15m
Black birch	<i>Betula nigra</i>	15m-20m	10m-15m
Swedish birch	<i>Betula pendula dalecarlica</i>	15m-20m	10m-15m
Himalayan birch	<i>Betula jaquemontii</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Chinese tulip tree	<i>Liriodendron chinensis</i>	15m-20m	15m-10m
Maidenhair tree (male only)	<i>Ginkgo biloba</i>	15m-20m	6m-10m
Hornbeam	<i>Carpinus betulus</i>	15m-20m	10m-15m
Common alder	<i>Alnus glutinosa</i>	15m-20m	10m-15m
Italian alder	<i>Alnus cordata</i>	15m-20m	10m-15m
Grey alder	<i>Alnus incana</i>	15m-20m	10m-15m
Red alder	<i>Alnus rubra</i>	15m-20m	10m-15m
Indian bean tree	<i>Catalpa bignonioides</i>	15m-20m	10m-15m
Weeping willow	<i>Salix babylonica</i>	15m-20m	15m-20m
Golden weeping willow	<i>Salix x chrysocoma</i>	15m-20m	15m-10m

1.2 Coniferous trees

Common name	Botanical name	Height	Canopy spread range
Wellingtonia	<i>Sequoiadendron giganteum</i>	20m-25m	10m-15m
Californian redwood	<i>Sequoia sempervirens</i>	20m-25m	10m-15m
Spanish fir	<i>Abies pinsapo</i>	10m-15m	6m-10m
Atlantica cedar	<i>Cedrus atlantica</i>	15m-20m	10m-15m
Western red cedar	<i>Thuja plicata</i>	15m-20m	6m-10m
Swamp cypress	<i>Taxodium distichum</i>	15m-20m	6m-10m
Bhutan cypress	<i>Cupressus torulosa</i>	15m-20m	6m-10m
Monkey puzzle/ Chile pine	<i>Araucaria araucana</i>	15m-20m	6m-10m
Totara	<i>Podocarpus totara</i>	10m-15m	6m-10m
Dawn redwood	<i>Metasequoia glyptostroboides</i>	15m-20m	6m-10m
Japanese cedar	<i>Cryptomeria japonica</i>	15m-20m	6m-10m

1.3 Other evergreens

Common name	Botanical name	Height range	Canopy spread range
Bay laurel	Laurus nobilis	10m-15m	6m-10m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen or holm oak	Quercus Ilex	15m-20m	10m-15m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

1.4 Palms

Common name	Botanical name	Height range	Canopy spread range
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

1.5 Native trees

Common name	Botanical name	Height range	Canopy spread range
Totara	Podocarpus totara	10m-15m	6m-10m
Kahikatea/white pine	Podocarpus dacrydioides	10m-15m	6m-10m
Rimu	Dacrydium cupressinum	10m-15m	6m-10m
Red beech	Nothofagus fusca	10m-15m	6m-10m
Silver beech	Nothofagus menziesii	10m-15m	6m-10m
Black beech	Nothofagus solandri var. solandri	10m-15m	6m-10m
Mountain beech	Nothofagus solandri var. cliffortioides	10m-15m	6m-10m
Miro	Prumnopitys ferruginea	10m-15m	3m-6m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Pohutukawa	Metrosideros excelsa	TBC	TBC

Section 2- Suitability of trees for particular conditions

2.1 Trees for wet soil conditions

(in order of tolerance to wetness)

Common name	Botanical name	Height range	Canopy spread range
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Moosewood	Acer pensylvanicum	15m-20m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m
Kahikatea/ White pine	Dacrycarpus acrydioides	10m-15m	6m-10m
Alder (most species)	Alnus species	15m-20m	10m-15m
Hills oak	Quercus elipsoidalis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Black birch	Betula nigra	15m-20m	10m-15m
Willow (most species)	Salix species	15m-20m	15m-20m
Lombardy poplar(shelterbelts)	Populus italica ‘Nigra’	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Green ash	Fraxinus pennsylvanica	15m-20m	10m-15m
Dawn redwood	Metasequoia glyptostroboides	15m-20m	6m-10m

2.2 Trees suitable for dry soil

Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m
Norway maple	Acer platanoides	15m-20m	10m-15m
Indian horse chestnut	Aesculus indica	15m-20m	10m-15m
Hornbeam	Carpinus betulus	10m-15m	10m-15m
Atlantic cedar	Cedrus atlantica	15m-20m	10m-15m
Hop hornbeam	Ostrya carpinifolia	10m-15m	6m-10m
Mediterranean hackberry	Celtis australis	15m-20m	6m-10m

Common name	Botanical name	Height range	Canopy spread range
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Bay laurel	<i>Laurus nobilis</i>	10m-15m	6m-10m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Cork oak	<i>Quercus suber</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Californian redwood	<i>Sequoia sempervirens</i>	15m-20m	10m-15m
Alder (tolerant of dry and wet soils)	<i>Alnus species</i>	15m-20m	10m-15m
Arizona ash	<i>Fraxinus velutina</i>	15m-20m	10m-15m

2.3 Frost tender trees suitable for Sumner, Redcliffs and frost free hill areas

Common name	Botanical name	Height range	Canopy spread range
Scarlet gum	<i>Eucalyptus ficifolia</i>	3m-10m	6m-10m
Monkey puzzle	<i>Araucaria araucana</i>	15m-20m	6m-10m
Pohutukawa	<i>Metrosideros excelsa</i>	10m-15m	10m-15m

2.4 Trees suitable for Christchurch coastal areas

Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	<i>Podocarpus totara</i>	10m-15m	6m-10m
Matai	<i>Prumnopitys taxifolia</i>	10m-15m	3m-6m
Exotic			
Field maple	<i>Acer campestre</i>	10m-15m	10m-15m
Horse chestnut	<i>Aesculus hippocastanum</i>	15m-20m	10m-15m
Monkey puzzle	<i>Araucaria araucana</i>	15m-20m	6m-10m
Japanese cedar	<i>Cryptomeria japonica</i>	15m-20m	6m-10m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
Bay laurel	<i>Lauris nobilis</i>	10m-15m	6m-10m
Bull bay	<i>Magnolia grandiflora</i>	10m-15m	6m-10m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen holm oak	Quercus ilex	15m-20m	10m-15m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Macrocarpa (shelterbelts only)			
Western red cedar			
Monterey pine (shelterbelts only)	Pinus radiata	15m-20m	15m-20m
Maritime pine (shelterbelts only)	Pinus pinaster	15m-20m	10m-15m
Stone pine (shelter belts only)	Pinus pinea	15m-20m	10m-15m
Norfolk pine	Araucaria heterophylla	15m-20m	10m-15m
Whitebeam	Sorbus aria 'Lutescens'	10m-15m	6m-10m

2.5 Trees suitable for car parks, paved surfaces and buildings

Common name	Botanical name	Height range	Canopy spread range
Common lime	Tilia x europaea	15m-20m	10m-15m
Large leaved lime	Tilia platyphyllos	15m-20m	10m-15m
Silver lime	Tilia tomentosa	15m-20m	10m-15m
Tulip tree	Liriodendron tulipifera	15m-20m	15m-20m
Mediterranean hackberry	Celtis australis	15m-20m	6m-10m
American hackberry	Celtis occidentalis	15m-20m	6m-10m
Field maple	Acer campestre	15m-20m	10m-15m
Norway maple	Acer platanoides	15m-20m	10m-15m
Variegated norway maple	Acer platanoides 'Drumondii'	10m-15m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m
Fraxinus 'Green Glow'	Fraxinus 'Green Glow'	15m-20m	10m-15m
Green ash	Fraxinus pennsylvanica	15m-20m	10m-15m
American ash	Fraxinus americana	15m-20m	10m-15m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
London plane	Platanus acerifolia	15m-20m	10m-15m
Oriental plane	Platanus orientalis	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Algerian oak	Quercus canariensis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Liquidambar ‘Worplesdon’	Liquidambar ‘Worplesdon’	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m

2.6 Trees particularly susceptible to wind damage/branch breakage

Common name	Susceptibility
Wattle	Weak branch unions
Acer negundo (box elder)	Brittle branches, weak branch unions
Agonis (myrtle)	Weak branch unions
Banksia integrifolia	Weak branch unions
Eucalyptus	Heavy end weighted branches can cause branch breakage, summer branch drop
Gleditsia triacanthos (honey locust)	Weak branches
Paulownia tomentosa (epaulette tree)	Weak branch unions, brittle branches
Poplar	Weak branch unions
Liquidambar	Heavy weak branch forks and brittle timber prone to wind damage when in full leaf
Claret ash (and other ash species excepting common and manna ash)	Weak forks, brittle timber
Willow (all species)	Brittle timber, heavy foliage, summer branch drop
Pinus radiata	Wind and snow damage
Cupressus macrocarpa	Wind and snow damage
Cedar (all species)	May suffer loss of large branches in winds and snow when mature

The above trees should not be precluded from plantings entirely but thought should be given to siting them in more sheltered positions away from buildings and public thoroughfares.

2.7 Trees with particularly aggressive root systems

- a. The roots of all trees have the potential to cause damage to structures, underground services and sealed/paved surfaces if planted too close to them. For example, most trees have a tendency to develop roots under shallow sealed surfaces often causing cracking or lifting.
- b. Properly constructed planting pits that allow for adequate root growth along with the use of a combination of structural soils (or root cells) and permeable asphalt

surrounding the planting pit will alleviate this problem. Please contact the Christchurch City Council City Arborist for more information.

- c. The roots of all trees will follow moisture trails from leaking drainage systems (usually old earthenware pipes) and enter them. However, most modern drainage pipes made of synthetic materials with greatly improved joint sealing should be able to withstand all but the direct expansion pressure of trees growing right next to them. In addition tree roots will not extend in to heavily compacted soils. Soils around underground services need to be heavily compacted so that roots will not enter them. To be on the safe side, medium to large sized trees should be situated at least 3.0 metres from all drainage pipes except that if a tree root barrier is used then trees can be planted up to 1.5 metres from drainage pipes. A modern reinforced concrete slab building foundation constructed to withstand earthquake forces should not be affected by tree roots, except possibly where a larger tree is growing right against it. The older type of foundation, which ran around the perimeter of the building only, is much more at risk and even smaller growing trees should not be planted too close.
- d. Commonly planted tree species more frequently associated with damage to the above structures are as follows:
 - i. Willows
 - ii. Poplars
 - iii. Eucalyptus
 - iv. Pinus radiata
 - v. Cuppressus macrocarpa
 - vi. Horsechestnut
 - vii. Maples and sycamore
 - viii. Ash.

2.8 Trees prone to diseases common in Christchurch

Common name	Diseases prone to
Ornamental crabapples, plums, cherries and rowans etc	Silver leaf disease, particularly when pruned or wounded
Cypress, thuja, juniper (and forms)	Leaf webber insect
Cypress, thuja, juniper (and forms)	Cypress canker
Native lacebark	Gall mite
London plane	Anthrachnose (leaf and twig blight)
Cherry, pear, plum	Flowering thorns and white beam cherry/pear slug
Weeping willow	Honey fungus root rot
Upright willow	Bacterial die-back
Spruce	Needle/leaf defoliating insect

Common name	Diseases prone to
Wattles (<i>Racosperma dealbata</i> & <i>baileyana</i>)	Rust fungi galls
Maple	Formopsis (twig dieback)

2.9 Trees suitable for shelter belts and tree planting for visual screening of quarry activities

Common Name	Botanical Name
Atlantic cedar	<i>Cedrus atlantica</i>
Deodar Cedar	<i>Cedrus deodara</i>
Lawsons Cypress	<i>Chamaecyparis lawsoniana</i>
Japanese Red Cedar	<i>Cryptomeria japonica</i>
Monterey Cypress	<i>Cupressus macrocarpa</i>
Southern Mahogany	<i>Eucalyptus botrioides</i>
White Peppermint Gum	<i>Eucalyptus linearis</i>
Monterey Pine	<i>Pinus radiata</i>
Lemonwood	<i>Pittosporum eugenioides</i>
Kohuhu	<i>Pittosporum tenuifolium</i>
Totara	<i>Podocarpus totara</i>
Lombardy Poplar	<i>Populus italica</i>
Chinese Willow	<i>Salix matsudana</i>
Leyland Cypress	<i>X Cuprocyparis leylandii</i>

Section 3: Species of shrubs for planting in landscaping strips – information and guidance only, non-statutory requirements

Common name	Botanical Name
Native Shrubs	
	<i>Astelia</i> spp
	<i>Brachyglottis greyi</i>
	<i>Chionocloa flavicans</i>
	<i>Coprosma</i> spp
	<i>Corokia</i> spp
	<i>Hebe</i> spp
Whiteywood	<i>Melicytus ramiflorus</i>
Red matipo	<i>Myrsine australis</i>

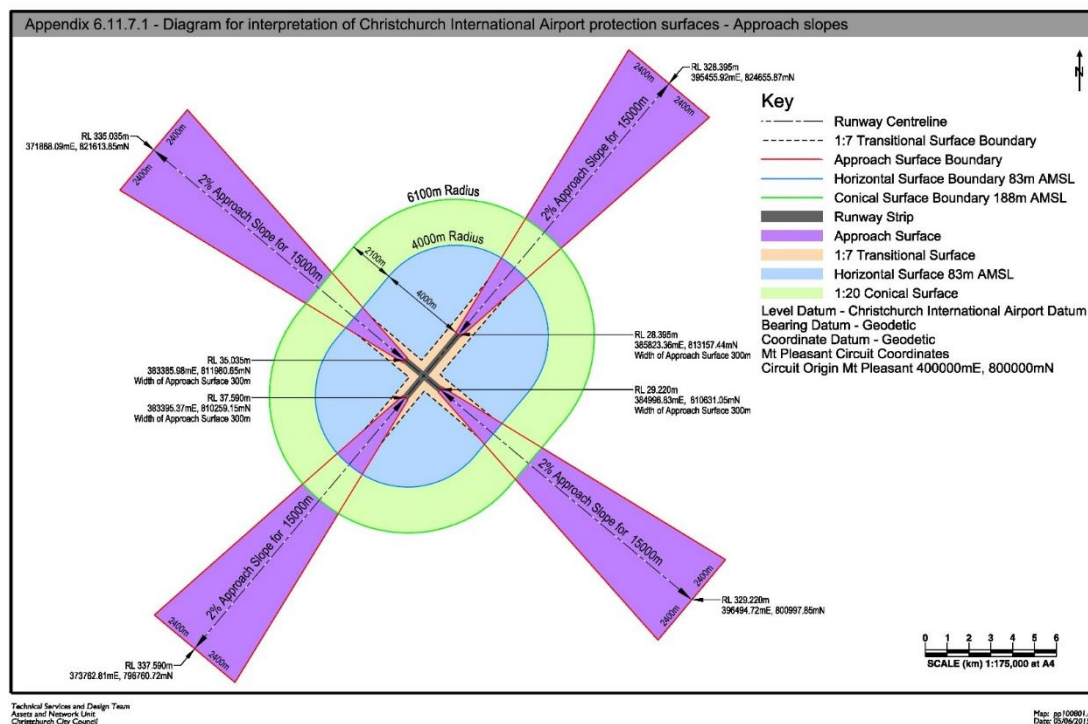
Common name	Botanical Name
Kawakawa	<i>Piper excelsum</i>
	<i>Pittosporum</i> 'Mountain Green'
Five finger	<i>Pseudopanax arboreus</i>
	<i>Pseudopanax</i> 'Cyril Watson'
Lancewood	<i>Pseudopanax crassifolius</i>
Toothed Lancewood	<i>Pseudopanax ferox</i>
	<i>Pseudowintera</i> 'Red Leopard'
Prostrate Kowhai	<i>Sophora prostrata</i>
Exotic Shrubs	
	<i>Abelia</i> spp
	<i>Acer</i> spp
Japanese laurel	<i>Aucuba japonica</i>
Barbary	<i>Berberis</i> spp
	<i>Boronia</i> spp
Bottlebrush	<i>Callistemon</i> spp
Camelia	<i>Camelia</i> spp
Carpet rose	<i>Rosa</i> 'Carpet Rose'
	<i>Ceanothus</i> spp
Chinese plumbago	<i>Ceratostigma willmotianum</i>
Mexican orange blossom	<i>Choisya ternata</i>
Breath of heaven	<i>Coleonema pulchrum</i>
	<i>Correa</i> spp
Winter Hazel	<i>Corylopsis spicata</i>
Smoke bush	<i>Cotinus</i> spp
	<i>Daphne</i> spp
	<i>Deutzia</i> spp
	<i>Erica</i> spp
	<i>Escallonia</i> spp
Japanese laurel	<i>Fatsia japonica</i>
	<i>Forsythia</i> spp
	<i>Gardenia</i> spp
	<i>Hydrangea</i> spp
	<i>Leucodendron</i> spp

Common name	Botanical Name
	Leucospermum spp
	Loropetalum spp
Star Magnolia	Magnolia stallata
	Michelia doltsopa
Port Wine Michelia	Michelia figo
	Nandina 'Gulf Stream'
Red Robin	Photonia x fraseri
Lily of the Valley	Pieris japonica
	Protea spp
	Rhododendron
Rosemary	Rosmarinus officinalis
Waratah	Telopea spp
	Weigelia florida
Shrubs for Low Screening (3 metres-5 metres height)	
Natives	
Taupata	Coprosma repens
Ake ake	Dodonea viscosa
Purple ake ake	Dodonea viscosa 'Purpurea'
Broadleaf	Griselinia spp
Narrow leafed houhere	Hoheria angustifolia
Kanuka	Kunzea ericoides
Whiteywood	Melicytus ramiflorus
Manuka	Leptospermum scoparium
Fragrant olearia	Olearia fragrantissima
Mountain holly	Olearia ilicifolia
Golden akeake	Olearia paniculata
Kawakawa	Piper excelsum
Lemonwood	Pittosporum eugenoides
Kohupu	Pittosporum tenuifolium
Karo	Pittosporum crassifolium
Exotics	
Bottlebrush	Callistemon spp
Camelia	Camelia spp

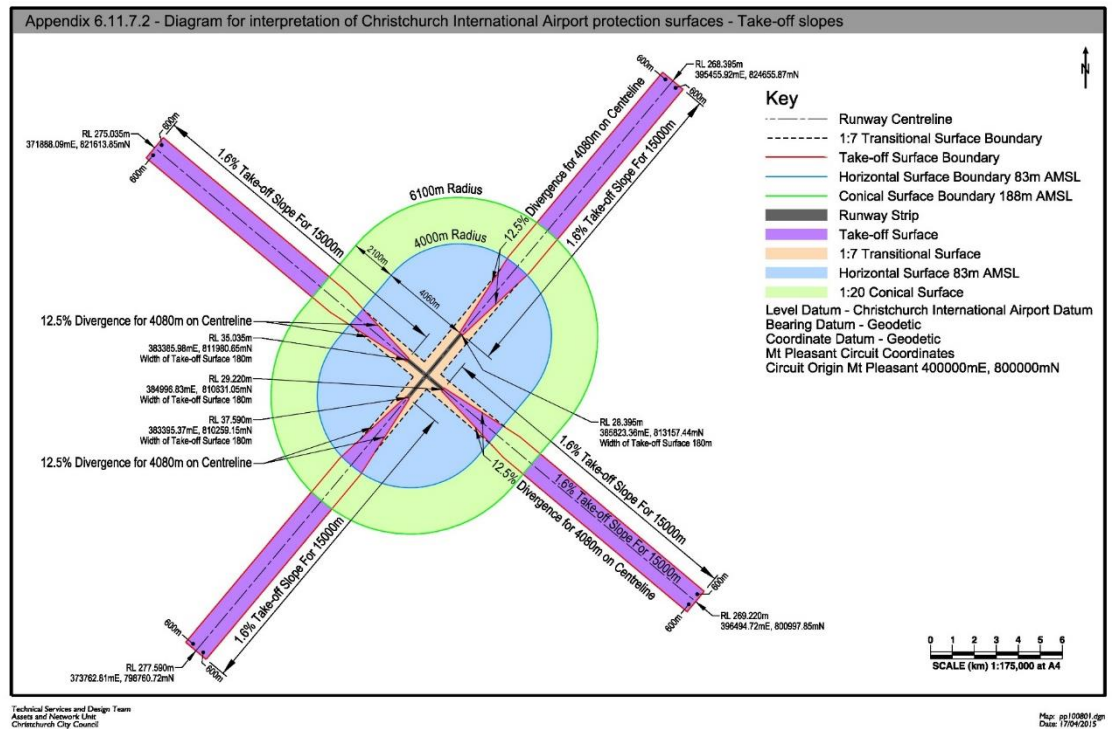
Common name	Botanical Name
	Ceanothus spp
Smoke bush	Cotinus spp
Japanese aralia	Fatsia japonica
	Michelia doltsopa
Red robin	Photonia x fraseri
	Protea spp
	Rhododendron

6.11.7 Aircraft Protection – Diagrams and Maps

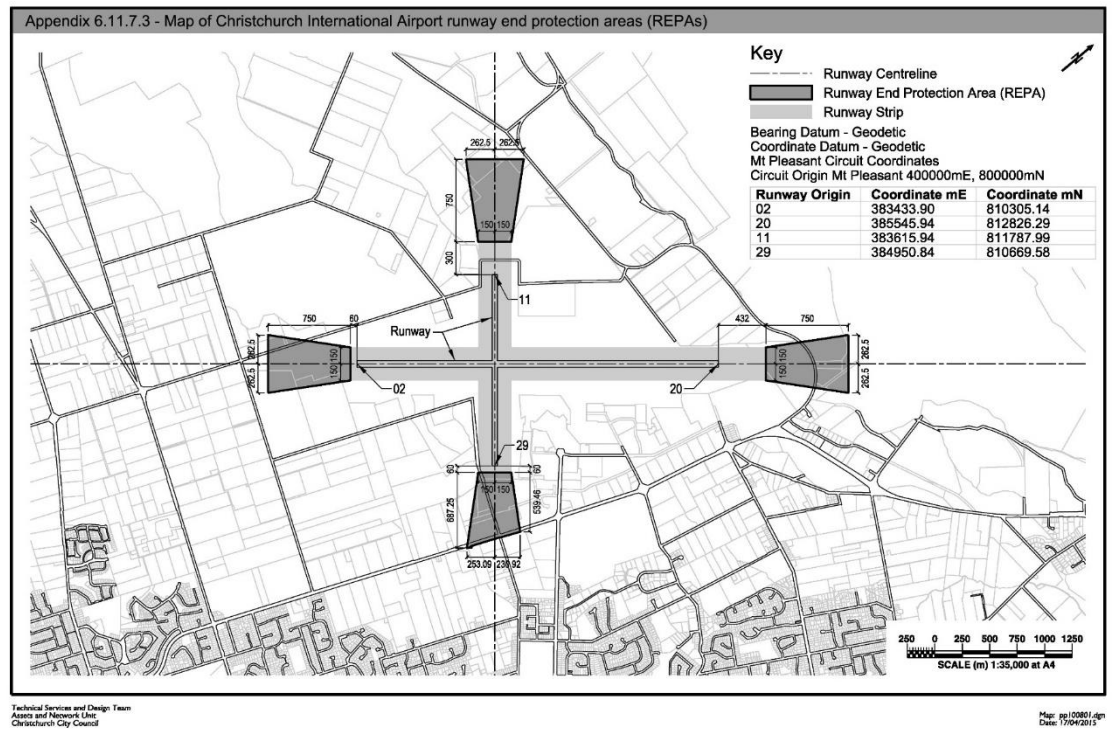
6.11.7.1 Diagram for Interpretation of Christchurch International Airport Protection Surfaces - Approach Slopes



6.11.7.2 Diagram for Interpretation of Christchurch International Airport Protection Surfaces – Take-off Slopes

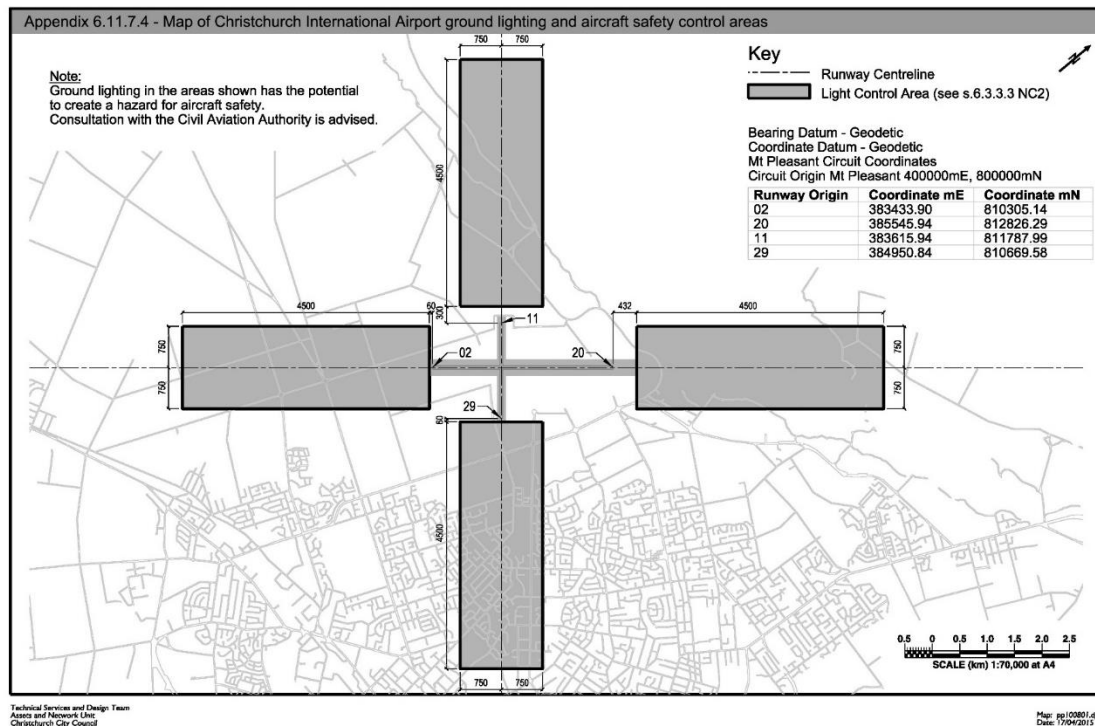


6.11.7.3 Map of Christchurch International Airport Runway End Protection Areas (REPAs)



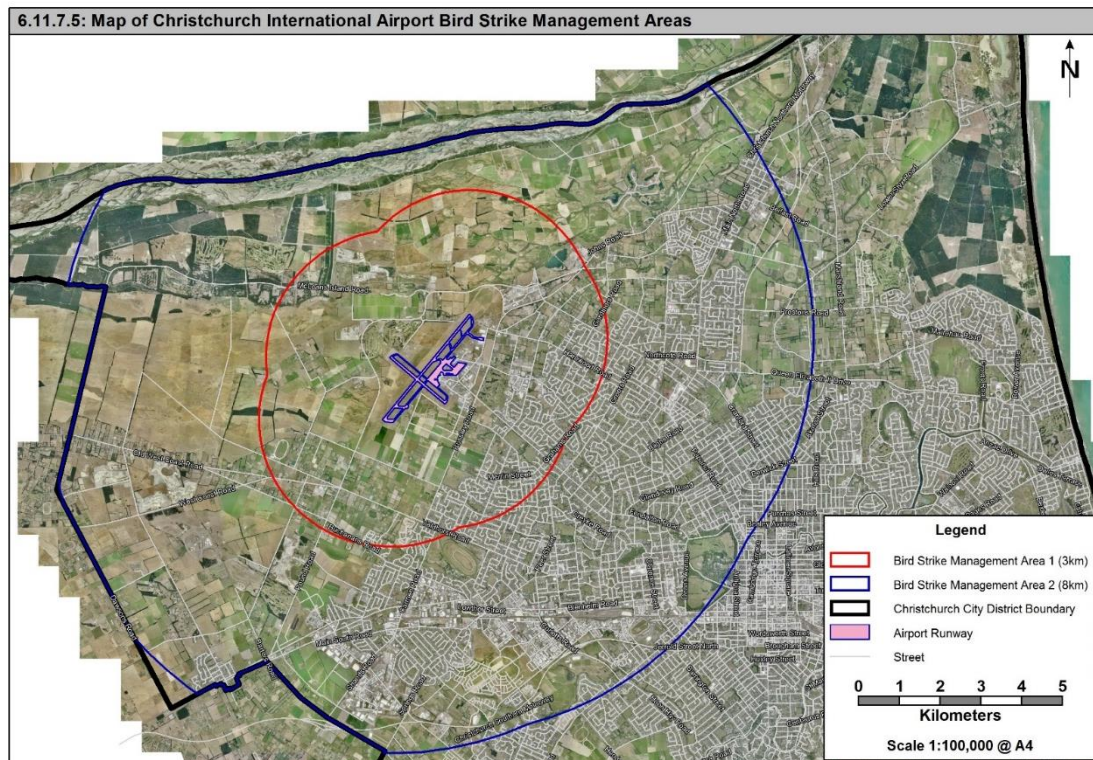
6.11.7.4 Map of Christchurch International Airport Ground Lighting and Aircraft Safety Control Areas

[Refer to Directions for amendment]

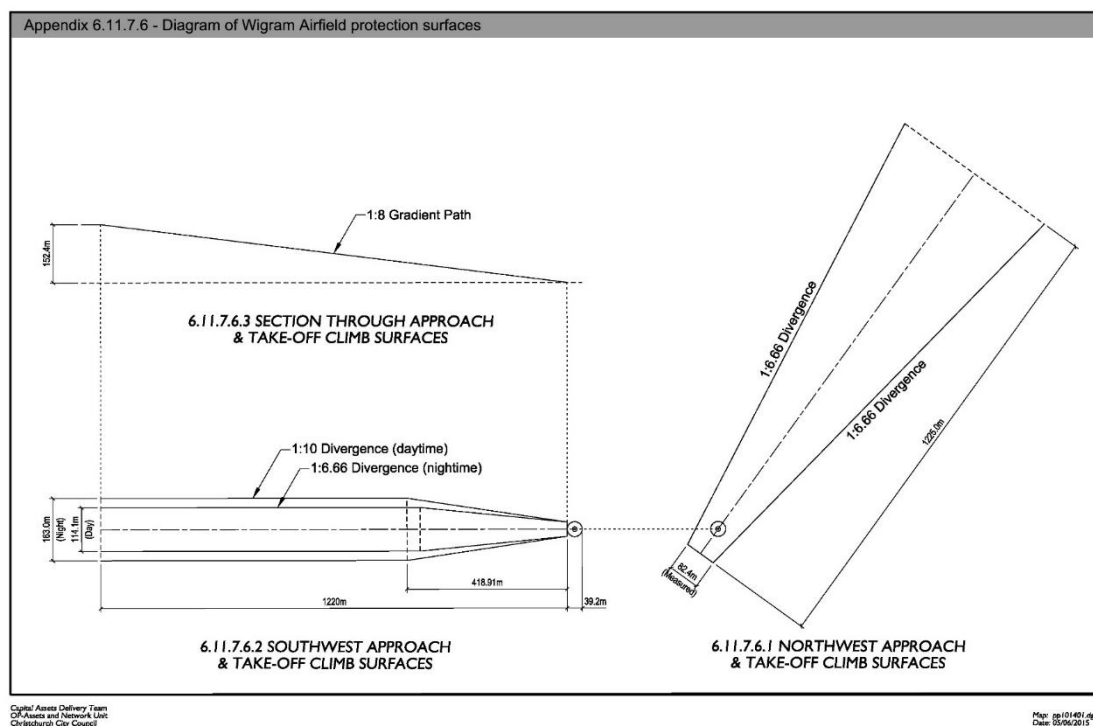


6.11.7.5 Map of Christchurch International Airport Bird Strike Management Area (within 3km of the thresholds of the runways)

[Refer to Directions for amendments]

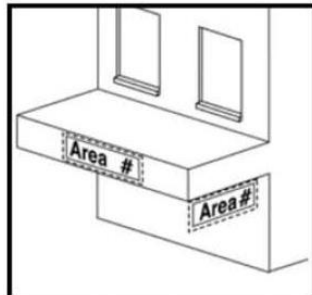


6.11.7.6 Diagram of Defence Wigram Protection Surfaces

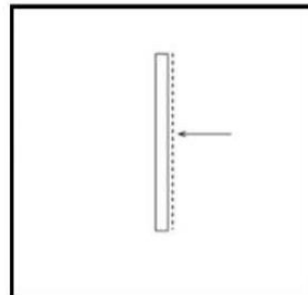


6.11.8 Signage

Diagrams



1. Imaginary rectangle enclosing a sign

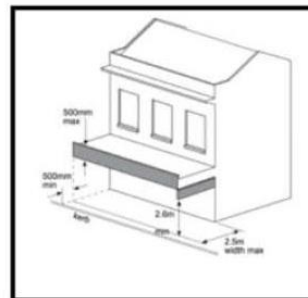


2. Display on two sided sign where area calculated as being one side or face only.

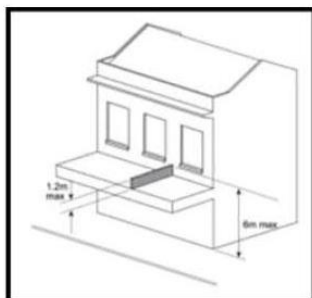
Note: Plan view looking on top of display



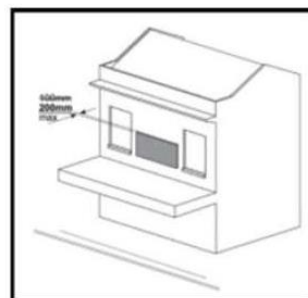
3. Sign conflicts with architectural features



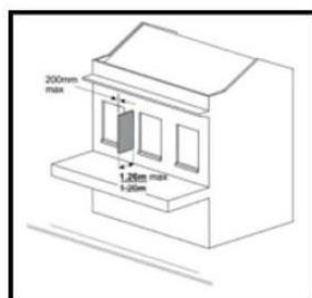
4. Display under a verandah
Display on the face of a verandah



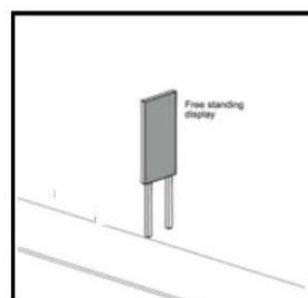
5. Display fixed above a verandah



6. Display against the face of a building



7. Display projecting from the face of a building



8. Free standing display

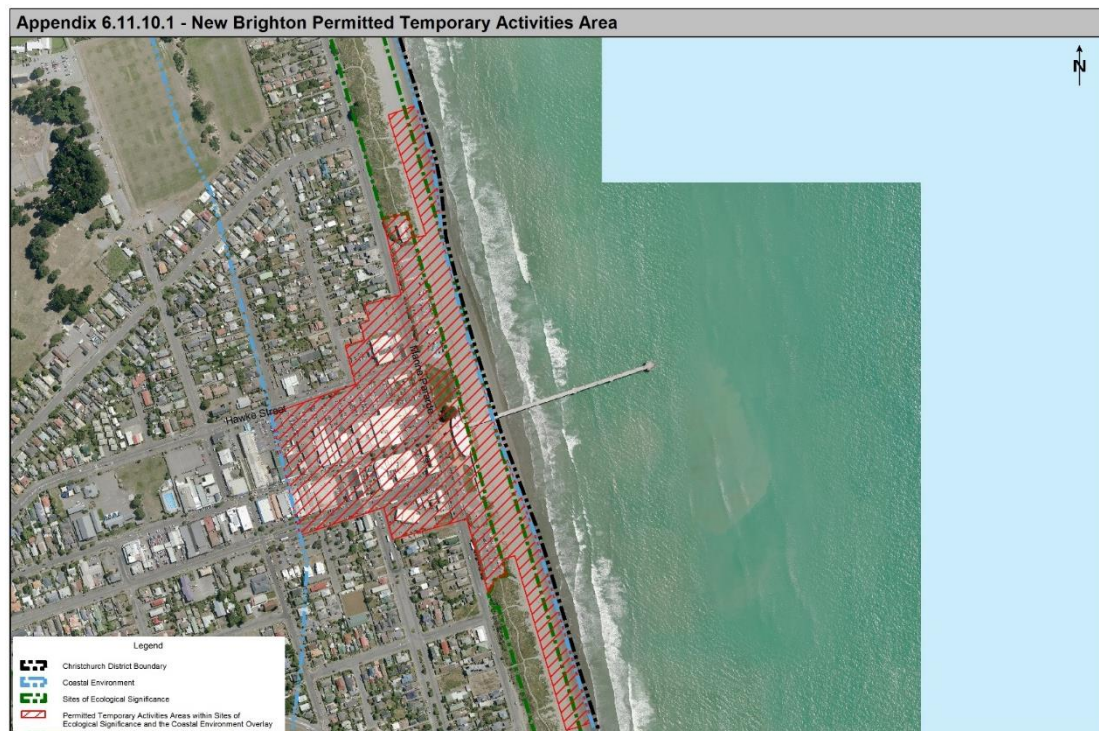
6.11.9 Plant Species for Water Bodies and Stormwater Basins in the Birdstrike Management Area in Appendix 6.11.7.5

Edge of Water body / Wetland	
Botanical name	Common name
Schoenoplectus validus / tabernaemontani	lake club rush / kapungawha
Eleocharis acuta	spike sedge
Carex germinata	makura
Schoenus pauciflorus	bog rush
Polystichum vestitum	prickly shield fern
Juncus pallidus	tussock rush / wiwi
Cyperus ustulatus	umbrella sedge
Lower Bank	
Botanical name	Common name
Anemanthele lessoniana	wind grass
Astelia fragrans	bush lily / kakaha
Coprosma propinqua	mikimiki
Dianella nigra	ink berry / turutu
Plagianthus divaricatus	swamp ribbonwood
Upper Bank	
Botanical name	Common name
Aristotelia serrata	makomako / wineberry
Carpodetus serratus	marbleleaf / putaputaweta
Coprosma rotundifolia	roundleaved coprosma
Dodonea viscosa (frost tender)	akeake
Eleocarpus hookerianus	pokaka
Griselinia littoralis	kapuka / broadleaf
Hebe salicifolia	koromiko
Hoheria angustifolia	narrow leaved lacebark
Kunzea ericoides	kanuka
Leptospermum scoparium	manuka
Lophomyrtus obcordata	rohutu / NZ myrtle
Myrsine australis	mapou
Myrsine divaricata	weeping mapou

Pittosporum eugenioides	lemonwood
Pittosporum tenuifolium	matipo
Plagianthus regius	lowland ribbonwood
Podocarpus totara	totara
Prumnopitys taxifolia	matai
Pseudowintera colorata	peppertree
Sophora microphylla	kowhai

6.11.10 Sites with Location-Specific Temporary Activities Rules - Maps

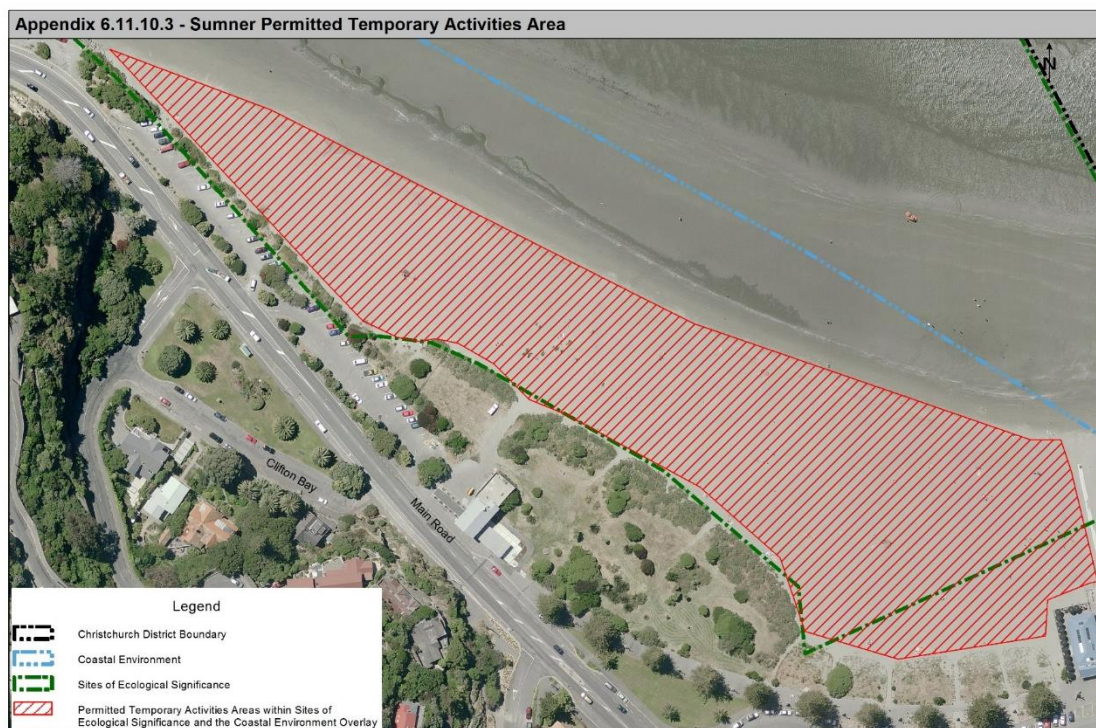
6.11.10.1 New Brighton Permitted Temporary Activities Area



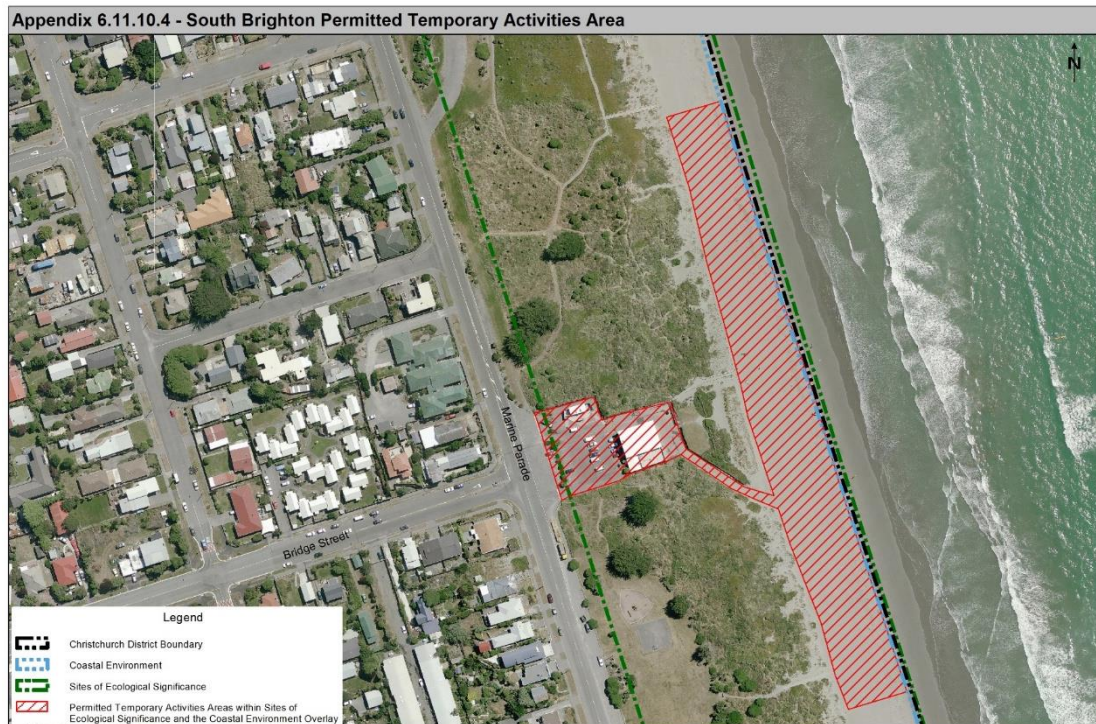
6.11.10.2 Taylors Mistake Permitted Temporary Activities Area



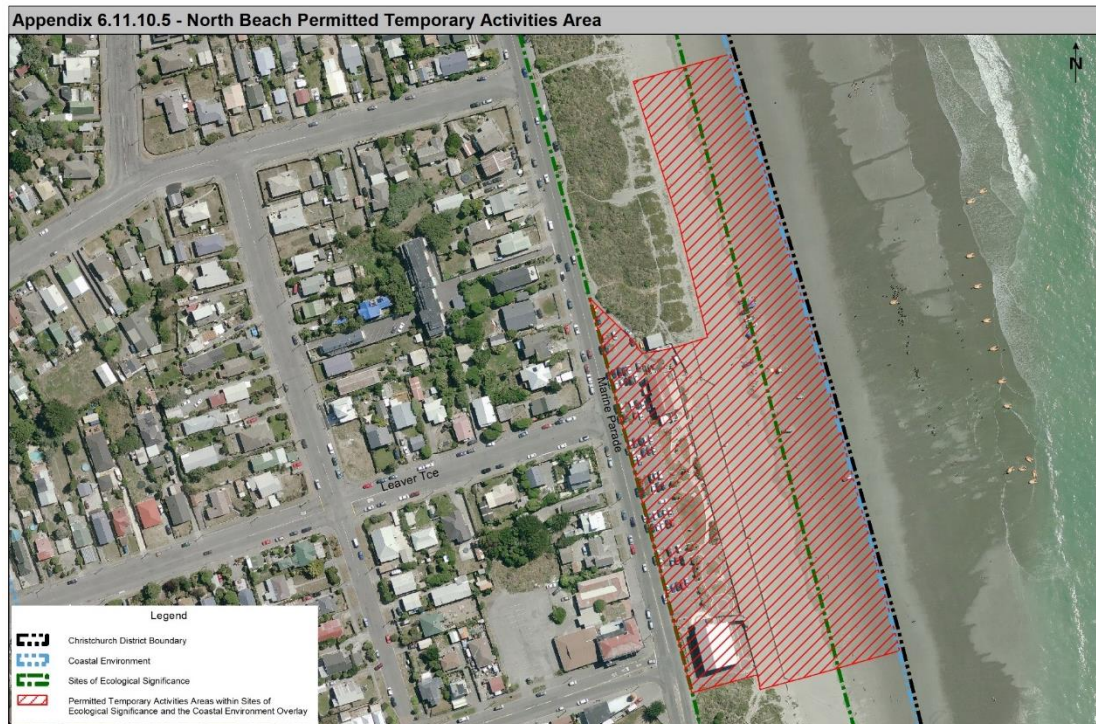
6.11.10.3 Sumner Permitted Temporary Activities Area



6.11.10.4 South Brighton Permitted Temporary Activities Area



6.11.10.5 North Beach Permitted Temporary Activities Area

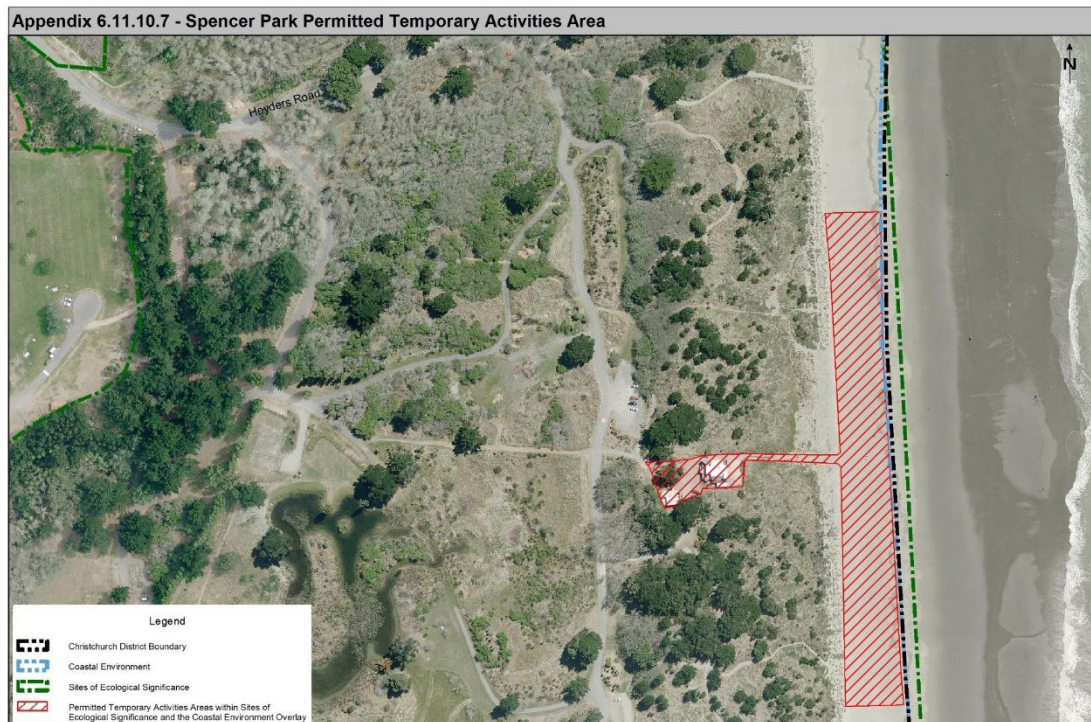


6.11.10.6 Waimairi Permitted Temporary Activities Area

[Refer to Directions for amendments]

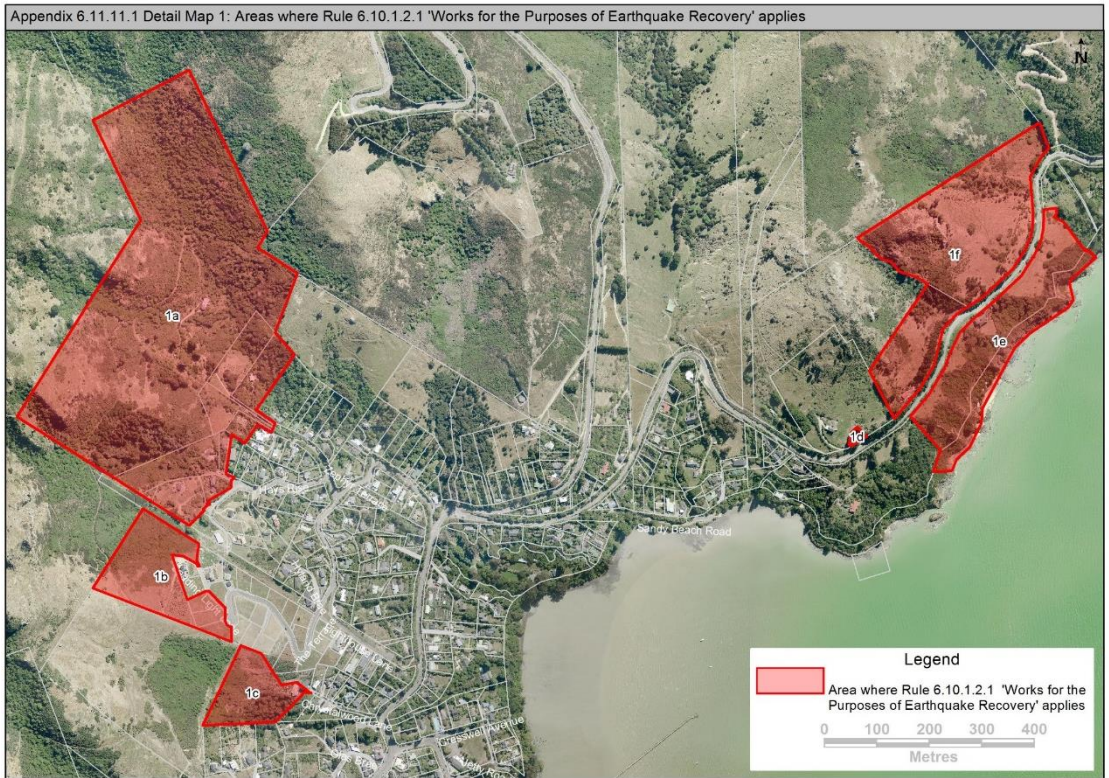
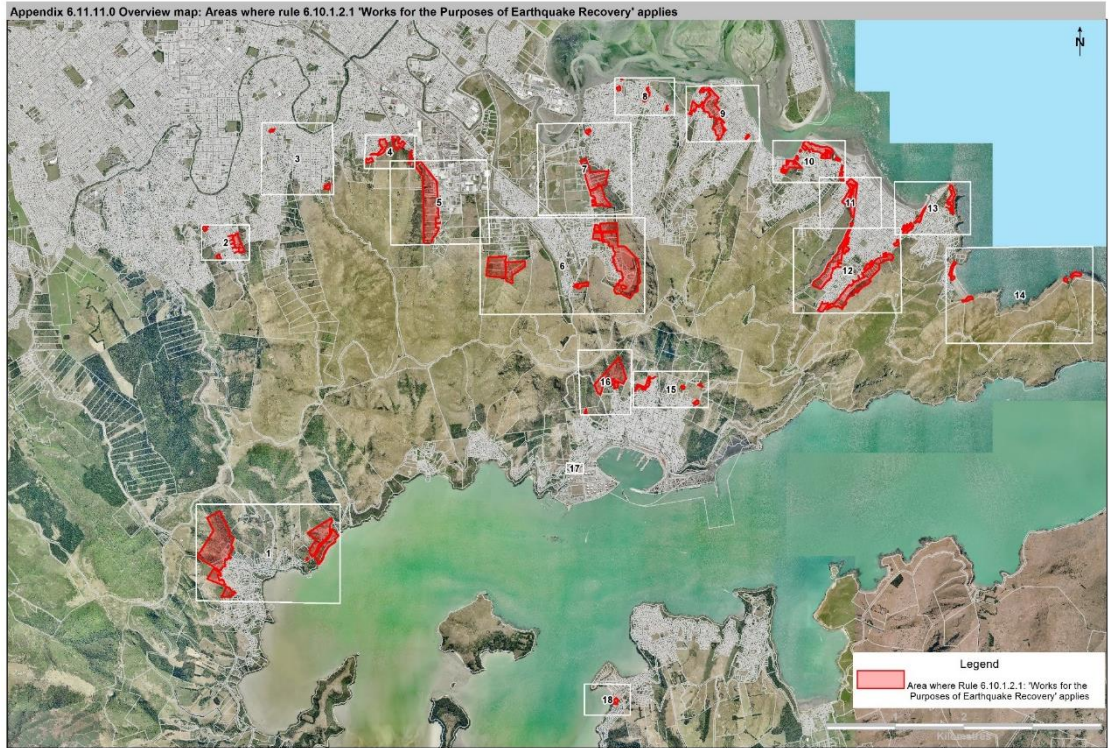


6.11.10.7 Spencer Park Permitted Temporary Activities Area

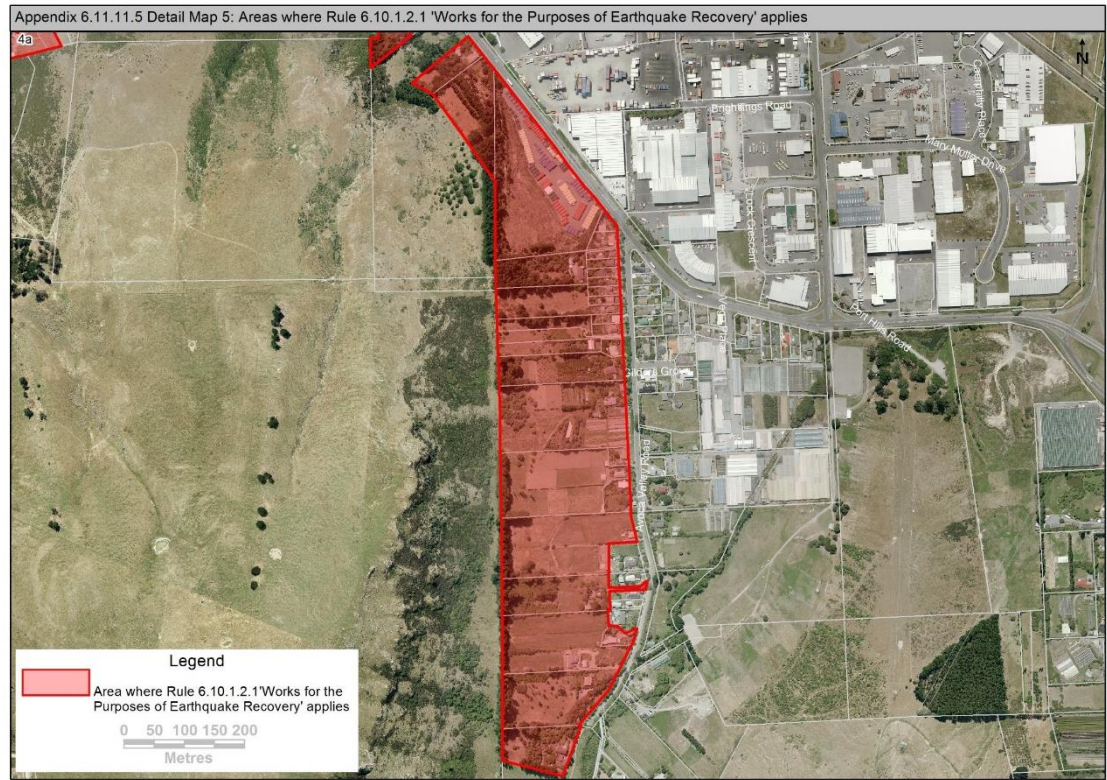
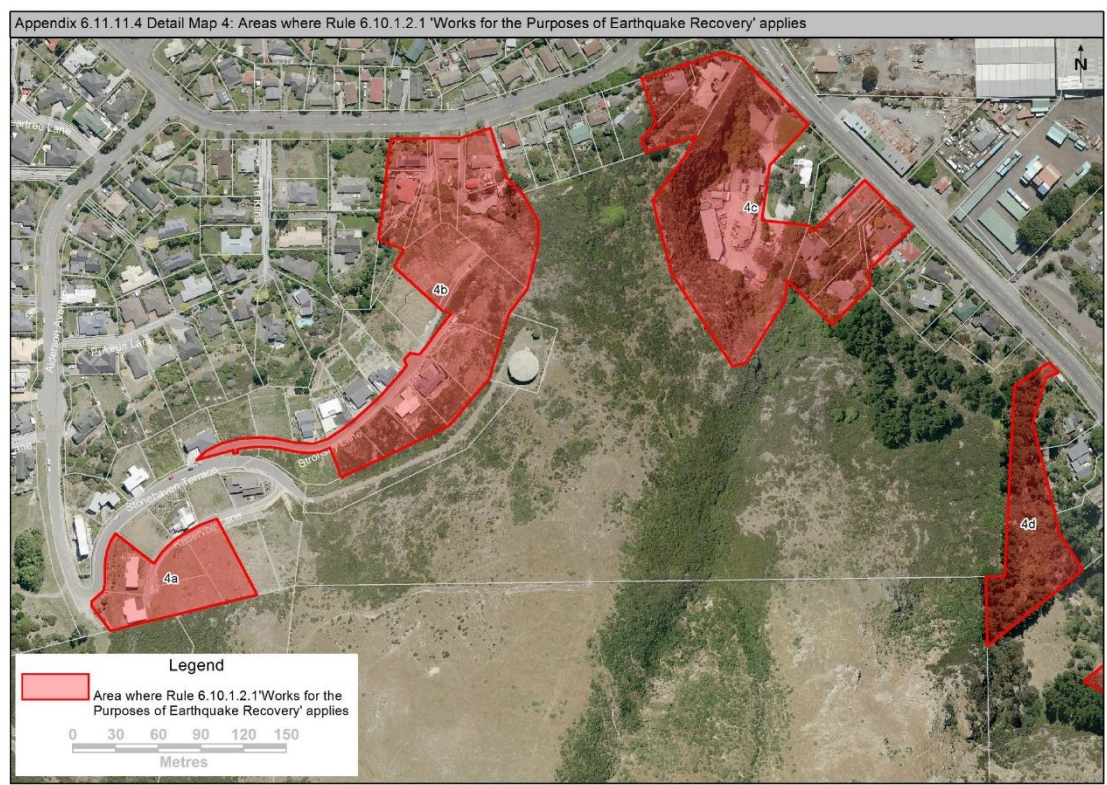


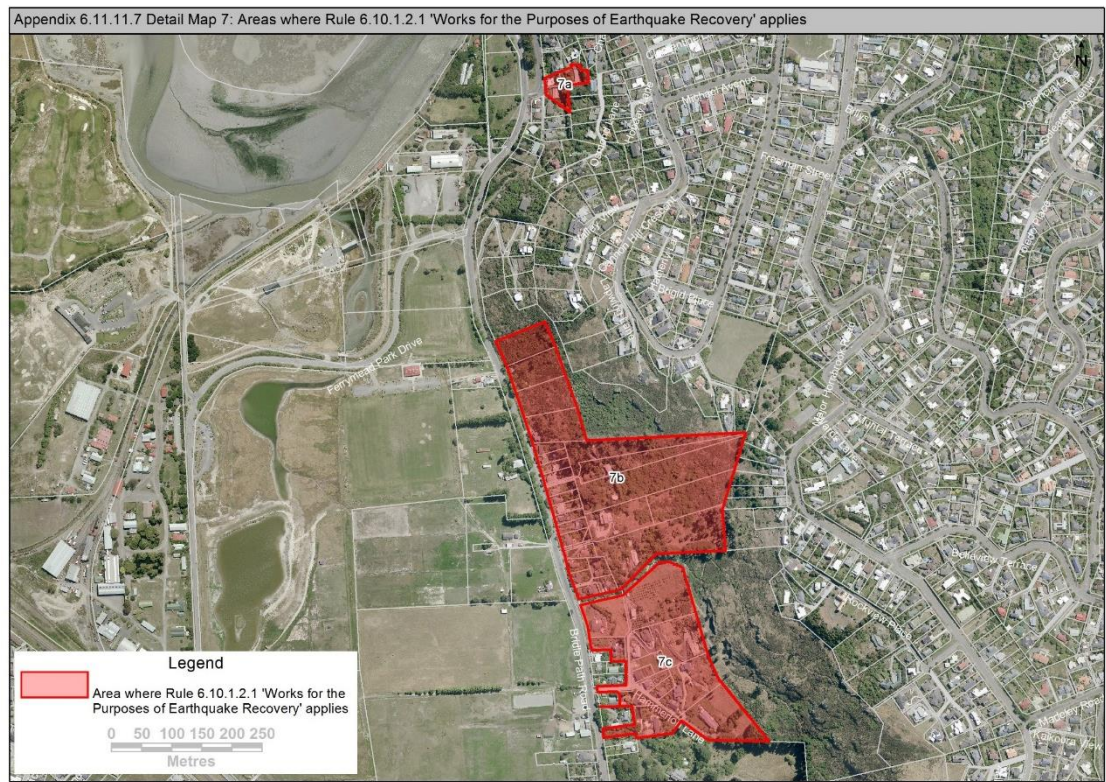
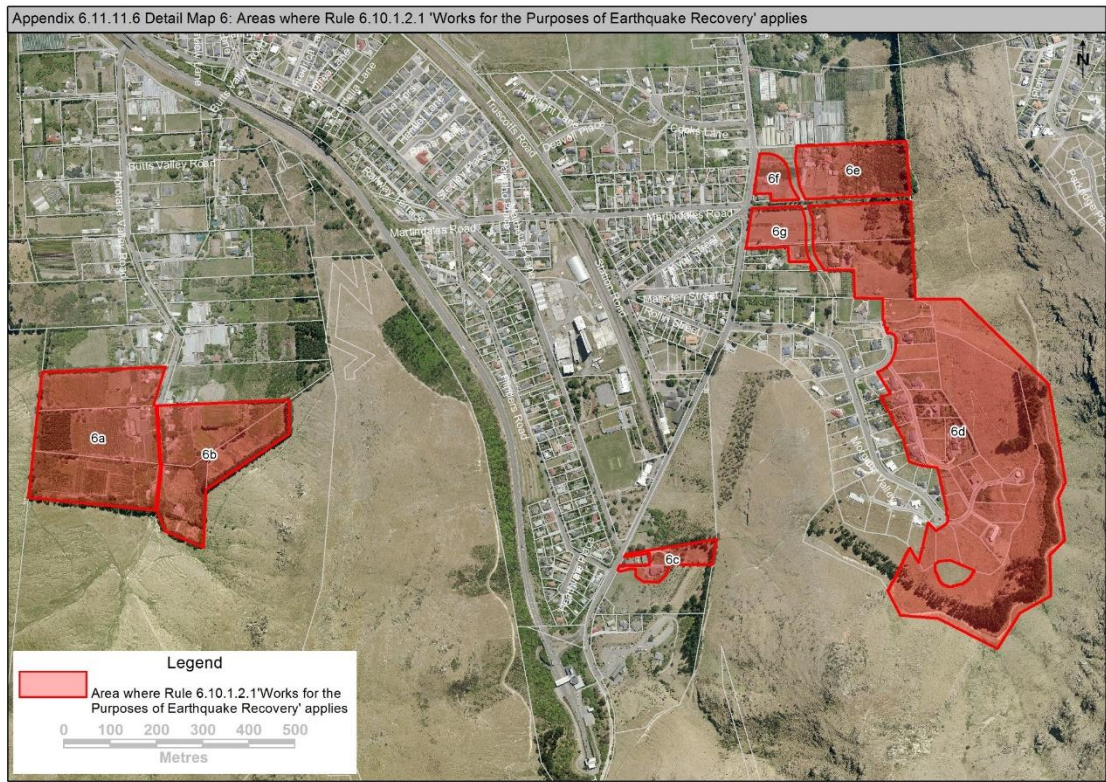
6.11.11 Maps for Works for the Purposes of Earthquake Recovery

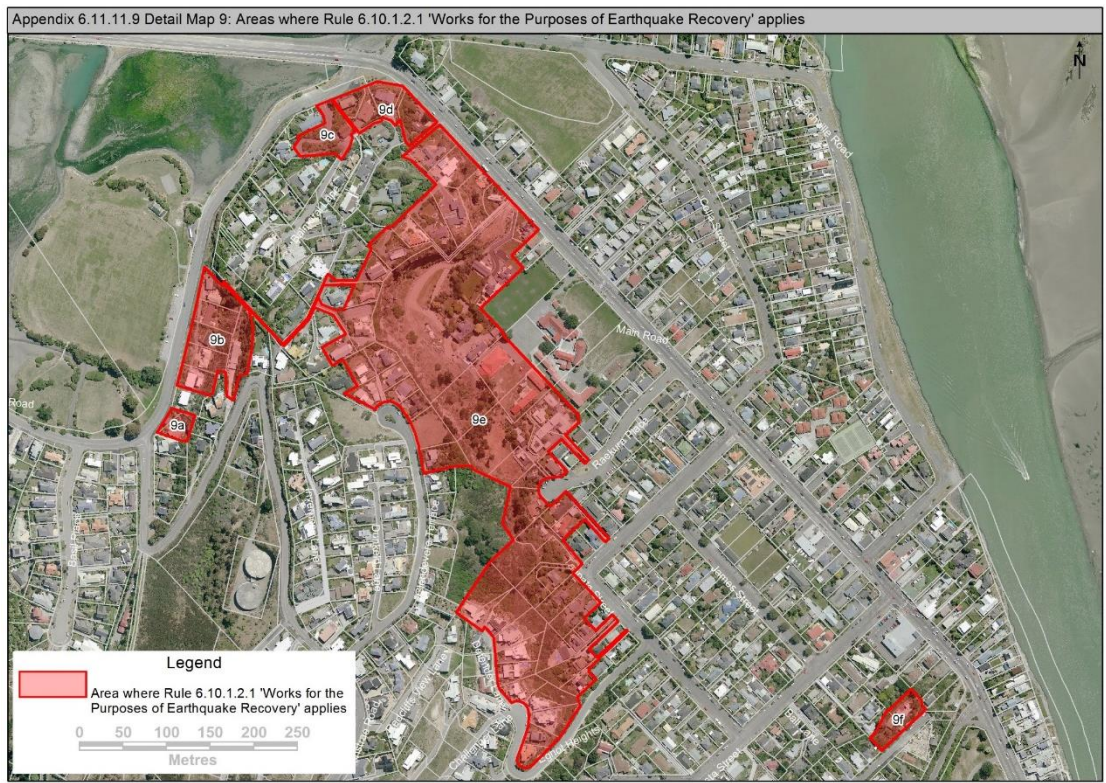
[Refer to Directions for amendments]

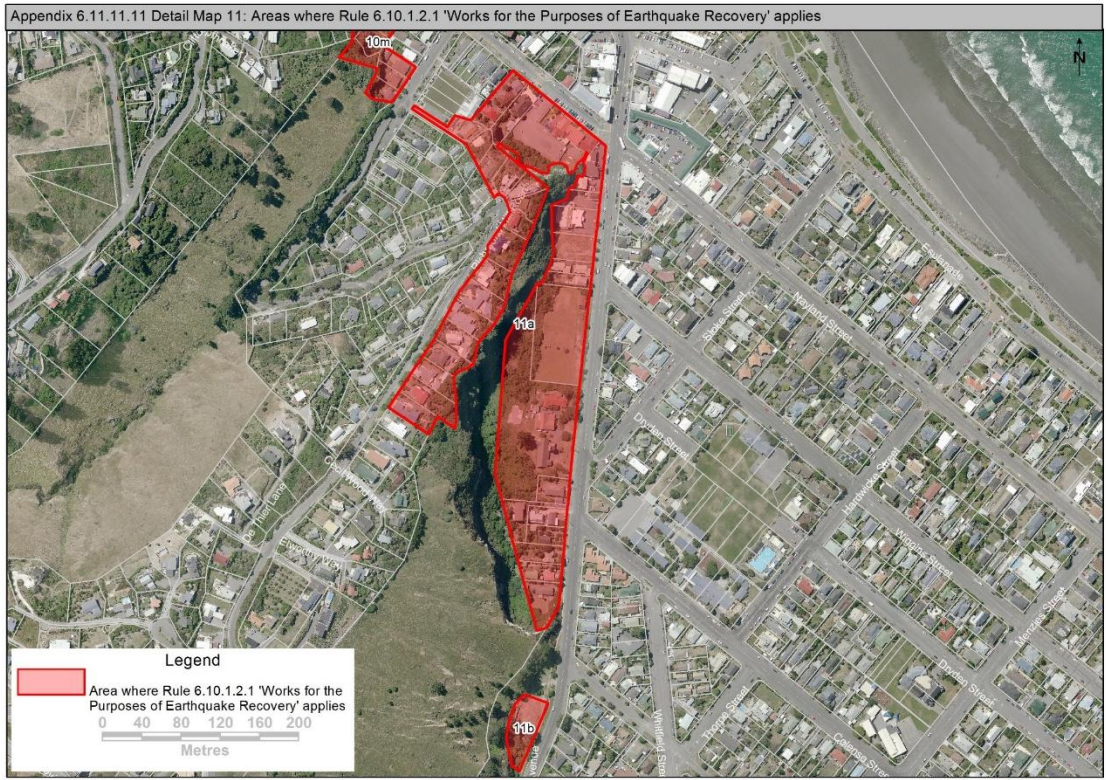


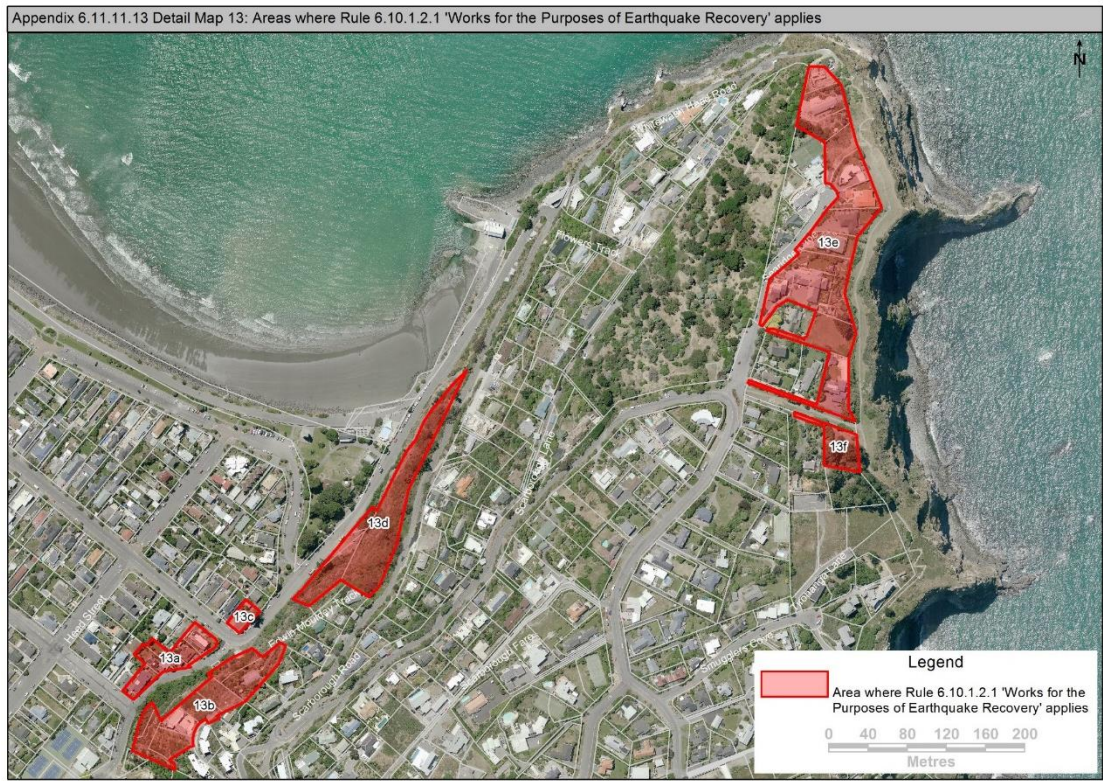
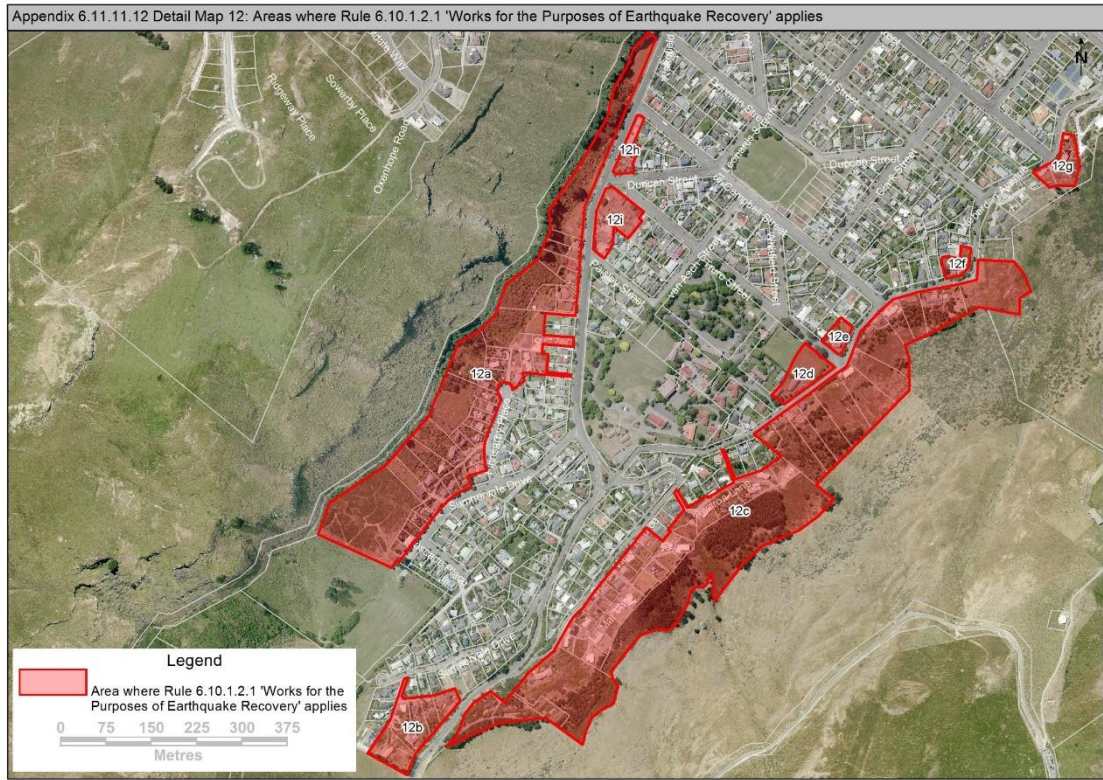


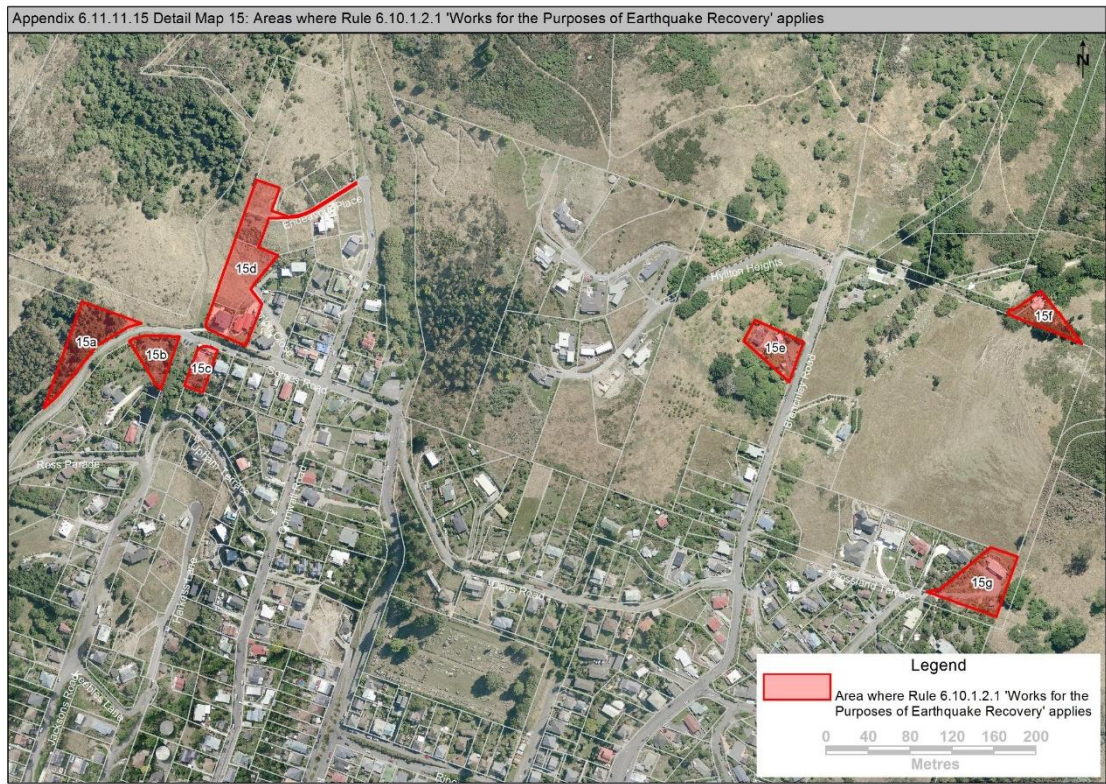


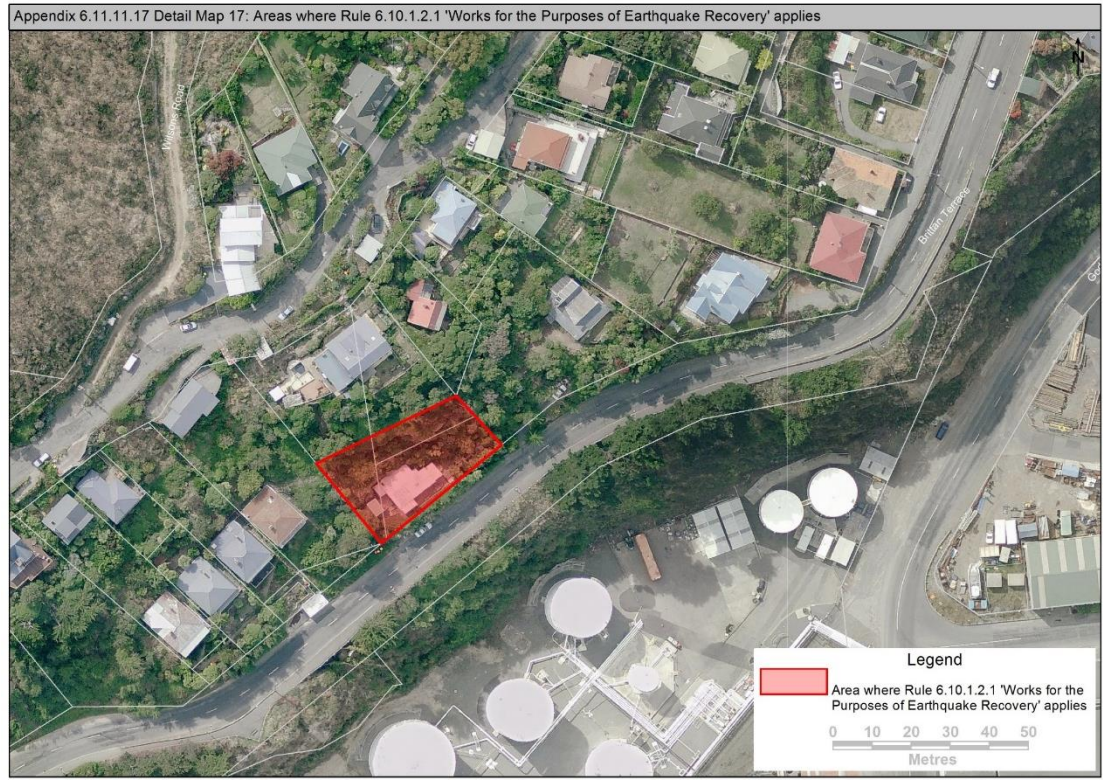
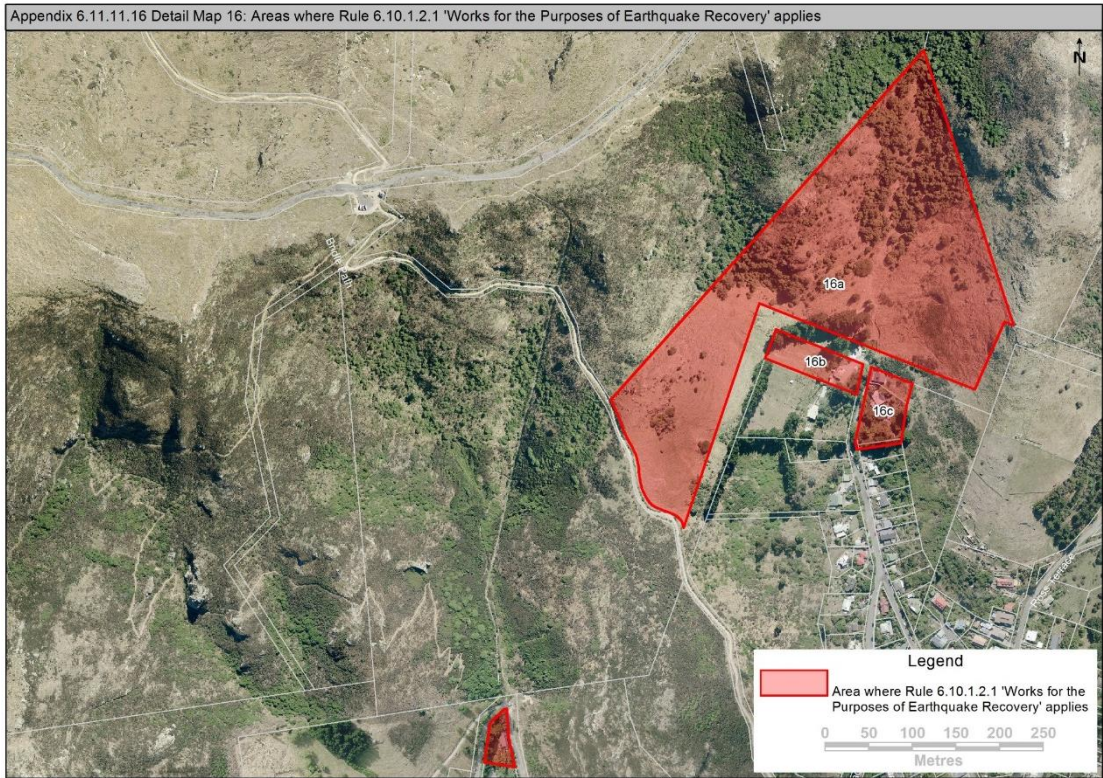


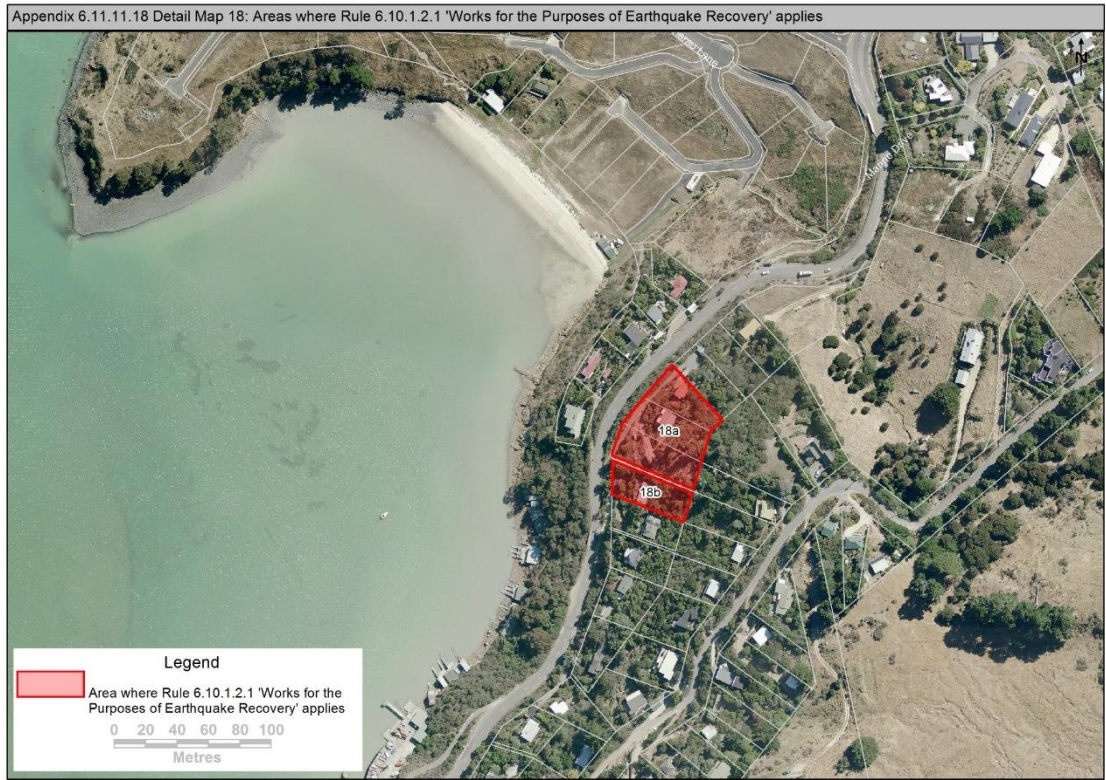






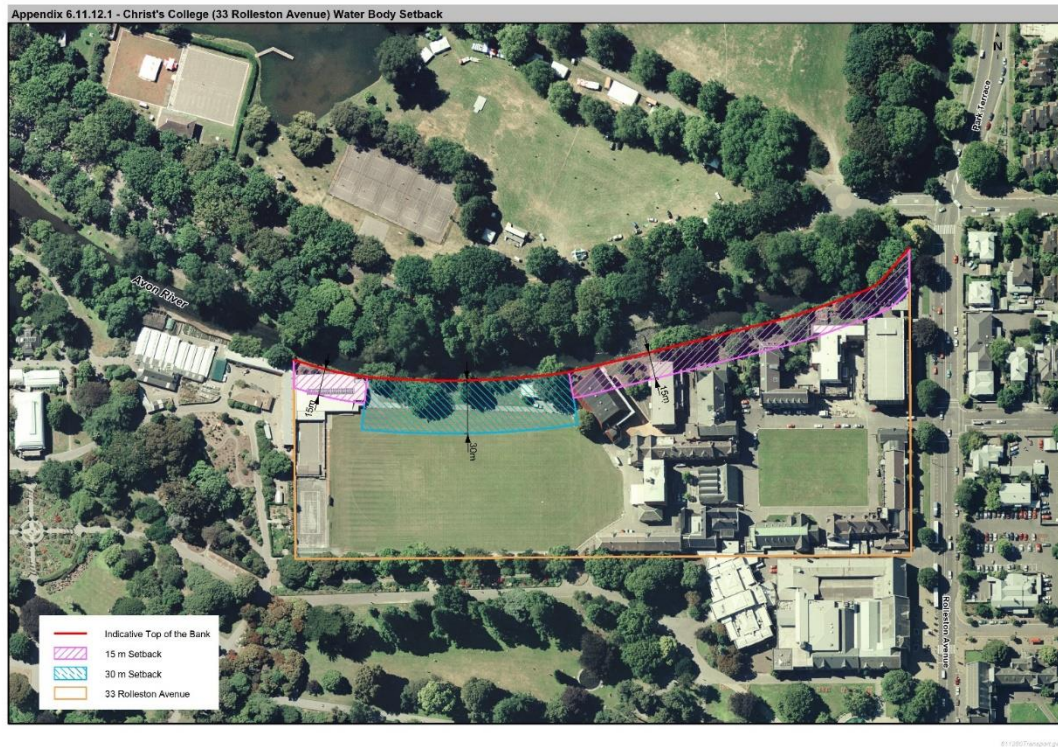






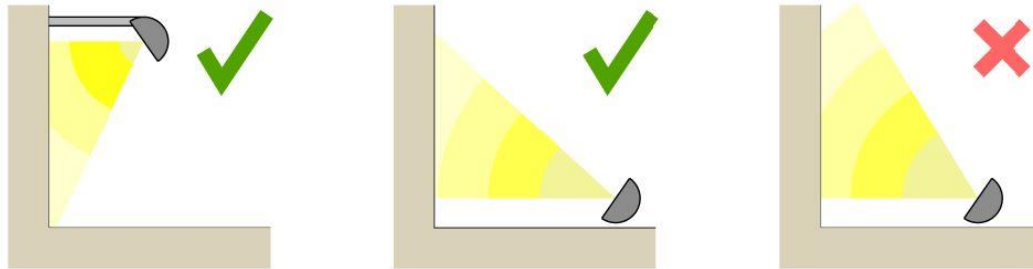
6.11.12 Sites with Location-Specific Water Body Setback Rules – Maps

6.11.12.1 Christ's College

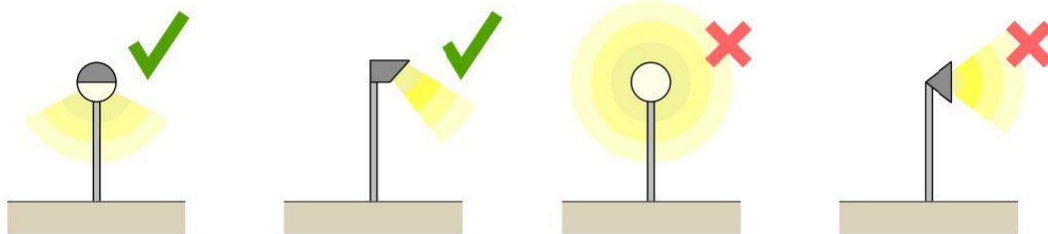


6.11.13 Lighting Design Guidance

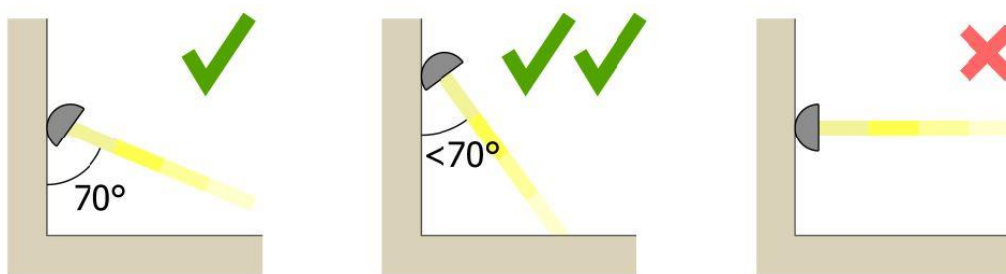
1. Lighting should be directed to illuminate the target area. Preferably lighting should be directed downwards, but where there is no alternative shields and baffles can be used to minimise light spill.



2. Lighting should minimise unnecessary spread of light near to or above the horizontal.



3. Where there is a risk of glare to a potential observer, the main beam angle should be directed at or below 70°.



6.11.14 Airport Noise Management Plan

- a. The Airport Noise Management Plan required by Rule 6.1.6.2.7.1 shall:
 - i. document noise management actions including ongoing investigations, methods, processes and resources to provide for:
 - A. the management of aircraft operations and on-wing engine testing to ensure compliance with Rules 6.1.6.2.5 a.i. and ii. and 6.1.6.2.6 a.i.-iv.; and
 - B. consideration of alternative methods of noise management and mitigation to achieve the reduction of noise effects from all aspects of aircraft operations including on-wing engine testing; and
 - C. engine maintenance ground run procedures to be implemented in conjunction with all aircraft operators or their agents, including:
 1. compliance with Rule 6.1.6.2.6 a.i.-iv., including documentation required by Rule 6.1.6.2.6 a.v.-vii.; and
 2. procedures which will encourage Antarctic and NZDF engine testing on the wing to occur between the hours of 0700 to 1900.
 - ii. provide the details of a noise monitoring programme to maintain compliance with Rules 6.1.6.2.5 a.iii.-iv. and 6.1.6.2.6 a.v.-vii. and, in particular, the following:
 - A. the monitoring, recording, verification and calculation of aircraft operation and on-wing engine testing noise levels;
 - B. the preparation of the annual Aircraft Operations and On-wing Engine Testing Noise Monitoring Reports and quarterly On-wing Engine Testing Report;
 - C. the preparation of the AANC maps, showing actual noise contours in 1 dB increments from 55 dB to 70 dB Ldn; and
 - D. the review of the software used for predicting aircraft operational noise and the software used for predicting engine testing noise, at least once every five years to determine whether the models and/or software require updating.
 - iii. establish dispute resolution procedures.
 - iv. establish a procedure for transparently and expediently responding to any complaints received in relation to noise from aircraft operations and on-wing engine testing.
 - v. require the maintenance of a website that provides for the transparent and accessible display of:
 - A. the current version of the Airport Noise Management Plan as required by Rule 6.1.6.2.7.1;
 - B. the Noise Monitoring Reports and On-wing Engine Testing Report, for the previous year, required by Rules 6.1.6.2.5 and 6.1.6.2.6, including a summary of noise monitoring conducted, and the AANC;

- C. a 7-day rolling report of noise from on-wing engine testing over the previous seven days updated daily and identifying all tests undertaken both within the Ldn limits and those exempted, including reasons for the tests exempted;
 - D. a summary of complaints received annually and a description of actions taken to address complaints.
- vi. document schedules of:
 - A. acoustic treatment implemented over the last calendar year as required by Rule 6.1.6. 2.7.2; and
 - B. acoustic treatment offered, where the conditions of the offer required by section b. of Appendix 6.11.15 have not yet been met.

6.11.15 Acoustic Treatment Programme

- a. The Acoustic Treatment Programme shall include the following:
 - i. a map showing one decibel contours from 55 dB Ldn to 70 dB Ldn as based on the Air Noise Boundary and Air Noise Contour lines shown on the Planning Maps;
 - ii. calculation of indoor design sound levels based on the external noise environment taken from the nearest Ldn contour line shown on the map produced under a. above, and /or on the Engine Testing Noise Contour lines shown on the Planning Maps;
 - iii. a schedule of residential units existing as at [the date of this Chapter becoming operative] and located within the Rural Urban Fringe and Rural Waimakariri Zones, that are partly or wholly located within either:
 - A. the 65 dB Ldn Annual Aircraft Noise Contour as shown in the Aircraft Operations Noise Monitoring Report provided annually to the Council in accordance with Rule 6.1.6.2.5 a.iv.; or
 - B. the 65 dB and 60 dB Ldn Engine Testing Noise Contours shown on the Planning Maps,

identifying the external design sound level for each residential unit, those properties that have received treatment and those properties yet to be treated, including the likely timeframe for this to occur;
 - iv. procedures for communicating to owners of existing residential units when their property becomes eligible for acoustic treatment, and for making the formal offers for that treatment in accordance with Rule 6.1.6.2.7.2 b. - d.;
 - v. procedures for installation of acoustic treatment in accordance with Rule 6.1.6.2.7.2 c. - f., and for documenting correspondence with property owners;
 - vi. a schedule of standard acoustic treatment options and approved installers;
 - vii. procedures for reviewing and updating the Acoustic Treatment Plan for existing residential units.
- b. The formal offers of acoustic treatment by the Airport Operator shall include conditions requiring that the owners of the residential units shall:
 - i. authorise the proposed acoustic treatment, including any construction details associated with the proposed acoustic treatment, before any treatment commences;
 - ii. provide reasonable access to the property to enable the installation work to be scoped and carried out efficiently;
 - iii. notify the Airport Operator when the work has been signed off as completed;
 - iv. enter into a covenant with the Airport Operator, which shall apply to existing and successive property owners and occupiers. The covenant shall include the following:

- A. obligations on the Airport Operator for the installation of acoustic treatment up to and including the noise levels anticipated from future aircraft operations;
- B. obligations on property owners and occupiers and their successors to ensure that treatment measures are not lessened nor removed from the premises after installation.

6.11.16 Sign Maintenance Plan

A maintenance plan shall be prepared in accordance with the following:

- a. Principles:
 - i. The maintenance plan shall ensure that works are undertaken in accordance with the objectives and policies of the District Plan;
- b. The maintenance plan shall:
 - i. Specify the first date of inspection by the operator(s)/providers(s) of the sign.
 - ii. Specify the maximum intervening period between inspections of the sign by the operator(s)/providers(s) of the sign.
 - iii. Specify that the operator(s)/providers(s) of the sign will make a record of any observed damage, including but not limited to graffiti, vandalism, and water damage, during inspections required under b.i. and b.ii. and provide a copy of that record to the Council within 5 working days of the inspections under b.i. and b.ii..
 - iv. Provide an undertaking by the operator(s)/providers(s) of the sign to the Council, that any damage, including but not limited to graffiti, vandalism, and water damage, will be rectified by the sign's operator(s)/providers(s) within 5 working days of the inspections under b.i. and b.ii..
- c. Preparation:
 - i. The maintenance plan shall be prepared and signed by the operator(s)/provider(s) of the sign.
- d. Certification / Approval:
 - i. The Council shall certify that the maintenance plan (or any subsequent amendments) is in accordance with Clauses a. - c. above.

Chapter 14 Residential – incorporating amendments from General Rules Decision (Residential Guest Accommodation Zone)

The chapter is amended by our decision as follows.

This Version is based on Decision 51 Natural and Cultural Heritage - Chapter 14 Residential, and includes all minor corrections and decisions up until Decision 51.

Red text shows amendments from General Rules Decision.

14.1 Objectives and Policies

Amend **Objective 14.1.6**, **Table 14.1.1.1a** and **Policy 14.1.6.7**, as shown:

14.1.6 Objective – Non-residential activities

- a. Residential activities remain the dominant activity in residential zones, whilst also recognising the need to:
 - i. provide for community facilities and home occupations which by their nature and character typically need to be located in residential zones; and
 - ii. restrict other non-residential activities, unless the activity has a strategic or operational need to locate within a residential zone **or is existing guest accommodation on defined sites.**

Note: this objective and its subsequent policies do not apply to brownfield sites.

Amend **Table 14.1.1.1a** (following **Policy 14.1.1.1**) by adding the following row:

Residential Guest Accommodation Zone	Comprises a number of sites situated in residential locations that were previously either zoned or scheduled for guest accommodation purposes in earlier district plans and continue to be used for guest accommodation. The zone provides for the ongoing operation, intensification or redevelopment of these established activities, compatible with the character and amenity of adjoining residential zones.
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14.1.6.7 Policy – Guest accommodation

- a. **In the Accommodation and Community Facilities Overlay**, provide for guest accommodation within defined arterial locations that:
 - i. are within walking distance of the central City and suburban commercial centres;
 - ii. front onto core public transport routes; and
 - iii. are not dominated by residential development.
- b. **In the Residential Guest Accommodation Zone**, provide for the ongoing operation, intensification or redevelopment of existing guest accommodation sites defined in other locations, compatible with the character and amenity of adjoining residential zones.

14.1A How to interpret and apply the rules

- a. The rules that apply to activities in the various residential zones are contained in the activity status tables (including activity specific standards) and built form standards in:
 - i. Rule 14.2 – Residential Suburban Zone and Residential Suburban Density Transition Zone;
 - ii. Rule 14.3 – Residential Medium Density Zone;
 - iii. Rule 14.4 – Residential Banks Peninsula Zone;
 - iv. Rule 14.5 – Residential Hills Zone;
 - v. Rule 14.7 – Residential Large Lot Zone;
 - vi. Rule 14.8 – Residential Small Settlement Zone;
 - vii. Rule 14.9 – Residential New Neighbourhood Zone;
 - viii. Rule 14.10 – Residential Guest Accommodation Zone;
 - ix. Rule 14.13 – Residential Central City Zone; and
 - x. Rule 14.14 - Matters of control and discretion.
- b. In relation to the Residential Guest Accommodation Zone, each site has been grouped into Group A, B and C sites in Appendix 14.15.11, depending on its residential context. For any activities (other than guest accommodation and permitted activities on the YMCA site), the applicable rules for permitted and restricted discretionary activities are those that apply in the zone listed for that site in Appendix 14.15.11, including activity specific standards, built form standards and matters of discretion.
- c. Rules that apply to the use of the enhanced development mechanism and the community housing redevelopment mechanism are contained in the activity status tables (including activity specific standards) and built form standards in:
 - i. Rule 14.11 – Enhanced development mechanism; and
 - ii. Rule 14.12 – Community housing redevelopment mechanism.

The areas that show where the community housing redevelopment mechanism (CHRM) can be utilised are shown on Planning Maps 18, 23, 24, 25, 26, 29, 30, 31, 32, 33, 37 and 45.

The rules that define where the enhanced development mechanism can be used are contained in the qualifying standards in Rule 14.11.2.

The information that is required for resource consent applications utilising the community housing redevelopment mechanism is set out in Rule 14.12.4, and for the enhanced development mechanism, in Rule 14.11.5

On any particular eligible site, the provisions of the community housing redevelopment mechanism may apply, or the provisions of the zone in which the site is located may apply.

On any particular eligible site, the provisions of the enhanced development mechanism may apply, or the provisions of the zone in which the site is located may apply.

- d. Area specific rules also apply to activities in the following areas:

- i. Residential Suburban Zone and Residential Suburban Density Transition Zone:
 - A. Wigram, within the area of the diagram shown on Figure 6 (generally bounded by RNZAF Bequest Land, Awatea Road, and the Wigram aerodrome and runway);
 - B. Peat Ground Condition Constraint Overlay
 - C. Prestons Road Retirement Village Overlay;
 - D. adjacent to State Highway 73 (Southern Motorway) between Annex and Curletts Roads;
 - E. adjacent to State Highway 75 (Curletts Road) between the intersection with State Highway 73 and Lincoln Road;
 - F. Existing Rural Hamlet Overlay;
 - G. Stormwater Capacity Constraint Overlay;
 - H. Residential land abutting the western boundary of the Industrial Park Zone at Russley Road / Memorial Avenue;
 - I. Mairehau final development area shown on Figure 5;
 - J. Accommodation and Community Facilities Overlay; and
 - K. Character Area Overlay.
- ii. Residential Medium Density Zone:
 - A. Residential Medium Density Zone Higher Height Limit and Site Density Overlay at Deans Avenue;
 - B. Residential Medium Density Zone Wigram (Figure 6);
 - C. Sumner Master Plan Overlay (Appendix 14.15.6);
 - D. Sites with frontage to Bealey Avenue, Fitzgerald Avenue or Deans Avenue (south of Blenheim Road);
 - E. Residential Medium Density Zone in the Commercial Local Zone (St Albans) Outline development plan shown as Area A in Chapter 15 Appendix 15.10.4;
 - F. Accommodation and Community Facilities Overlay; and
 - G. Character Area Overlay.
- iii. Residential Banks Peninsula Zone:
 - A. Lyttelton Port Influences Overlay; and
 - B. Character Area Overlay.
- iv. Residential Hills Zone:
 - A. Character Area Overlay.

Note: In addition, there may be some areas where area specific rules are provided only under the built form standards.

- e. The activity status tables and standards in the following chapters also apply to activities in all residential 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.
- f. Where the word “facility” is used in the rules (e.g. spiritual 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 include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

14.10 Rules – Residential Guest Accommodation Zone

14.10.1 Activity status tables

14.10.1.1 Permitted activities

The activities listed below are permitted activities in the Residential Guest Accommodation Zone if they meet any activity specific standards set out in this table, and in relation to Rule 14.10.1.1 P1 and P3 the applicable built form standards in Rule 14.10.2.

Activities may also be restricted discretionary or discretionary as specified in Rules 14.10.1.2 and 14.10.1.3.

Activity		Activity specific standards
P1	Guest accommodation	<ul style="list-style-type: none"> a. Guest accommodation located in the 50 dB Ldn Air Noise Contour shall be designed and constructed to comply with the indoor design sound levels contained in Appendix 14.15.4. b. Any ancillary retail activity (excluding food and drink for on-site consumption) shall occupy no more than 250m², or 25% of the GFA of all buildings on the same site, whichever is the lesser.
P2	Any activity or facility (other than an activity listed in Rule 14.10.1.1 P1 or P3) permitted in the zone listed for that site in Appendix 14.15.11.	<ul style="list-style-type: none"> a. The activity or facility shall comply with the activity specific standards and built form standards applicable in the zone listed for that site in Appendix 14.15.11.
P3	<p>On the YMCA site listed as GA18 in Appendix 14.15.11:</p> <p>Recreation activities, and any of the following activities which are ancillary to guest accommodation and/or recreation activities on the site:</p> <ul style="list-style-type: none"> a. Education activities; b. Health care facility; c. Offices and administration facilities; d. Parking areas; e. Retail activity; and f. Public meeting rooms and conference facilities. 	Nil

14.10.1.2 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 14.14, or as specified, 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 14.10.1.1 P1 or P3 that does not meet activity specific standard a.	a. Acoustic insulation - Rule 14.14.9
RD2	Any activity listed in Rule 14.10.1.1 P1 or P3 that does not meet activity specific standard b.	a. Retail activity in the Residential Guest Accommodation Zone – Rule 14.14.39
RD3	Any activity or facility (other than an activity listed in Rule 14.10.1.1 P1 or P3) listed as a restricted discretionary activity in the zone listed for that site in Appendix 14.15.11.	a. The matters of discretion for the activity or facility as set out in the zone listed for that site in Appendix 14.15.11.
RD4	New buildings, or additions to existing buildings, for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.1 – Urban design	a. Residential design principles – Rule 14.14.1
RD5	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.2 - Maximum site coverage Any application arising from this rule shall not be limited or publicly notified.	a. Site density and site coverage – Rule 14.14.2 and for the Commodore Hotel site only: b. Scale of activity - Rule 14.14.5 (h).
RD6	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.3 - Maximum building height	a. Impacts on neighbouring property – Rule 14.14.3
RD7	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.4 - Minimum building setback from road boundaries Any application arising from this rule shall not be limited or publicly notified.	a. Street scene - road boundary building setback, fencing and planting - Rule 14.14.18
RD8	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.5 - Minimum internal boundary setbacks	a. Impacts on neighbouring property - Rule 14.14.3 b. Minimum building, window and balcony setbacks – Rule 14.14.19
RD9	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.6 - Daylight recession planes	a. Impacts on neighbouring property - Rule 14.14.3
RD10	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.7 - Fences and screening Any application arising from this rule shall not be limited or publicly notified.	a. Street scene - road boundary building setback, fencing and planting - Rule 14.14.18

RD11	Buildings for an activity listed in Rule 14.10.1.1 P1 or P3 that do not meet the built form standard in Rule 14.10.2.8 - Landscaped areas and trees	a. Tree and garden planting in the Residential Guest Accommodation Zone – Rule 14.14.38
RD12	Any activity listed in Rule 14.10.1.1 P1 or P3 that does not meet the built form standard in Rule 14.10.2.9 – Vehicle access restrictions	a. Traffic generation and access safety – Rule 14.14.6
RD13	Any activity listed in Rule 14.10.1.1 P1 or P3 that does not meet the built form standard in Rule 14.10.2.10 - Water supply for firefighting Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent its written approval).	a. Water supply for firefighting - Rule 14.14.8

14.10.1.3 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity not provided for as a permitted or restricted discretionary activity.

14.10.2 Built form standards

14.10.2.1 Urban design

- a. New buildings, and additions to existing buildings, shall not result in the following:

Applicable to:	Standard
All sites	Any new building or additions to existing buildings, including all accessory buildings, fences and walls associated with that development, shall not result in: <ul style="list-style-type: none"> a. any new building with a GFA greater than 500m²; or b. any new building with a building length greater than 15 metres which is located within 30 metres of a site boundary; or c. any addition to an existing building with a building length greater than 10 metres which is located within 30 metres of a site boundary.

14.10.2.2 Maximum site coverage

- a. The maximum percentage of the net site area covered by buildings on the following sites as identified in Appendix 14.15.11 shall be:

Applicable to:	Standard
----------------	----------

Group A and B sites	45%
Group C sites	55%

14.10.2.3 Maximum building height

- a. The maximum height of any building on the following sites as identified in Appendix 14.15.11 shall be:

Applicable to:	Standard
Group A sites (excluding the Commodore Hotel)	9 metres, or 11 metres provided the roof has a pitch of more than 22 degrees
Group A (Commodore Hotel)	15 metres
Group B sites	11 metres
Group C sites	As shown on the Central City Maximum Building Height Planning Map.

14.10.2.4 Minimum building setback from road boundaries

- a. The minimum building setback from road boundaries on the following sites as identified in Appendix 14.15.11 shall be:

Applicable to:	Standard
Group A and B sites	4.5 metres
Group C - All sites except as specified below.	2 metres
Group C – Peterborough, Montreal and Latimer sites	4.5 metres
Group C – Avon site	2 metres for all road frontages, except on Hurley Street where 4.5 metres is required.

14.10.2.5 Minimum internal boundary setbacks

- a. The minimum building setback from an internal boundary on the following sites as identified in Appendix 14.15.11 shall be:

Applicable to:	Standard
Group A sites	6 metres from a residential or open space zone boundary. 3 metres from all other zone boundaries.
Group B and C sites	3 metres from any zone boundary

- b. The minimum setback for any balcony or living area window at first floor level or above from an internal boundary shall be:

Applicable to:	Standard
All sites	4 metres from any zone boundary

14.10.2.6 Daylight recession planes

- a. Where an internal site boundary adjoins a residential zone, buildings shall not project beyond a building envelope constructed by recession planes from points 2.3m above ground level at the internal boundaries on the following sites as identified in Appendix 14.15.11, in accordance with the following:

Applicable to:	Applicable provisions
Group A sites	Rule 14.2.3.6 (Residential Suburban Zone) and Diagram A in Appendix 14.15.2
Group B sites	Rule 14.3.3.6 (Residential Medium Density Zone) and Diagram C in Appendix 14.15.2
Group C sites	Rule 14.13.3.2 (Residential Central City Zone) and the diagram in Appendix 14.15.2C

- b. Where the building is located in a Flood Management Area, the exemptions in Rule 5.5.1.3 apply (for activities P1-P4 in Table 5.5.1.1b).

Note: Refer to Appendix 14.15.2 for permitted intrusions.

14.10.2.7 Fences and screening

- a. The maximum height of any fence in the setback from a road boundary on a local road shall be:

1.	Where at least 50% of the fence is visually transparent	1.8 metres
2.	Where less than 50% of the fence is visually transparent	1.0 metre

- b. The maximum height of any fence in the setback from a road boundary on any collector road or arterial road, shall be 1.8 metres.
- c. a. and b. above shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.

Note: For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

- d. Parking areas shall be separated from road boundaries, open space or adjoining residential zones by fencing or landscaping that meets the requirements in a. above. Where landscaping is used, it shall have a minimum depth of 1.5 metres.
- e. Any space designated for outdoor storage shall be fully screened by buildings, fencing or landscaping from adjoining sites or open space zones, roads and adjoining outdoor living spaces to a height of 1.8 metres, and shall not be located within the road and internal boundary setbacks specified in Rules 14.10.2.4 and 14.10.2.5.

14.10.2.8 Landscaped areas and trees

- a. Planting shall be provided as follows:

Applicable to:	Standard
Area adjoining the road frontage of all sites.	<p>a. Minimum density of one tree for every 10 metres of road frontage or part thereof, distributed across the frontage.</p> <p>b. Trees to be planted within a 2 metre wide landscape strip.</p> <p>c. All landscaping and trees shall accord with the provisions in Appendix 16.11.6.</p>
Area adjoining residential and open space zones of any site.	<p>a. Minimum density of one tree for every 10 metres of the shared boundary or part thereof, distributed across the boundary.</p> <p>b. All landscaping and trees shall accord with the provisions in Appendix 16.11.6.</p>

Advice Note: Screening provisions in Rule 14.10.2.7 also provide for landscaping.

14.10.2.9 Vehicle access restrictions

- a. There shall be no vehicle access in the following locations as identified in Appendix 14.15.11:
- Group C (Avon only) - no access to Hurley Street or Bangor Street.
 - Group B (Chateau on the Park only) - no access to Deans Avenue.

14.10.2.10 Water supply for firefighting

- a. Sufficient water supply and access to water supplies for fire-fighting shall be made available to all activities via Council's urban fully reticulated system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

14.14 Matters of control and discretion

Insert the following:

14.14.5 Scale of activity

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
 - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
 - ii. the ability for the locality to remain a predominantly residential one; and
 - iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
 - i. the character of the surrounding living environment; and
 - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations, whether the non-compliance is an integral and necessary part of the home occupation.
- d. For residential units with more than 6 bedrooms, whether there should be a limit on the number of bedrooms over 6 bedrooms based on the impact on the surrounding neighbourhood and residential character.
- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby commercial centre.
- g. The opportunity the activity provides to support and compliment any existing health related or community activities in the surrounding area.
- h. For Residential Guest Accommodation Zone sites only, the extent to which any additional bedrooms and quantum of floorspace proposed avoids adverse effects on the function and recovery of the Central City.

14.14.38 Tree and garden planting in the Residential Guest Accommodation Zone

- a. Whether there is sufficient tree and garden planting to provide a balance between buildings and hard surfacing, taking into account:
 - i. the effect of any reduced tree planting in terms of the scale and visual appearance or dominance of the buildings on the site;

- ii. visibility of the site from adjoining sites and the likely effect of any reduction in tree planting standards for the amenity of neighbouring sites;
- iii. any compensating factors for reduced tree planting, including the nature of planting proposed, or the location of activities (including heritage items) on the site;
- iv. the use of indigenous species endemic to the area;
- v. the visual appearance of the site in terms of the length of road frontage or any unusual characteristics of the site;
- vi. the adverse effect of the reduced tree planting on the Garden City image and the quality of the amenity of the site and neighbourhood;
- vii. the ability to retain large existing trees have been retained on the site so that overall the site provides a visual balance between buildings and landscaping, despite a reduction in the actual number of trees; and
- viii. the tree planting provided is evenly distributed across the site.

14.14.39 Retail activity in the Residential Guest Accommodation Zone

- a. Whether any retailing would have significant adverse effects on any adjoining residential properties, particularly in terms of traffic generation.
- b. Whether the scale of retailing proposed would adversely affect existing suburban commercial centres or the Central City.
- c. The likely impacts of additional retailing on access and the safety and efficiency of the road network.
- d. The potential for general retailing to become a dominant activity on the site.

14.15 Appendices

Add the following:

14.15.11 Appendix – Grouping of Residential Guest Accommodation Zone Sites

The following table sets out the groupings for Residential Guest Accommodation Zone sites for the purpose of determining the applicable zone rules for permitted and restricted discretionary activities (other than for guest accommodation and permitted activities on the YMCA site).

The Residential Guest Accommodation Zone site locations are contained in the figures following this table.

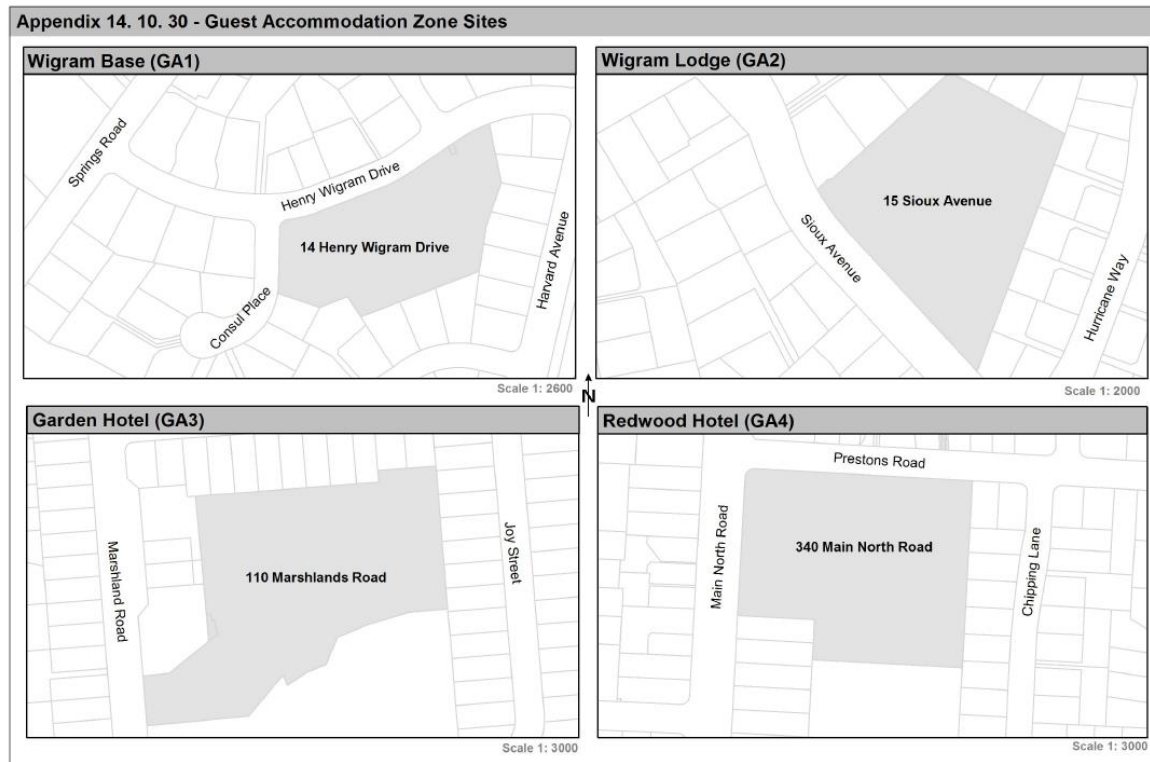
ID	Name	Address	Legal Description	Zones applicable to Rule 14.10.1.1 P2 and Rule 14.10.1.2 RD3
Group A Sites (sites located in a lower density residential environment, typically zoned Residential Suburban)				
GA1	Wigram Base	14 Henry Wigram Dr	Lot 82 DP 81079	Residential Suburban
GA2	Wigram Lodge	15 Sioux Ave	Lot 1 DP 81926	
GA3	Garden Hotel	110 Marshland Rd	Lot 2 DP 456038	
GA4	Redwood Hotel	340 Main North Rd	Lot 10 DP 60941	
GA5	Racecourse Hotel	116-118 Racecourse Rd	Lot 1 DP 301568, Lot 2 DP 301568	
GA6	Commodore Hotel	447-449 and 455 Memorial Ave	Lot 1 DP 28781, Lot 2 DP 74459	
Group B Sites (sites located in a medium density residential environment, generally zoned Residential Medium Density)				
GA7	Quality Hotel Elms	456 Papanui Rd	Lot 2 DP 29110, Pt Lot 13 DP 959	Residential Suburban Density Transition
GA8	Addington Court Motel	197 Lincoln Rd	Lot 1 DP 79547	Residential Medium Density
GA9	Chateau on the Park	189 Deans Ave	Lot 1 DP51050, Lot 1 DP6807	
Group C Sites (sites adjoining Central City Residential Zone)				
GA10	Peterborough (George Hotel)	54 Park Terrace	Lot 2 DP12364, Lot 1 DP37827, Lots 1 - 6 DP27448, Lot 2 DP1973, Pt Rs 125 Canterbury District, Sections 127 and 128	

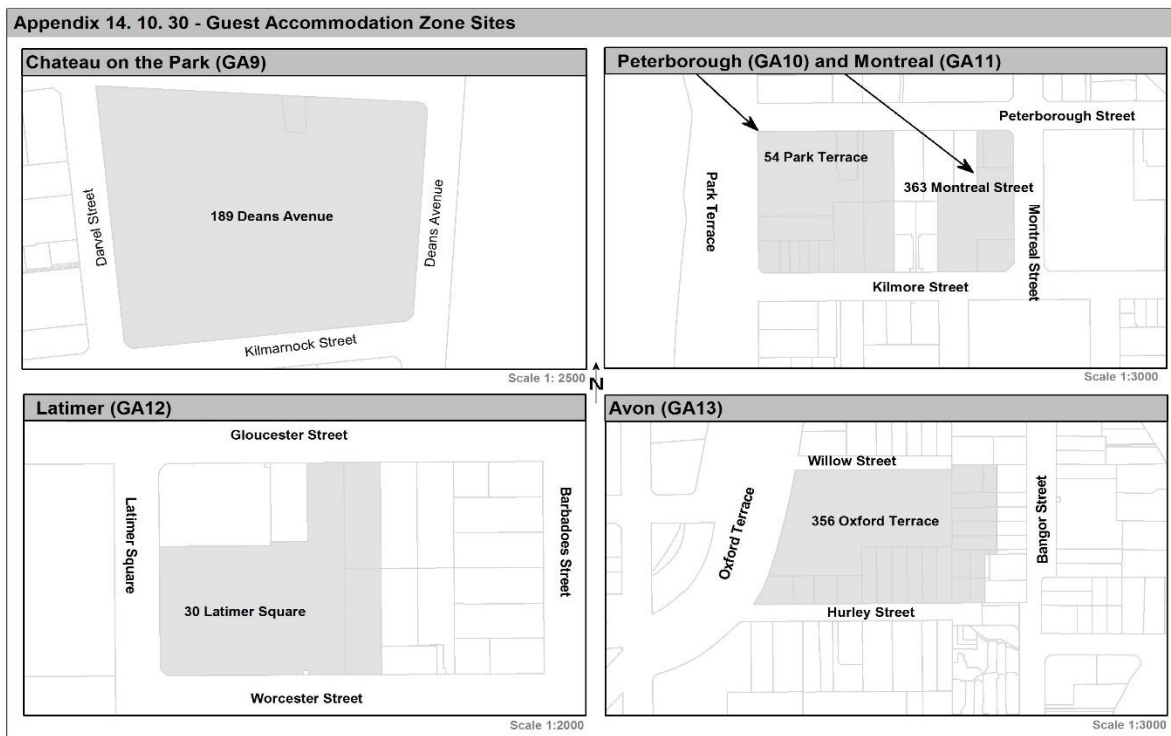
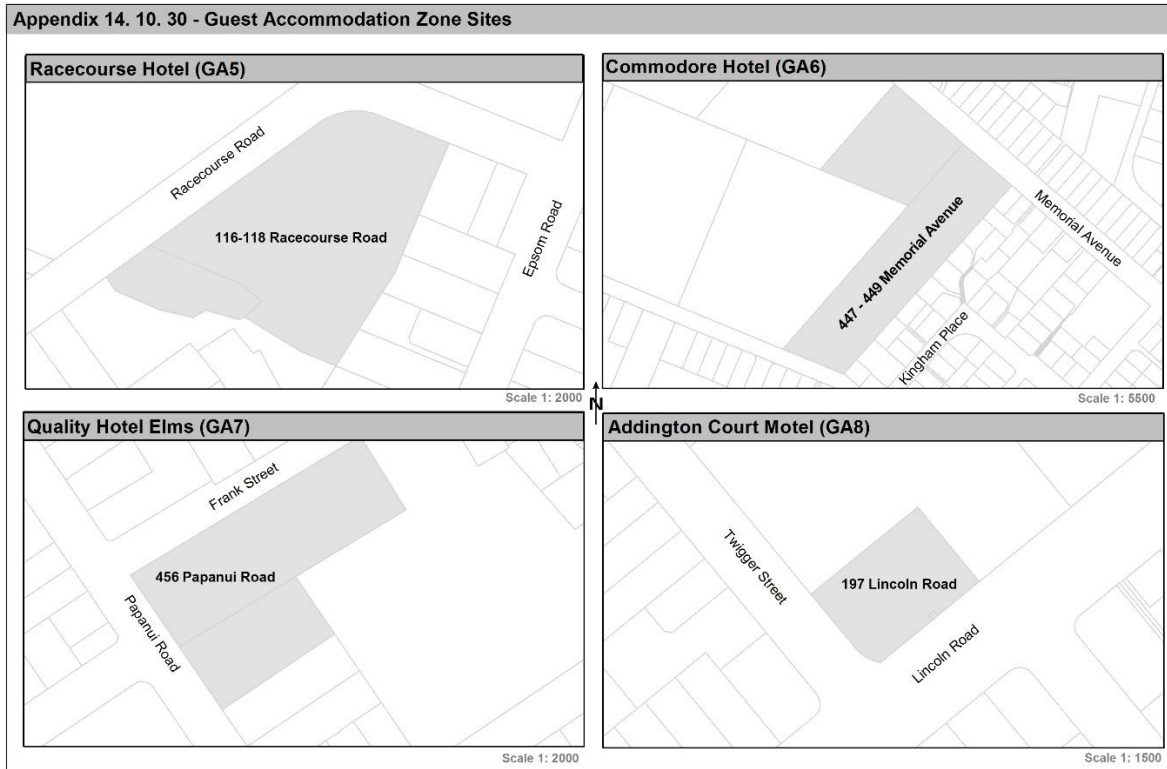
			Christchurch Town.	Residential Central City
GA11	Montreal (Hotel Montreal)	363 Montreal Street	Lot 2 DP473673, Lot 2 DP81571, Lot 2 DP480221, Lot 1 DP480221	
GA12	Latimer (Rydges)	30 Latimer Square	Lot 1 DP 338487 Lot 7 DP1189 Lot 18, DP1189	
GA13	Avon	356 Oxford Terrace	Lots 1,2,3,4 DP 1907, Pt Lots 7,7,8,8,9,9 DP 281, Lot 1 DP 28239, Pt Lot 1 DP 432, Lot 1 DP 432, Pt Lot 2 DP 48542, Lots 1,2 DP 7045, Pt Res 28, 77 Christchurch Town	
GA14	Windsor Private Hotel	52 Armagh St	Sec 1 SO 13661	
GA15	Hall	294 Barbadoes St	Pt TR 16 ChCh City CT 316-191	
GA16	Round the World Backpackers	314 Barbadoes St	Lot 2 DP 33590	
GA17	Stonehurst Accommodation	241-263 Gloucester St	Lot 2 DP 80988, Pt Secs 640,642,642 Christchurch Town, Lots 1, 2 DP 7888, Lot 1 DP 410496, Lot 2 DP 410496	
GA18	YMCA	12 Hereford Street	Lots 1,2,3 DP 25197, Lot 1 DP 46151, Pt Sec 441 Christchurch Town	
GA19	YHA Hereford Street	36 Hereford Street	Sec 457 Christchurch Town	
GA20	Foley Towers	208 Kilmore Street	Lot 1 DP 60425	
GA21	YHA Worcester Street	5 Worcester Street	Pt TR 364, 366, 368 CT 176/48	

GA22	Vagabond Backpackers	232 Worcester St	Pt Res 55 Christchurch Town	
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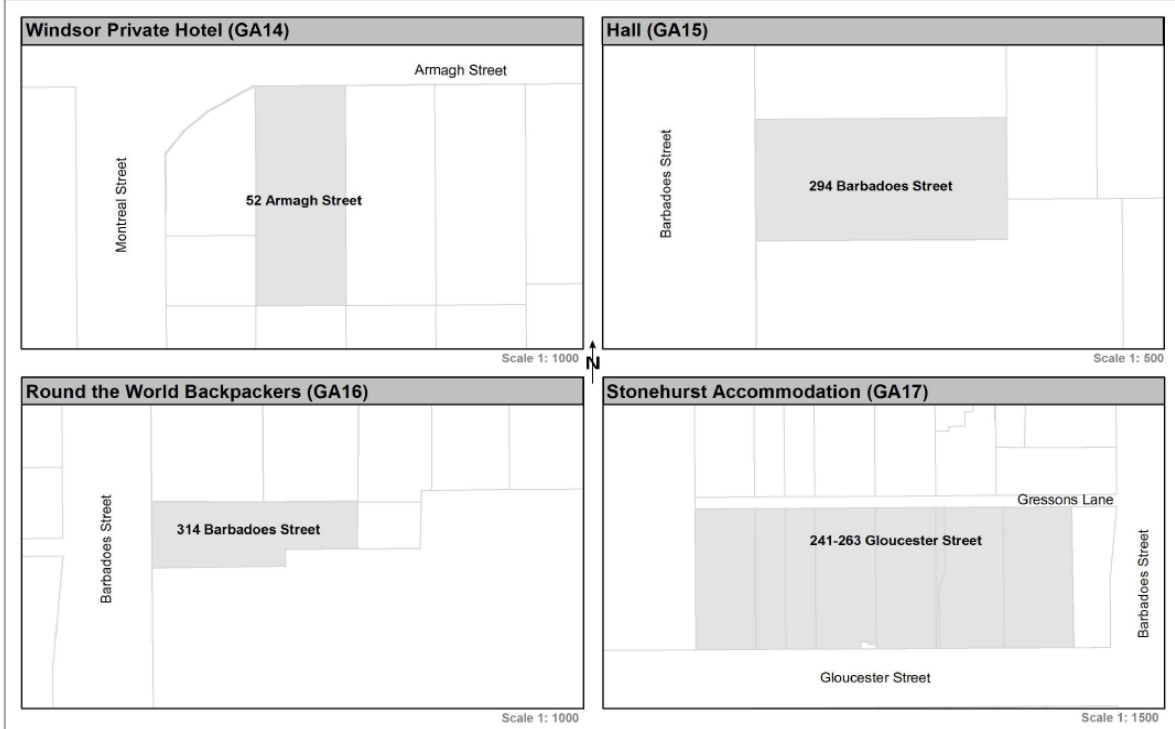
Residential Guest Accommodation Zone site locations

[Refer to Directions for amendments]

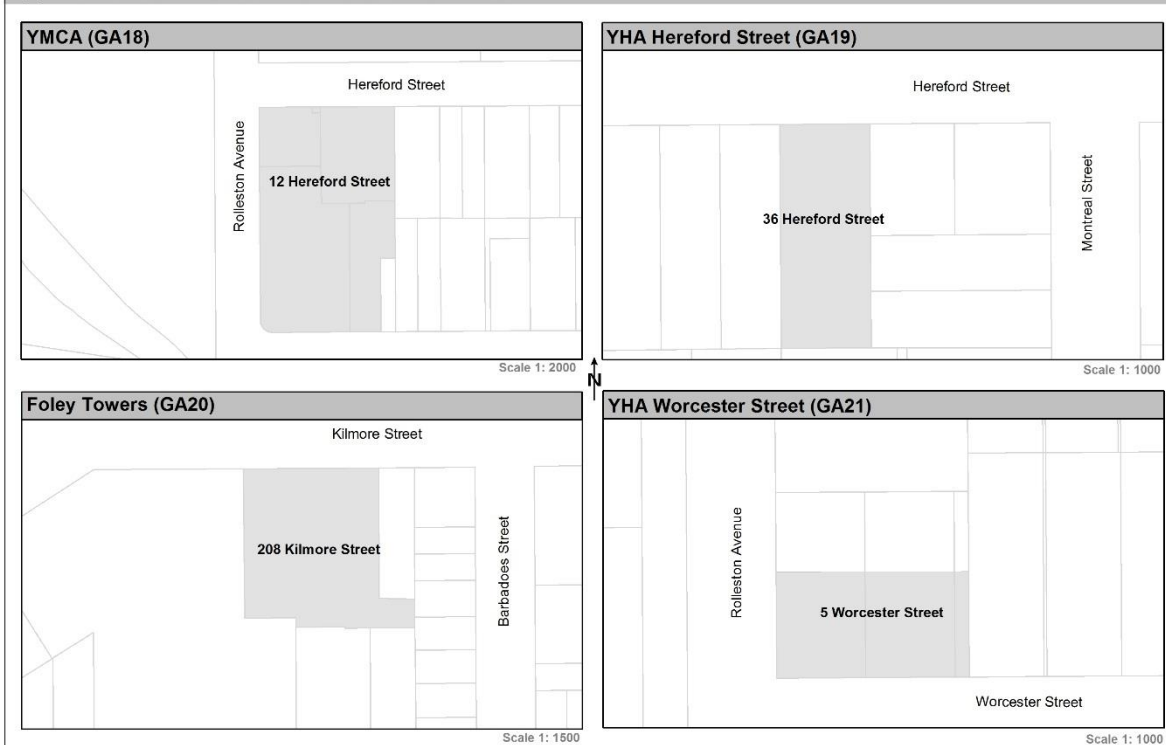




Appendix 14. 10. 30 - Guest Accommodation Zone Sites



Appendix 14. 10. 30 - Guest Accommodation Zone Sites



Appendix 14. 10. 33 - Guest Accommodation Zone Sites**Vagabond Backpackers (GA22)**

21.9 Specific Purpose (Golf Resort) Zone

21.9.1 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 Specific Purpose (Golf Resort) Zone applies to the existing Clearwater Golf Resort and the proposed Whisper Creek Golf Resort only. Each of these resorts is subject to a development plan which illustrates the extent of the zone, activity areas and other key features.

Within these two areas, this chapter enables golfing and associated facilities (including resort facilities), other recreational opportunities, and limited residential development. The objectives, policies, rules, standards, matters of discretion and development plans provide for these activities, while seeking to ensure there are no significant adverse effects on the natural or adjoining rural environments.

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

21.9.2 Objective and Policies

21.9.2.1 Objective – Golf resort development

- a. For the Clearwater Golf Resort and Whisper Creek Golf Resort, to provide golfing and associated facilities (including resort facilities) of international standard, bringing economic and social benefits to the City and region, and to provide other recreational opportunities, and limited residential development, within extensive open space and lake or riparian settings, with no significant adverse effects on the natural or adjoining rural environments.

21.9.2.1.1 Policy – Benefits to the community

- a. Recognise the economic and social benefits that the Clearwater Golf Resort provides and Whisper Creek Golf Resort can provide to the City and region, and assist in enabling the potential benefits of these resorts for ecological restoration, public access to streams and rivers, and recreation for the wider community, including local community, to be realised.

21.9.2.1.2 Policy – Limit on scale of development and types of activity

- a. Limit urban development detached from the remainder of the Christchurch urban area, and for the Clearwater Golf Resort, within the 50 dB Ldn noise contour for Christchurch International Airport, by:
 - i. Ensuring that the scale and nature of resort hotel, residential and commercial development associated with golf resorts is complementary and subsidiary to the primarily recreational function of the resorts;

- ii. Adopting a clear distinction between resort hotel and residential development, both in terms of the nature of each type of development and its location within the overall site;
- iii. Ensuring that noise sensitive activities within the 55 dB Ldn airport noise contour are acoustically insulated, and that the scale and location of further development within the 50 dB Ldn contour is limited to that provided for in the previous City Plan, or authorised by resource consent on or before 6 December 2013.

21.9.2.1.3 Policy – Visual integration and mitigation of effects

- a. Ensure that built development is well integrated visually into the open rural environments within which each golf resort sits, and that there is adequate separation distance from activities in adjacent zones so as to mitigate potentially adverse effects of the resorts such as noise and traffic.

21.9.2.1.4 Policy – Careful siting

- a. Ensure that earthworks and buildings in the two golf resorts are carefully designed, located and constructed, for the Whisper Creek Golf Resort so as to be resilient to potential liquefaction and to maintain flood storage capacity in the Lower Styx Ponding Area, and for both resorts, to reduce potential flood damage to buildings in a major flood event.

21.9.3 How to interpret and apply the rules

- a. The rules that apply to activities in the Specific Purpose (Golf Resort) Zone are contained in the following provisions:
 - i. For Clearwater Golf Resort:
 - A. activity status tables (including activity specific standards) in Rule 21.9.4.1;
 - B. the built form standards in Rule 21.9.4.2;
 - C. area specific standards in Rule 21.9.4.3.
 - D. the matters of discretion in Rule 21.9.6; and
 - E. the development plan in Appendix 21.9.7.1
 - ii. For Whisper Creek Golf Resort:
 - A. activity status tables (including activity specific standards) in Rule 21.9.5.1;
 - B. the built form standards in Rule 21.9.5.2;
 - C. area specific standards in Rule 21.9.5.3.
 - D. the matters of discretion in Rule 21.9.6; and
 - E. the development plan in Appendix 21.9.7.2
- b. The activity status tables and standards in the following chapters also apply to activities in the Specific Purpose (Golf Resort) Zone:

- 5 Natural Hazards;

- 6 General Rules and Procedures
 - 7 Transport
 - 8 Subdivision, Development and Earthworks;
 - 9 Natural and Cultural Heritage;
 - 11 Utilities and Energy;
- c. Where the word “facility” is used in the rules, 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 include the word “activity” or “activities”, the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

21.9.4 Rules – Specific Purpose (Golf Resort) Zone - Clearwater Golf Resort

21.9.4.1 Activity status tables

21.9.4.1.1 Permitted activities – Clearwater Golf Resort

The activities listed below are permitted activities in the Specific Purpose (Golf Resort) Zone at Clearwater Golf Resort if they meet any activity specific standards set out in this table, the built form standards in Rule 21.9.4.2 and area specific standards in Rule 21.9.4.3.

Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 21.9.4.1.2, 21.9.4.1.3 and 21.9.4.1.4.

Activity		Activity specific standards
Golf Course and Open Space Activity Areas, and Resort Community Area 5 only		
P1	Golf course and golf course activity and accessory buildings.	a. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
Golf Course and Open Space Activity Areas only		
P2	Outdoor recreation activity other than golf and associated facilities.	a. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
Clubhouse and Facility Area only		
P3	Clubhouse facilities, restaurants, gym and spa facilities, indoor sports complex and accessory buildings.	a. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.

Activity		Activity specific standards
P4	Food and beverage outlets.	a. The activity shall be located within the relevant Activity Areas shown in the Development Plan for this resort at Appendix 21.9.7.1.
P5	Retail activity other than as provided for under Rule 21.9.4.1.1 P4, servicing recreation activities and visitor needs within the zone.	a. The total GLFA for retailing within the Clearwater Golf Resort, other than of food and beverages, shall be no greater than 2000m ² . b. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
P6	Conference/convention facilities.	a. Conference facilities within the Clearwater Golf Resort shall be limited to a maximum of 200 people. b. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
P7	Offices.	a. The total GFA of offices within the Clearwater Golf Resort shall be no greater than 2000m ² . b. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
All Resort Community Activity Areas		
P8	Residential activity.	a. Up to 111 residential units in total within the Clearwater Golf Resort, with up to 32 units within the 55 dB Ldn airport noise contour. b. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.7.1.
All Resort Community Activity Areas, and Clubhouse and Facility Area		
P9	Resort hotel bedrooms and associated activities.	a. Up to 350 bedrooms in total within the Clearwater Golf Resort, with up to 255 bedrooms within the 55 dB Ldn airport noise contour, including associated ancillary buildings. b. The maximum period of owner occupancy of resort hotel bedrooms shall be three months in total per calendar year. c. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.5.1.
Resort Community Area 7 only		
P10	Restaurants associated with the resort hotel.	a. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 21.9.5.1.

21.9.4.1.2 Restricted discretionary activities – Clearwater Golf Resort

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 21.9.6, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
Clubhouse and Facility Area only		
RD1	Retail activity listed in Rule 21.9.4.1.1 P5, other than as provided for under Rule 21.9.4.1.1 P4, which results in an aggregate GLFA of between 2000m ² and 3000m ² within the Clearwater Golf Resort.	a. Retail Activity – Rule 21.9.6.1 a.- e.
RD2	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that does not meet with the built form standard listed in Rule 21.9.4.2.1.	a. Amenity of immediate neighbours – Rule - 21.9.6.2 a b. Amenity of the neighbourhood – Rule 21.9.6.3 a
RD3	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that does not meet with one or more of the built form standards listed in Rule 21.9.4.2.2 or Rule 21.9.4.2.4.	a. Amenity of immediate neighbours – Rule 21.9.6.2
RD4	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that does not meet with the built form standard listed in Rule 21.9.4.2.3.	a. Amenity of the neighbourhood – Rule 21.9.6.2. b-f
RD5	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that does not meet with the built form standard listed in Rule 21.9.4.2.6.	a. Visual amenity adjoining the Groynes – Rule 21.9.6.7.
RD6	Creation of water bodies and new stormwater management facilities.	a. Creation of waterbodies and new stormwater management facilities – Rule 21.9.6.6 a and b
RD7	In the Clubhouse and Facility Area, buildings with a height of greater than 11 metres and up to 14 metres.	a. Amenity of immediate neighbours – Rule 21.9.6.2 b. Amenity of neighbourhood – Rule 21.9.6.3 a, c, d and f. c. Built form and appearance - Rule 21.9.6.4.

21.9.4.1.3 Discretionary activities – Clearwater Golf Resort

The activities listed below are discretionary activities.

	Activity
D1	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that is located outside the relevant Activity Areas shown on the development plan for the Clearwater Golf Resort at Appendix 21.9.7.1.
D2	Any activity listed in Rule 21.9.4.1.1 P1 to P10 that does not meet with the built form standard listed in Rule 21.9.4.2.5, except as provided for in Rule 21.9.4.1.2 RD7. .

21.9.4.1.4 Non-complying activities – Clearwater Golf Resort

The activities listed below are non-complying activities.

	Activity
NC1	Any activity which is not listed above as a permitted, restricted discretionary or discretionary activity.
NC2	<p>a. Any vehicle access or road connection to the Clearwater Golf Resort other than as provided for under Rule 21.9.4.3.1.</p> <p>b. The use of any access road/ right of way from Coutts Island Road for any purpose other than as provided for under Rule 21.9.4.3.1 a. ii.</p>
NC3	Any ground or floor levels that do not meet the area specific standards set out in Rule 21.9.4.3.2.
NC4	Retail activity listed in Rule 21.9.4.1.1 P5, other than as provided for under Rule 21.9.4.1.1 P4, which results in an aggregate GLFA greater than 3000m ² within the Clearwater Golf Resort.
NC5	Any activity listed in Rule 21.9.4.1.1 P6 that does not meet activity specific standard a.
NC6	Any activity listed in Rule 21.9.4.1.1 P9 that does not meet one or more of the activity specific standards a. and b.

21.9.4.2 Built form standards - Clearwater Golf Resort

21.9.4.2.1 Site coverage and building sizes - Clearwater Golf Resort

- a. The maximum total area of the Specific Purpose (Golf Resort) Zone at Clearwater Golf Resort which may be covered by buildings or impervious surfaces shall be 5%.
- b. The maximum net area of any site in the Specific Purpose (Golf Resort) Zone at Clearwater Golf Resort which may be covered by buildings or impervious surfaces shall be as follows:

	Activity Area or Type	Max net area covered by buildings	Maximum building footprint	Max net area covered by impervious surfaces excluding buildings
i.	Golf Course Activity Areas.	800m ² total	N/A	N/A
ii.	Clubhouse and Facility Area.	100%	N/A	N/A
iii.	Resort Community Areas 1-6 with site size	<p>i. 100%</p> <p>ii. 75%</p> <p>iii. 50%</p> <p>iv. 40%</p> <p>v. 30%</p> <p>vi. 20%</p> <p>vii. 10% or 2000m² (whichever is less)</p>	N/A	<p>i. N/A</p> <p>ii. N/A</p> <p>iii. 30%</p> <p>iv. 20%</p> <p>v. 15%</p> <p>vi. 10%</p> <p>vii. 5% or 400m² (whichever is less)</p>
iv.	Multi-unit residential or resort hotel units in Resort Community Activity Areas 1-6.	As above in c.	600m ² for a single building	As above in c.

21.9.4.2.2 Recession planes – Clearwater Golf Resort

No part of any building shall project beyond a building envelope, as set out in the following table:

	Applicable to	Standard
a.	Resort Community Activity Areas 1-7, except where buildings on adjoining sites have a common wall along an internal boundary, recession planes do not apply along the portion of the boundary covered by such a wall, except on sites of 250m ² to 400m ² this common wall exception shall apply to a single boundary only.	Recession planes from points 2.3 metres above internal boundaries as shown in Diagram B of Appendix 14.15.2.
b.	Sites in other Activity Areas adjoining sites within Resort Community Areas 1- 6, along the adjoining boundary only.	
c.	Sites at the Clearwater Golf Resort which do not adjoin Resort Community Activity Areas.	Nil

21.9.4.2.3 Road boundary setback – Clearwater Golf Resort

The minimum building setback from road boundaries shall be:

	Applicable to	Standard
a.	Residential activity within Resort Community Activity Areas, except as located in b. below.	4.5 metres
b.	Residential activity within Resort Community Activity Areas, where a garage has a vehicle door generally facing a private or public road or shared access lot or access strip.	5 metres from road, access lot or access strip boundary.

21.9.4.2.4 Internal boundary and zone boundary setbacks – Clearwater Golf Resort

The minimum building setback from an internal or zone boundary other than a road zone shall be:

	Applicable to	Setback from internal boundaries	Setback from zone boundaries
a.	Within Resort Community Activity Areas 1-7 only, except that where buildings on adjoining sites have a common wall along an internal boundary, no setback is required along the portion of the boundary covered by such a wall, except on sites of 250m ² to 400m ² this common wall exception shall apply to a single boundary only.	3 metres	As below for c. and d.
b.	Sites in other Activity Areas adjoining the Resort Community Activity Areas.	3 metres	As below for c.
c.	Within all Activity Areas except Resort Community Activity Area 4.	As above for a. and b.	20 metres
d.	Within Resort Community Activity Area 4.	As above for a.	12 metres

21.9.4.2.5 Building height – Clearwater Golf Resort

The maximum height of any building shall be:

	Applicable to	Standard
a.	Resort Community Activity Area 7 <ul style="list-style-type: none"> i. Resort hotel bedrooms ii. Resort hotel chimney iii. Other buildings. 	<ul style="list-style-type: none"> i. 20 metres ii. 24 metres iii. 8 metres
b.	Clubhouse and Facility Area.	11 metres
c.	Resort Community Areas 1-6 – all buildings.	8 metres
d.	All areas other than Clubhouse and Facility Areas and other than all Resort Community Areas.	4 metres

21.9.4.2.6 Visual amenity adjoining the Groynes Open Space – Natural Zone – Clearwater Golf Resort

- a. In Resort Community Activity Area 5 only, when buildings or impervious surfaces are located within 50 metres of a boundary with the Groynes Open Space - Natural Zone, the following shall be provided:
- i. Trees or shrubs shall be planted, for a minimum depth of 8 metres along these boundaries; and
 - ii. Trees or shrubs shall be not less than 2 metres high at the time of planting and capable of reaching a height of at least 8 metres at maturity.

21.9.4.3 Area specific standards – Clearwater Golf Resort

21.9.4.3.1 Vehicle access – Clearwater Golf Resort

- a. Vehicle access to Clearwater Golf Resort shall be limited to the following:
- i. A single access road from State Highway 1 (Johns Road) which shall be limited to Clearwater Avenue only.
 - ii. A single access road/right of way from Coutts Island Road which shall be limited to use by service vehicles only.

21.9.4.3.2 Flood protection – Ground levels at Clearwater Golf Resort

Ground levels and floor levels for the purpose of flood protections shall be as follows:

Applicable to	Standard
a. Resort Community Activity Areas 5 and 6.	<ul style="list-style-type: none"> i. Ground levels shall be at or above the minimum levels defined by a plane sloping west to east over the area, where the westernmost and easternmost points are set out in Columns B and C in Table 21.9.4.3.2.a below and the height and slope of the plane is defined by the levels in Column D; ii. Building floor levels shall be a minimum of 250mm above minimum

Applicable to	Standard
	ground levels required by a.
b. Ground levels in other Resort Community Activity Areas – Clearwater.	i. Shall be shaped and maintained so that in the event of a flood resulting from a primary stopbank breach, flood depths on land in adjacent zones downstream will not be increased by more than 100mm, compared to pre-development levels.

Table 21.9.4.3.2.a — Specifications of Ground Level Plane for RC Areas 5 and 6

Location	NZMS Grid Reference Northing (Column B)	NZMS Grid Reference Easting (Column C)	Mean Finished Ground Level (Metres above CCC Datum)(Column D)
Resort Community Area 5A 1. Westernmost extent 2. Easternmost extent	1. 5751420 N 2. 5751719N	1. 2477660 E 2. 2477909 E	1. 21.09 metres 2. 20.94 metres
Resort Community Area 5B 1. Westernmost extent 2. Easternmost extent	1. 5751568 N 2. 5751870 N	1. 2478180 E 2. 2478449 E	1. 20.11 metres 2. 19.50 metres
Resort Community Area 5C 1. Westernmost extent 2. Easternmost extent	1. 5751034 N 2. 5751611 N	1. 2478238 E 2. 2478525 E	1. 21.89 metres 2. 19.44 metres
Resort Community Area 6	1. 5751014 N	1. 2477695 E	1. 22.84 metres

Advice Note: Raised ground levels across all areas covered by this rule will result in a total of 400mm freeboard above modelled water levels in a 1 in 10,000 year flood event.

21.9.5 Rules – Specific Purpose (Golf Resort) Zone - Whisper Creek Golf Resort

21.9.5.1 Activity status tables

21.9.5.1.1 Permitted activities – Whisper Creek Golf Resort

The activities listed below are permitted activities in the Specific Purpose (Golf Resort) Zone at Whisper Creek Golf Resort if they meet any activity specific standards set out in this table, the built form standards in Rule 21.9.5.2 and area specific standards in Rule 21.9.5.3.

Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 21.9.5.1.2, 21.9.5.1.3 or 21.9.5.1.4.

	Activity	Activity Specific Standards
All Activity Areas		
P1	Any activity permitted in the Rural Urban Fringe Zone under Rule 17.3.2.1 P1- P14.	a. The relevant activity specific standards in Rule 17.3.2.1 and built form standards in Rule 17.3.3 shall apply.
Golf Course and Open Space Activity Areas		
P2	Establishment and maintenance of wetlands.	a. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
P3	Outdoor recreation activity other than golf and associated facilities.	a. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
Area A1 only		
P4	Clubhouse facilities, Restaurants, Gym and spa facilities, Indoor sports complex and accessory buildings.	a. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
P5	Food and beverage outlets.	a. 1000m ² maximum GFA in the Specific Purpose (Golf Resort) Zone at Whisper Creek Golf Resort. b. Food and beverage outlets in the Specific Purpose (Golf Resort) Zone at Whisper Creek Golf Resort shall only operate between the hours of 7am and 10pm. c. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
P6	Retail activity, other than as provided for in Rule 21.9.5.1.1 P5, servicing recreation activities and visitor needs within the zone.	a. The maximum GLFA for retailing in the Specific Purpose (Golf Resort) Zone at Whisper Creek Golf Resort, other than of food and beverages, shall be 500m ² . b. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.

	Activity	Activity Specific Standards
Activity Areas A, A1 and A2		
P7	Golf academy, and associated education activities.	<ul style="list-style-type: none"> a. Above-ground car parking may not be located in Area A2. b. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
P8	Academy dormitory.	<ul style="list-style-type: none"> a. Up to 160 bedrooms in total within the Whisper Creek Golf Resort. b. The activity shall be located within the relevant Activity Areas shown in the development plan for this resort at Appendix 21.9.7.2.
P9	Resort apartments.	<ul style="list-style-type: none"> a. Up to 380 bedrooms in total within the Whisper Creek Golf Resort. b. No more than 170 resort apartment bedrooms shall be constructed before the completion of the golf course and the construction of the Golf academy building. c. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
All Resort Community Activity Areas		
P10	Residential activity.	<ul style="list-style-type: none"> a. Up to 150 units in total within the Whisper Creek Golf Resort, with no more than one unit per site. b. No building shall be erected in the Resort Community Areas before boundary planting along all zone boundaries (other than along the boundary between the Golf Resort Zone and the Open Space – Water and Margins Zone) is completed in accordance with the Management Plan required in Rule 21.9.5.1.2 RD5 for the golf course. c. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.
Activity Areas D and D1		
P11	Driving range fairway and greens and associated lighting, in Activity Area D.	<ul style="list-style-type: none"> a. Areas D or D1: Noise from driving range activities shall not exceed 50dB Lmax when measured at the notional boundary of any dwelling existing as at 15 August 2011. A report from a person qualified in acoustics shall be submitted to the Council confirming that the building design and construction will achieve this standard. b. Driving range activities shall only be undertaken from within or from tees immediately in front of the building located in Activity Area D1. c. The driving range shall be closed and all associated lighting shall be turned off between the hours of 10pm and 7am. d. Lighting of the driving range fairway shall be limited to ground-mounted lighting, and any elevated lighting of the driving range building shall have a maximum height of 8m to the underside of the light.
P12	Driving range building and tees and associated lighting in Activity Area D1.	

	Activity	Activity Specific Standards
		e. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 21.9.7.2.

21.9.5.1.2 Restricted discretionary activities –Whisper Creek Golf Resort

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 21.9.6, as set out in the following table.

	Activity and location	The Council's discretion shall be limited to the following matters:
All Activity Areas		
RD1	Any activity listed in Rule 17.3.2.2 RD1 and RD2 in the Rural Urban Fringe Zone.	a. The relevant matters of discretion in Rule 17.3.2.2 RD1 and RD2 shall apply.
RD2	Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet with the built form standard in Rule 21.9.5.2.1.	a. Amenity of immediate neighbours - Rule 21.9.6.2 a b. Amenity of the neighbourhood – Rule 21.9.6.3 a
RD3	Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet with one or more of the built form standards in Rule 21.9.5.2.2 or Rule 21.9.5.2.4.	a. Amenity of immediate neighbours – Rule 21.9.6.2 a-d
RD4	Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet with the built form standard in Rule 21.9.3.3.3 road boundary setbacks.	a. Amenity of the neighbourhood - Rule 21.9.6.2. b-f
Golf Course and Open Space Activity Areas only		
RD5	Construction of the golf course and establishment of planting. Any application arising from this rule will shall not be limited or publicly notified.	a. A management plan shall be provided to Council prior to any construction or planting, dealing with the matters in – Rule 21.9.6.8
Academy Activity Areas A, A1 and A2		
RD6	Any subdivision or development in Academy Activity Areas A, A1 and A2.	a. Concept Plan for Whisper Creek Golf Resort only -Rule - 21.9.6.9 a. i – vii. A concept plan is not required when a subdivision consent is being sought or has already been granted for that Activity Area.

21.9.5.1.3 Discretionary activities - Whisper Creek Golf Resort

The activities listed below are discretionary activities.

	Activity
D1	Any activity listed in Rule 21.9.5.1.2 P1 – P12 that is located outside the relevant Activity Areas shown on the development plan for the Whisper Creek Golf Resort at Appendix 21.9.7.2, including any above-ground car parking located in Area A2.

	Activity
D2	Any activity listed in Rule 21.9.5.1.2 P1 – P12 located in the Academy Activity Area that does not meet the built form standard in Rule 21.9.5.3.5, but has a maximum height of 12 metres.

21.9.5.1.4 Non-complying activities – Whisper Creek Golf Resort

The activities listed below are non-complying activities.

	Activity
NC1	Any activity which is not listed above as a permitted, restricted discretionary or discretionary activity.
NC2	Vehicle access to Whisper Creek Golf Resort that does not meet one or more of the area specific standards in Rule 21.9.5.3.1. a. i. or ii.
NC3	Any activity in the Academy Activity Area that does not meet the area specific standards in Rule 21.9.5.3.1. b.
NC4	Any activity listed in Rule 21.9.5.1.2 P1 – P12 located in the Academy Activity Area that does not meet the built form standard in Rule 21.9.5.3.5, but has a maximum height greater than 12 metres.
NC5	The following activities that do not meet one or more of the following activity specific standards in Rule 21.9.5.1: <ul style="list-style-type: none"> a. P5 that does not meet one or more of the activity specific standards a. and b.; b. P6 that does not meet activity specific standard a.; c. P8 that does not meet activity specific standard a.; d. P9 that does not meet one or more of the activity specific standards a. and b.; e. P10 that does not meet one or more of the activity specific standards a. and b.; f. P11 that does not meet one or more of the activity specific standards a. - d.; g. P12 that does not meet one or more of the activity specific standards a. - d..

21.9.5.2 Built form standards – Whisper Creek Golf Resort

21.9.5.2.1 Site coverage and building sizes – Whisper Creek Golf Resort

- a. The maximum percentage of the total area of the Whisper Creek Golf Resort which may be covered by buildings shall be 5.5%.
- b. The maximum percentage of the total area of the Whisper Creek Golf Resort Academy Activity Area which may be covered by buildings shall be 30%.
- c. Within the Whisper Creek Golf Resort, no roof in the Academy, Resort Community or Driving Range Activity Areas shall have a reflectivity value greater than 35%.
- d. Within the Whisper Creek Golf Resort, the maximum building footprint of the buildings shall not exceed the figures in the table following.
- e. Within the Whisper Creek Golf Resort, each resort apartment building shall not be less than the minimum internal floor areas in the table following:

	Building	Maximum building footprint	Minimum internal floor area
i.	Golf clubhouse	1000m ²	N/A
ii.	Indoor sports complex	2000m ²	N/A
iii.	Driving Range Activity Area	800m ²	N/A
iv.	Dormitory/education facilities	1600m ²	N/A
v.	Each residential unit	400m ²	N/A
vi.	Each resort apartment building	A. Area A 1300m ² B. Area A1 6500m ²	A. 2 bedroom apartments 100m ² B. 3 Bedroom apartments 130m ²

21.9.5.2.2 Recession planes – Whisper Creek Golf Resort

No part of any building shall project beyond a building envelope contained by:

Applicable to	Standard
a. Whisper Creek Golf Resort Community Activity Areas, except where buildings on adjoining sites have a common wall along an internal boundary, recession planes do not apply along the portion of the boundary covered by such a wall. On sites of 250m ² to 400m ² this common wall exception shall apply to a single boundary only.	Recession planes from points 2.3 metres above internal boundaries as shown in Diagram B of Appendix 14.15.2.

21.9.5.2.3 Road boundary setback – Whisper Creek Golf Resort

- a. The minimum building setback from road boundaries in the Academy Activity Areas and Resort Community Areas shall be 100 metres from Turners Road, Spencerville Road and from Teapes Road adjoining 138 Turners Road (Lot 1, DP23116).

21.9.5.2.4 Zone boundary and other boundary setbacks – Whisper Creek Golf Resort

The minimum building setback from a zone or other boundary shall be:

	Applicable to	Setback from zone boundaries	Setback from other boundaries
a.	All buildings.	20 metres from any rural zone boundary which is not also a road boundary.	As below in b and c.
b.	All buildings in the Academy and Resort Community Activity Areas, except a golf clubhouse.	20 metres	15 metres from the Lower Styx Ponding Area boundary
c.	Golf clubhouse.	20 metres	10 metres from the Lower Styx Ponding Area boundary.

21.9.5.2.5 Building height – Whisper Creek Golf Resort

The maximum height of any building shall be:

	Applicable to	Standard
a.	Sports complex in the Academy Activity Area.	9 metres
b.	<ul style="list-style-type: none"> i. All Resort Community Activity Areas, except for accessory buildings; ii. Academy Activity Area, except for sports complex; iii. Golf and Open Space Activity Area; iv. Maintenance Activity Area and v. Driving Range Activity Areas. 	8 metres
c.	Accessory buildings in all Resort Community Activity Areas.	5 metres

21.9.5.3 Area specific standards – Whisper Creek Golf Resort

21.9.5.3.1 Access and roading improvements – Whisper Creek Golf Resort

- a. Vehicle access to Whisper Creek Golf Resort shall be limited to the following:
 - i. A single road from each of Lower Styx Road and Spencerville Road; and
 - ii. A single road from Teapes Road, which shall be limited to use by service vehicles only.
- b. No activity shall be permitted in the Academy Activity Areas, except approved earthworks, landscaping and planting, and the construction and use of access roads, until the Lower Styx/Marshland Road intersection has been signalised.

21.9.6 Matters of discretion - Clearwater Golf Resort and Whisper Creek Golf Resort

When considering applications for restricted discretionary activities, the Council's discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules 21.9.4.1.2 and 21.9.5.1.2, and as set out for that matter below.

21.9.6.1 Retail activity

- a. The extent to which the proposed activity would complement recreation and visitor activities in the zone;
- b. Any adverse effects on traffic movement and safety; and
- c. Any significant adverse effects on existing retail centres outside the Specific Purpose (Golf Resort) Zone.

21.9.6.2 Amenity of immediate neighbours

- a. Any visual dominance over adjacent properties;
- b. Any effects on amenity of adjacent properties, including daylight and sunlight admission;
- c. Any loss of privacy for adjacent properties through overlooking; and
- d. Any opportunities for landscaping and tree planting, as well as screening of buildings.

21.9.6.3 Amenity of neighbourhood

- a. The balance of open space and buildings on the site, in the context of:
 - i. the character of the surrounding rural and open space zones; and
 - ii. a golf resort which is not located in a standard urban setting;
- b. Any alternative practical locations for the building on the site;
- c. The compatibility of the building in terms of appearance, layout and scale of other buildings and sites in the surrounding area;
- d. Any adverse effects on the outlook and privacy of adjoining properties;
- e. Any detracting from the openness of the site to the street; and
- f. The ability to provide opportunities for landscaping and tree planting.

21.9.6.4 Built form and appearance

- a. Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest. The relevant considerations are the extent to which the development:

- i. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;
- ii. utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony; and
- iii. avoids blank elevations and facades.

21.9.6.5 Location of activities outside of areas specified in development plans

- a. The compatibility of the proposed development pattern with the remainder of the zone and with the open space, and rural character of the wider locality;
- b. Any adverse effects on the amenity of the Groynes Recreation area (Clearwater Golf Resort only) and surrounding rural zones (both resorts);
- c. The ability to continue to provide an effective and ecologically sensitive stormwater management system;
- d. The connectivity within the zone and with adjacent open space zones, where appropriate, in terms of vehicular, cycle and pedestrian access;
- e. The proximity of higher density development to open space for passive and active recreation, while avoiding higher density development being located immediately adjoining rural areas;
- f. The application of the principles of Crime Prevention Through Environmental Design;
- g. The ability to create and preserve view shafts to the golf course and beyond;
- h. Whether the proposed revised location(s) for activities better mitigates risks from natural hazards, including flooding, seismicity and liquefaction; and
- i. Any effect either positive or adverse on tangata whenua values.

21.9.6.6 Creation of water bodies and new stormwater management facilities

- a. The extent to which the scale, design and construction of the water bodies or stormwater facilities deters birds which could pose a risk to aircraft from roosting and nesting; and
- b. The existence of a bird strike hazard management programme with appropriate measures for ongoing management of water bodies and birds so as to reduce the potential risk of bird strike, and evidence of consultation with Christchurch International Airport Limited in the preparation of this programme.

21.9.6.7 Visual amenity adjoining the Groynes - Clearwater Golf Resort only

- a. The extent to which the design and layout of landscaping proposed reinforces separation and provides screening of buildings from the adjacent Groynes Open Space – Natural zone;
- b. The extent to which the design and layout of landscaping will incorporate existing landscape and water features eg existing trees (excluding noxious species) along watercourses; and
- c. Any contribution of the proposed planting to ecological and habitat values.

21.9.6.8 Construction of the Golf Course - Whisper Creek Golf Resort only

- a. The provisions of a management plan to address the following:
 - i. The biodiversity and enhancement of waterways and wetland areas, as well as measures to mitigate any adverse effects on biodiversity.
 - ii. Details of design, construction and operation of the golf course drainage system and wetlands, including proposed excavation and filling, and potential effects on sediment discharges and water quality.
 - iii. Storage capacity in the Lower Styx Ponding Area and effective management of stormwater and flood discharges in the zone, with consideration of tidal influences and the effects of sea level rise.
 - iv. Amenity planting around the zone boundary and its ability to screen and soften built development.
 - v. Appropriate management of any archaeological sites.

21.9.6.9 Concept Plan for Whisper Creek Golf Resort only

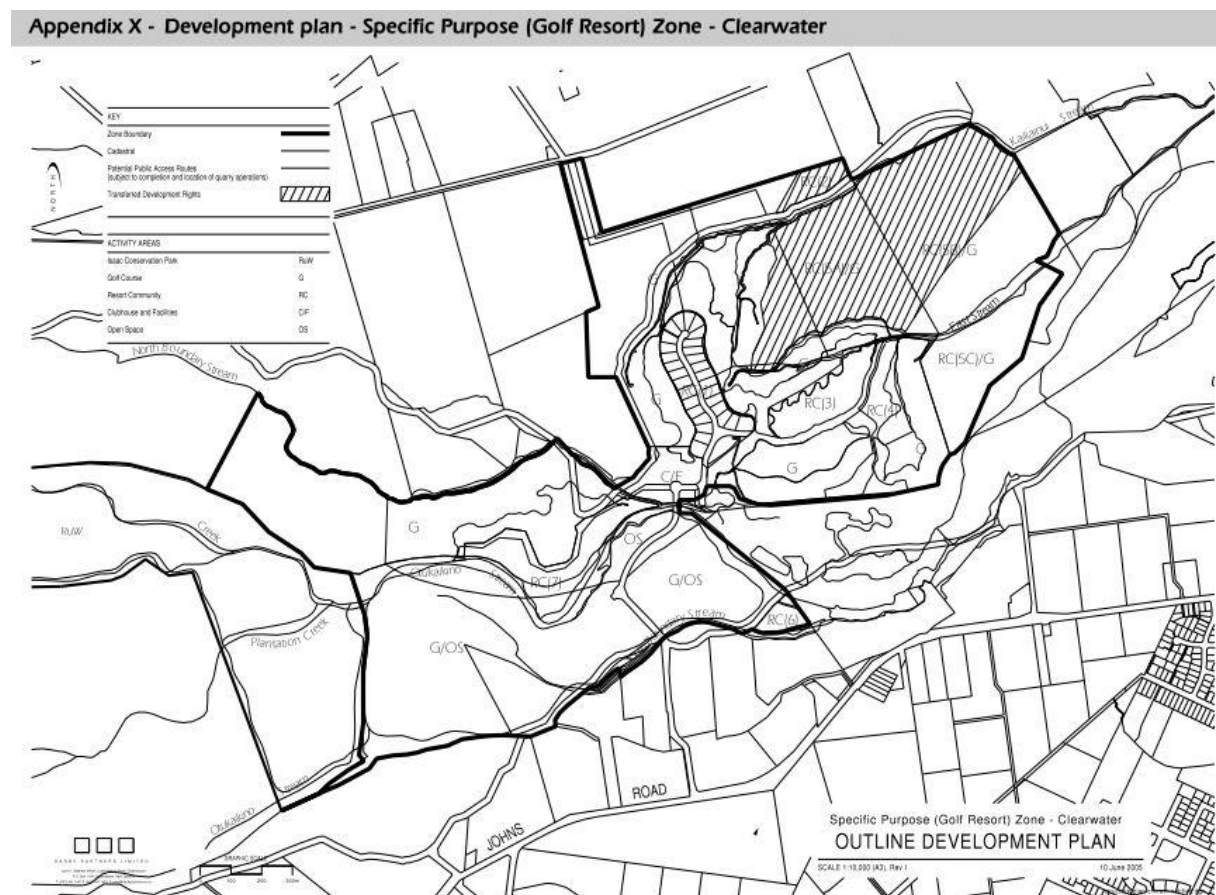
- a. The provisions of a concept plan and supporting documentation that shall include the following:
 - i. The indicative subdivision layout including indicative densities and distribution and indicative road layout;
 - ii. The location of sites for built development in relation to golf course and open space areas within the zone and to the open space and rural character of the wider locality;
 - iii. Any area specific measures for mitigating risks from natural hazards, including flooding, seismicity and liquefaction;
 - iv. Connectivity with other parts of the zone and with adjacent open space and other zones, in terms of car parking locations, walkways and cycleways;
 - v. Provisions for stormwater management;
 - vi. The application of the principles of Crime Prevention Through Environmental Design;
 - vii. The ability to create and preserve view shafts to areas across and beyond the site; and
 - viii. An assessment of effects, either positive or negative, on tangata whenua values.

21.9.7 Appendices

Appendix 21.9.7.1– Development Plan for Clearwater Golf Resort

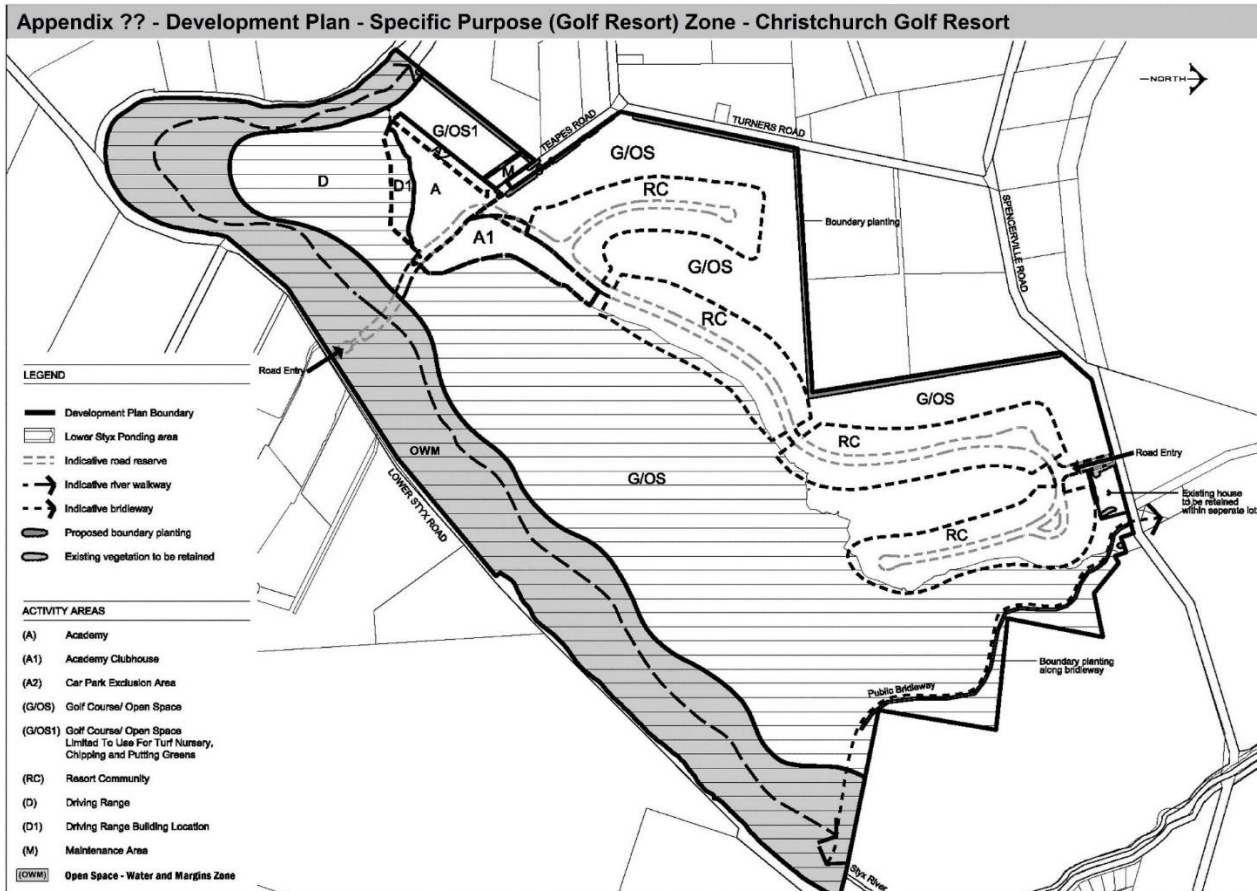
[Refer to Directions for amendments]

- Water



Appendix 21.9.7.2 - Development Plan for Whisper Creek Golf Resort

[Refer to Directions for amendments]



SCHEDULE 2

General Rules - Other Chapters

Chapter 2 Definitions

Chapter 8 Subdivision, Development and Earthworks

Chapter 11 Utilities and Energy

Chapter 14 Residential

Chapter 15 Commercial

Chapter 16 Industrial

Chapter 17 Rural

Chapter 18 Open Space

Chapter 2 Definitions

Include the following abbreviations and definitions in Chapter 2.

Abbreviations List:

AANC

means the Annual Aircraft noise Contours (Ldn) produced annually by CIAL based on the previous year's aircraft operations. The AANC is calculated in accordance with the rules in the District Plan.

dB

means decibel.

Definitions List:

Air Noise Boundary

means a composite line formed by the outer extremity of the 65 dB Ldn noise contour and the 95 dB LAE noise contour.

Advice Note: The air noise boundary defines an area around Christchurch International Airport in which the future daily aircraft noise exposure from aircraft operations is sufficiently high as to require prohibition on new sensitive activities, to avoid adverse noise effects and reverse sensitivity issues.

Aircraft operations

means:

- a. the landing and take off of aircraft; and
- b. aircraft flying along any flight path associated with a landing or take off.

For the purposes of Rule 6.1.6, aircraft operations exclude:

- c. aircraft operating in an emergency for medical or national/civil defence reasons;
- d. air shows;
- e. military operations; not associated with the Antarctic programme;
- f. Antarctic operations;
- g. helicopter operations;
- h. aircraft using the airport as an alternative to a scheduled airport elsewhere;
- i. aircraft taxiing; and

- j. aircraft engine testing.

Airport operator

in relation to Sub-chapter 6.1 and Appendices 6.11.14 and 6.11.15, means the operator of Christchurch International Airport.

Billboard

means a large outdoor display board of not less than 18m² in area which is used to advertise goods, services, products or events that are not directly related to the use or activities occurring at the site on which the board is physically located. A billboard includes both the display board and any associated supporting device whether permanent, temporary or movable.

Digital sign

means an internally lit sign that displays electronic messages and/or images.

Engine testing

means on-aircraft engine testing only. It excludes off-aircraft engine testing.

Free-standing sign

means a sign which is fixed to the ground rather than a building (See Appendix 6.11.8, Diagram 8). It may be erected on a pole or other support structure. It excludes signs which are erected on or over the Transport Zone.

LAE

means the Sound Exposure Level (SEL) in decibels. LAE is the sound level of one second duration which has the same amount of energy as the actual noise event measured. This is usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

LAEq

means the equivalent continuous A-weighted sound level in decibels. This is commonly referred to as the time-average sound level. LAEq is often assessed over a reference time interval of 15 minutes, in accordance with NZS 6802:2008.

LAm_{ax}/LAF_{max}

means the A-weighted maximum noise level in decibels measured with a ‘fast’ response time. It is the highest noise level that occurs during a measurement period.

Ldn

means the day-night average sound level in decibels over a 24-hour period,, which is calculated from the day (0700-2200) LAEq (15h) and night (2200-0700) LAEq (9h) values; with a 10 dB penalty applied to the night-time LAEq (9h). Ldn values can be used to describe long term noise exposure by averaging over days, weeks or months.

Mass assembly of people

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

[This definition is subject to the Panel's direction and review]

Notional boundary

in relation to Chapter 6 General Rules and Procedures, means a line 20 metres from any wall of a residential unit, or the site boundary where this is closer to the residential unit.

Off-site sign

means a sign which is used to advertise activities, goods, services, products or events that are not directly related to the use or activities occurring at the site on which the sign is physically located. An off-site sign includes posters and poster boards and any other associated supporting device whether permanent, temporary or movable.

Primary building frontage

in relation to signs and signage only, means any building frontage facing towards a public road or customer car park.

Sign / Signage

means any device, graphics or display of whatever nature visible from a public place, for the purposes of:

- a. identification of, and provision of information about, any activity, site or building;
- b. providing directions;
- c. promoting goods, services or forthcoming events; or
- d. containing a message directed at the general public, whether temporary or otherwise.

Signs may be three-dimensional or otherwise, that is manufactured, painted, written, printed, carved, embossed, inflated, projected onto or otherwise fixed to or attached upon any external surface of any

building or, in the open, on any site, wall, pole, hoarding or structure, or onto any rock, stone, tree or other object. Signs include:

- e. any method of illumination, whether by an internal or external non-neutral light source;
- f. any sign displayed upon any parked vehicle and/or trailer for the express purpose of directing attention to any activity, site or building; and
- g. any tethered balloon of more than 0.5m in diameter.

Total area of a sign

means that area of an imaginary rectangle enclosing the sign (Appendix 6.11.8, Diagram 1).

Amend the following definition, from our Decision 16, (deleted text ~~struck through~~, added text underlined):

Guest accommodation

means the use of land and/or buildings for transient residential accommodation offered at a tariff, which may involve the sale of alcohol and/or food to in-house guests, and the sale of food, with or without alcohol, to the public. It may include the following ancillary activities:

- a. offices;
- b. meeting and conference facilities;
- c. fitness facilities; and
- d. the provision of goods and services primarily for the convenience of guests.

~~For the avoidance of doubt, g~~Guest accommodation includes motels, motor and tourist lodges, backpacker's, hostels, hotels, resorts and camping grounds. Guest accommodation excludes bed and breakfasts and farm stays.

Chapter 8 Subdivision, Development and Earthworks

The following amendments are made to Chapter 8 – Subdivision, Development and Earthworks (deleted text ~~struck through~~, added text underlined).

Amend **Rule 8.3.2.4 NC6** by replacing “50 dBA Ldn airport noise boundary contour” with “50 dB Ldn Air Noise Contour”.

Amend **Rule 8.3.3.9** by deleting clause c. as shown:

- c. ~~Creation of stormwater drainage ponding areas shall not occur within three kilometres of the edge of the Christchurch International Airport Runways.~~

Amend the Clarification in **Rule 8.5A.2.1 P1 activity standard v.** as shown:

Clarification: between 0700 and 1900 hours, the noise standards in Chapter 6 Rule 6.1.5.24.2.3 and the ~~lux thresholds~~ light spill standards at Chapter 6 Rule 6.3.62.3.4 both apply.

Amend the Clarification in **Rule 8.5A.2.1 P1 activity standard vi.** as shown:

Clarification: between 0700 and 2200 hours, the noise standards in Chapter 6 Rule 6.1.5.24.2.3 apply except where NZS6803.1999 is complied with, and the ~~lux thresholds~~ light spill standards in Chapter 6 Rule 6.3.62.3.4 apply.

Amend **Rule 8.5A.2.1 P2** as follows:

Activity		Activity Standard
P1	[...]	[...]
P2	<p>Earthworks for the purpose of the repair of land used for residential purposes and damaged by earthquakes.</p> <p>Clarification</p> <p>1. For the purposes of this rule, “repair land used for residential purposes damaged by earthquakes” does not include repair of land on the Port Hills or Banks Peninsula. It does include all other residential land whether or not an EQC payment has been made and residential land which was unimproved when damage occurred. Refer to Appendix 2.2 of Chapter 2.</p>	<p>[...]</p> <p>d. General standards</p> <p>ii. There shall be no earthworks within 3m of any utility waterway to be piped or 5m of any <u>open utility network</u> waterway.</p> <p>[...]</p>

Amend **Table 9: Maximum volumes – earthworks** in **Rule 8.5A.2.1** as follows:

Open Space	a. Open Space Metropolitan Facilities and Open Space McLeans Island Zones.	500m ³ /ha
	b. Open Space Community Park Zones.	20m ³ /site
	c. Open Space Natural and Open Space Water and Margins Zones. (Refer to Rules 6.6.42.1 - 6.6.62.4 of Chapter 6 in relation to earthworks adjoining waterbodies).	50m ³ /ha
	d. Open Space Water and Margins Zone at Lake Ellesmere / Te Waihora and Lake Forsyth / Wairewa. (Refer to Rules 6.6.42.1 - 6.6.62.4 of Chapter 6 in relation to earthworks adjoining waterbodies).	10m ³ /ha
	e. Open Space Coastal Zone.	50m ³ /ha
	f. Open Space Avon River Precinct (Te Papa Ōtākaro) Zone. Note: this volume threshold applies outside the waterway setback provided in Chapter 6.	50m ³ /ha

Amend **Appendix 8.6.5, Appendix 8.6.15, Appendix 8.6.23 and Appendix 8.6.28** (including the Outline Development Plans), by replacing “50DBA air noise contour” and “50 dBA noise contour” with “50 dB Ldn Air Noise Contour”.

Chapter 11 Utilities and Energy

The following amendments are made to Chapter 11 – Utilities and Energy (deleted text ~~struck through~~, added text underlined).

Amend **Rule 11.4.1 P19** as follows:

P19	Temporary utilities operating for less than 12 months, excluding emergency or back-up electricity generation permitted in Rule 11.6.1 P4.	<ul style="list-style-type: none"> a. Built form standards for the relevant zone. b. The noise standards in Rule 6.1.<u>54</u> for the relevant zone.
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Amend **Rule 11.6.1 P1** as follows:

P1	Installation and operation of equipment for assessing a site for suitability for renewable electricity generation.	<ul style="list-style-type: none"> c. Equipment shall not be on a site for more than 12 months in any 36 month period. b. The noise standards in Rule 6.1.<u>54</u> for the relevant zone. c. ...
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Amend **Rule 11.6.1 P4** as follows:

P4	Emergency or back-up electricity generation that is not the primary electricity supply to the site.	d. The noise standards in Rule 6.1. <u>6.2.14.2.2</u> for noise from emergency activities.
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Amend **Rule 11.6.1 P4** as follows:

P5	Installation and operation of a wind turbine for the generation and use of electricity on a site or sites in Rural or Industrial Zones.	<ul style="list-style-type: none"> ... e. The noise standards in Rule 6.1.<u>54</u> for the relevant Rural or Industrial Zone apply. ...
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Chapter 14 Residential

The following amendments are made to Chapter 14 – Residential (deleted text ~~struck through~~, added text underlined).

Amend the following rules by replacing “50 dBA Ldn Air Noise Contour” with “50 dB Ldn Air Noise Contour”:

Rule 14.2.2.1 P20

Rule 14.2.2.3 RD30

Rule 14.2.4.6.7 a.4.

Rule 14.9.2.1 P12

Rule 14.9.2.3 RD16

Delete **Rule 14.2.2.1 P28**, and renumber subsequent provisions, as shown:

14.2.2.1 Permitted activities

In the Residential Suburban Zone and the Residential Suburban Density Transition Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.2.3 and the area specific rules in Rule 14.2.4.

Activities may also be permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.2.2.2, 14.2.2.3, 14.2.2.4, 14.2.2.5, and 14.2.2.6, or in the area specific rules in Rule 14.2.4.

Activity		Activity specific standards
P27	Relocation of a building	Nil
P28	Temporary military or emergency service training activities	
P29 <u>P28</u>	Market gardens, community gardens, and garden allotments	

Amend **Rule 14.2.2.3 RD33** and **Rule 14.9.2.3 RD26** by replacing “Air Noise Contour (50 dBA Ldn)” with “50 dB Ldn Air Noise Contour”.

Add to **Rule 14.2.3.3** as follows:

14.2.3.3 Building height

The maximum height of any building shall be:

	Activity	Standard
1.	All <u>buildings</u> unless specified below	8 metres
2.	Minor dwelling units in the Residential Suburban Zone	5.5 metres and of a single storey only
3.	<u>All buildings on the Woolston Fire Station and Training Centre site at 929 Ferry Road, Lot 1 DP72727.</u>	<u>20 metres</u>

Note: See the permitted height exceptions contained within the definition of height.

Amend **Rule 14.2.4.3 RD5** as shown:

RD5	<ul style="list-style-type: none"> a. Peat Ground Condition Constraint Overlay; b. Stormwater Capacity Constraint Overlay; c. Existing Rural Hamlet Overlay in the area to the east of the 50 dBA Ldn Air Noise Contour line shown on Planning Map 18; or d. Existing Rural Hamlet Overlay in the area to the west of the 50 dBA Ldn Air Noise Contour line shown on Planning Map 18. 	Residential units that do not comply with Rule 14.2.4.6.1 - Site density	<ul style="list-style-type: none"> a. Site density and site coverage – Rule 14.14.2 b. Whether the development design adequately mitigates any adverse effects of the additional building coverage on the environmental condition giving rise to the constraint.
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Delete **Rule 14.3.2.1 P21**, and renumber subsequent provisions, as shown:

14.3.2.1 Permitted activities

In the Residential Medium Density Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.3.3 and the area specific rules in Rule 14.3.4.

Activities may also be permitted controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.3.2.2, 14.3.2.3, 14.3.2.4, 14.3.2.5, and 14.3.2.6, or in the area specific rules in Rule 14.3.4.

Activity		Activity specific standards
P20	Relocation of a building	Nil
P21	Temporary military or emergency service training activities	
P22 P21	Market gardens, community gardens, and garden allotments	

Delete **Rule 14.4.2.1 P21**, and renumber subsequent provisions, as shown:

14.4.2.1 Permitted activities

In the Residential Banks Peninsula Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table, the applicable built form standards in Rule 14.4.3 and area specific rules in Rule 14.4.4.

Activities may also be permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.4.2.2, 14.4.2.3, 14.4.2.4, 14.4.2.5 and 14.4.2.6, or in the area specific rules in Rule 14.4.4.

Activity		Activity specific standards
P20	Relocation of a building	Nil
P21	Temporary military or emergency service training activities	

Activity		Activity specific standards
P22 <u>P21</u>	Market gardens, community gardens, and garden allotments	

Delete **Rule 14.5.2.1 P21**, and renumber subsequent provisions, as shown:

14.5.2.1 Permitted activities

In the Residential Hills Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.5.3 and the area specific rules in Rule 14.5.4.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.5.2.2, 14.5.2.3, 14.5.2.4, 14.5.2.5, and 14.5.2.6, or in the area specific rules in 14.5.4.

Activity		Activity specific standards
P20	Relocation of a building	Nil
P21	Temporary military or emergency service training activities	
P22 <u>P21</u>	Market gardens, community gardens, and garden allotments	

Delete **Rule 14.7.2.1 P22**, and renumber subsequent provisions, as shown:

14.7.2.1 Permitted activities

In the Residential Large Lot Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.7.3.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.7.2.2, 14.7.2.3, 14.7.2.4, 14.7.2.5, and 14.7.2.6.

Activity		Activity specific standards
P21	Relocation of a building	Nil
P22	Temporary military or emergency service training activities	
P23 <u>P22</u>	Market gardens, community gardens, and garden allotments	

Delete **Rule 14.8.2.1 P19**, and renumber subsequent provisions, as shown:

14.8.2.1 Permitted activities

In the Residential Small Settlement Zone, the activities listed below are permitted activities if they comply with the activity specific standards set out in this table and the applicable built form standards in Rule 14.7.3.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.8.2.2, 14.8.2.3, 14.8.2.4, 14.8.2.5, and 14.8.2.6.

Activity		Activity specific standards
P18	Relocation of a building	Nil
P19	Temporary military or emergency service training activities	
P20 <u>P19</u>	Market gardens, community gardens, and garden allotments	

Delete **Rule 14.9.2.1 P19**, and renumber subsequent provisions, as shown:

14.9.2.1 Permitted activities

The activities listed below are permitted activities if they meet any activity specific standards set out in this table and the applicable built form standards in Rule 14.9.3

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.9.2.2, 14.9.2.3, 14.9.2.4, 14.9.2.5, and 14.9.2.6.

Activity		Activity specific standards
P18	Relocation of a <u>building</u>	Nil
P19	Temporary military or emergency service training activities	
P20 P19	Market gardens, <u>community gardens</u> , and <u>garden allotments</u>	
P21 P20	All permitted activities in the Commercial Local Zone rule 15.3.2.1 within an area identified for this purpose on an approved subdivision consent plan.	a. The area identified for <u>commercial activities</u> shall not exceed 2,000m ² in <u>gross floor area</u> . b. Activities shall comply with the following standards of the Commercial Local Zone: i. 15.3.3.1 Maximum building height i. 15.3.3.2 Building setback from road boundaries ii. 15.3.3.3 Minimum building setback from residential zones iii. 15.3.3.4 Sunlight and outlook with a residential zone iv. 15.3.3.5 Outdoor storage areas v. 15.3.3.6 Landscaping and trees vi. 15.3.3.7 Water supply for fire fighting vii. 15.3.3.8 Minimum building setback from railway corridor The built form standards in 14.9.3 do not apply
P22 P21	All permitted activities in the Rural Urban Fringe Zone - Rule 17.3.2.1 Permitted activities	a. Activities shall comply with the following standards of the Rural Urban Fringe Zone: i. 17.3.3.2 Maximum building height viii. 17.3.3.3 Minimum building setback from road boundaries ix. 17.3.3.4 Minimum building setback from internal boundaries x. 17.3.3.8 Maximum site coverage The built form standards in 14.9.3 do not apply.

Activity		Activity specific standards
P23 <u>P22</u>	Show homes	a. The hours of operation, when the <u>site</u> is open to visitors, clients, and deliveries, shall be limited to between the hours of: <ul style="list-style-type: none"> i. 0700 – 2100 Monday to Friday; and ii. 0800 – 1900 Saturday, Sunday and public holidays.

14.9.2.3 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 14.14, or as otherwise specified, as set out in the following table for each activity.

Activity		The Council's discretion shall be limited to the following matters:
RD22	In locations to which Rule 14.9.2.1 <u>P204</u> applies, activities and buildings that are permitted activities in the Local Commercial Zone but do not meet any one or more of the activity specific standards specified in Rule 14.9.2.1 <u>P204</u> .	c. Impacts on neighbouring property -Rule 14.14.3 d. Scale of activity – Rule 14.14.5 e. Traffic generation and access safety – Rule 14.14.6 f. Non-residential hours of operation – Rule 14.14.22
RD23	Activities and buildings that are permitted activities in the Rural Urban Fringe Zone but do not meet any one or more of the activity specific standards specified in Rule 14.9.2.1 <u>P212</u>	a. Whether appropriate recognition has been given to the development requirements set out in the relevant outline development plan and adverse effect of the rural activity on achieving the development requirements in the future.
RD24	Show homes that do not meet Rule 14.9.2.1 <u>P223</u>	a. Non-residential hours of operation – Rule 14.14.22

Delete **Rule 14.9.2.3 RD2** (deferred to Chapter 6 General Rules) as shown:

Activity		The Council's discretion shall be limited to the following matters:
RD2	<i>deferred to General Rules</i>	

Delete **Rule 14.14.7** (deferred to Chapter 6 General Rules) as shown:

~~14.14.7 Stormwater ponding areas within three kilometres of Christchurch International Airport~~

~~[deferred to General Rules]~~

Amend **Appendix 14.15.4 - Aircraft noise exposure** as follows:

This appendix derives from Rule 14.2.4.~~64~~.7.

1.1 Indoor design sound levels		
New buildings and additions to existing buildings located within the 50 dBA Ldn Air Noise Contourline as shown on the planning maps shall be designed to ensure the indoor sound levels stated in the table below, are not exceeded with all windows and doors closed.		
Indoor design sound levels		
Building type and activity	Indoor design and sound levels	
	SEL dBA	dBA Ldn
Residential units and older person's housing		
...		
1.2 Noise insulation calculations and verification		
(a) Building consent applications must contain a report detailing the calculations showing how the required sound insulation and construction methods have been determined.		
(b) For the purpose of sound insulation calculations the external noise levels for a site shall be determined by application of the airport noise contours Ldn and SEL. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours.		
(c) If required as part of the final building inspection, the sound transmission of the facade shall be tested in accordance with ISO 140-5 or ASTM to demonstrate that the required facade sound insulation performance has been achieved. A test report is to be submitted. Should the facade fail to achieve the required standard then it shall be improved to the required standard and re-tested prior to occupation.		

Chapter 15 Commercial

The following amendments are made to Chapter 15 Commercial (deleted text ~~struck through~~, added text underlined).

Amend **Policy 15.2.4.5 b.** as follows:

- b. Provide for the effective development, operation, maintenance and upgrade of strategic infrastructure and avoid adverse effects of greenfield development on strategic infrastructure through managing the location of activities and the design of stormwater areas. This includes but is not limited to, avoiding sensitive activities within commercial zones located within the 50 dBA Ldn Air Noise ~~Ce~~ntour ~~line~~ and within the Lyttelton Port Influences Overlay Area.

Amend **Rule 15.4.1.5 NC2**, **Rule 15.5.1.4 NC2** and **Rule 15.8.1.4 NC2** by replacing “air noise contour (50 dBA Ldn)” with “50 dB Ldn Air Noise Contour”.

Amend **Rule 15.4.2.7** as follows:

15.2.3.7 Landscaping and trees

Landscaping and trees shall be provided as follows:

	Standard
a.	<p>i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced extending to the road boundary within the setback.</p> <p>ii. On all sites, one tree shall be planted for every 5 car parking spaces provided between buildings and the street. Trees shall be planted within or adjacent to the car parking area at the front of the site.</p> <p>iii. All landscaping / trees required under these rules shall be in accordance with the provisions in Appendix 16.6<u>16.11.6</u> of Chapter 6.</p>

Amend **Rule 15.5.2.6** as follows:

15.5.2.6 Landscaping and trees

Landscaping and trees shall be provided as follows:

	Standard
a.	Outside the Central City:

	Standard
	<ul style="list-style-type: none"> i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced. ii. All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6<u>16.11.6 of Chapter 6</u>.

Amend **Rule 15.7.2.6** as follows:

15.7.2.6 Landscaping and trees

Landscaping and trees shall be provided as follows:

Standard
<ul style="list-style-type: none"> a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards: <ul style="list-style-type: none"> i. Minimum width - 1.5 metres ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced. b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary. c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes. d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 16.6<u>16.11.6 of Chapter 6</u>.

Amend **Rule 15.8.2.6** as follows:

15.8.2.6 Landscaped areas

Landscaping shall be provided as follows:

	Standard
a.	<p>The minimum percentage of the site to be landscaped shall be 20%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).</p> <p>This clause shall not apply to emergency service facilities</p>

	Standard
b.	<p>The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards:</p> <ul style="list-style-type: none"> a. Minimum width - 1.5 metres b. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof, evenly spaced with shrubs between each tree. <p>This clause shall not apply to emergency service facilities</p>
c.	<p>On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>
d.	<p>In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.</p>
e.	<p>All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 46.6<u>46.11.6 of Chapter 6</u>.</p>

Amend **Rule 15.9.2.6** as follows:

15.9.2.6 Landscaping and trees

Landscaping shall be provided as follows:

Standard
<ul style="list-style-type: none"> a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards: <ul style="list-style-type: none"> i. Minimum width - 1.5 metres ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced. b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary. c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes. d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 46.6<u>46.11.6 of Chapter 6</u>. <p>Clause (a) shall not apply to emergency service facilities</p>

Chapter 16 Industrial

The following amendments are made to Chapter 16 Industrial (deleted text ~~struck through~~, added text underlined).

Amend **Policy 16.2.1.4 b.i.** as follows:

- i. sensitive activities located within the 50 dBA Ldn Air Noise Contour line, the Lyttelton Port Influences Overlay Area and in proximity to the National Grid;

Amend **Rule 16.4.1.1 P18**, **Rule 16.4.1.4 NC2** and **Rule 16.6.1.4 NC2** by replacing “air noise contour (50 dBA Ldn)” with “50 dB Ldn Air Noise Contour”.

Amend **Rule 16.4.2.6** as follows:

16.4.2.6 Landscaped areas

Landscaping and trees shall be provided as follows:

	Standard
a.	<p>d. The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof.</p> <ol style="list-style-type: none"> i. Land adjoining Main North Road (SH1) between Dickey's Road and Factory Road; ii. Land adjoining Main South Road, between Barter's Road and Halswell Junction Road; and iii. Land adjoining Tunnel Road. <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>
b.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof.
c.	All landscaping / trees required by these rules shall be in accordance with the provisions in Appendix 16.8.16.11.6 <u>16.11.6 of Chapter 6</u> .

Amend **Rule 16.4.3.1.1 P2** by replacing “50 Ldn dBA air noise contour line” with “50 dB Ldn Air Noise Contour”.

Amend **Rule 16.4.4.2.3** as follows:

16.4.4.2.3 Landscaped areas

Landscaping and trees shall be provided as follows:

	Applicable to:	Standard
a.	Tunnel Road frontage only	<p>a. Any site that adjoins Tunnel Road shall have a landscaping strip with a minimum width of 1.5 metres along the allotment boundary with Tunnel Road with the exception of that part defined on the outline development plan in Appendix 16.8.3 as 'Landscape and stormwater area (Green Space)'; and</p> <p>b. Planting of trees and shrubs within the landscaping strip adjacent to Tunnel Road shall be in accordance with the Landscape Plan and Plant Species List (see Appendix 16.8.3) and shall meet the requirements specified in Part A of Appendix 16.8.16.11.6 of Chapter 6; and</p> <p>c. The landscaping required under Rule 16.4.4.2.3 a. shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clause a. relates to as a permitted activity standard.</p>

Amend **Rule 16.4.6.2.3** as follows:

16.4.6.2.3 Landscaped areas

Landscaping and trees shall be provided as follows:

	Applicable to:	Permitted
a.	Sites adjoining 'Belfast cemetery' and 'Future area for cemetery purposes' as defined on the North Belfast Outline Development Plan in Appendix 16.8.5i, or a residential zone	<p>i. Sites adjoining 'Belfast cemetery' or 'Future area for cemetery purposes' as defined on the North Belfast Outline Development Plan in Appendix 16.8.5i, or a residential zone, shall have a landscaping strip with a minimum width of 3 metres along that boundary with the 'Belfast cemetery', 'Future area for cemetery purposes' and residential zone.</p> <p>ii. All landscaping / trees required under (i) shall be in accordance with the provisions in Appendix 16.8.16.11.6 of Chapter 6.</p> <p>iii. The requirements of clause (i) shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clause (i) relates to.</p>

	Applicable to:	Permitted
b.	Setback from the outer edge of esplanade reserves	<ul style="list-style-type: none"> i. Any site that adjoins an esplanade reserve shall have a landscaping strip with a minimum width of 3 metres along the allotment boundary with the esplanade reserve. ii. All landscaping / trees required under (i) shall be in accordance with the provisions in Appendix 16.8.16.11.6 of Chapter 6. iii. The requirements of clause (i) shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clause (i) relates to.

Amend **Rule 16.5.2.6** as follows:

16.5.2.6 Landscaped areas

Landscaping and trees shall be provided as follows:

	Standard
a.	<p>e. The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof:</p> <ul style="list-style-type: none"> i. Land adjoining Main South Road between Marshs Road and Halswell Junction Road; and ii. Land at Chaney's, north of Main North Road, between State Highway 1 and the railway line <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>
b.	<p>The road frontage of all sites opposite a rural zone shall have a landscaping strip in accordance with the following standards:</p> <ul style="list-style-type: none"> i. minimum width – 10 metres ii. minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.
c.	<p>On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>
d.	<p>All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.8.16.11.6 of Chapter 6.</p>

	Standard
e.	On the land legally described as Lot 3, DP 49632 (330 Springs Road) the existing line of eucalyptus trees along the southern boundary of the site shall be retained.

Amend **Rule 16.5.4.2.4** as follows:

16.5.4.2.4 Landscaped areas

Landscaping and trees shall be provided as follows:

	Standard
a.	<p>a. The setback from Marshs Road and the rural zone required under Rules 16.5.4.2.2 and 16.5.4.2.3 a. shall comprise a landscaping strip of a depth equivalent to the setback, comprising:</p> <ul style="list-style-type: none"> i. Two rows of trees, staggered in a manner that one row is off-set from the other row. ii. Trees shall be spaced 10 metres apart in each row. iii. The trees used in the landscaping strip shall comprise one or more of the following species: Podocarpus totara – totara, Hoheria angustifolia – houhere/ narrow-leaved lacebark, Plagianthus regius – manatu/ lowland ribbonwood. iv. The existing shelterbelt on the Marshs Road frontage shall be retained until trees required under clause ii. are 6 metres in height. v. Shrubs shall be planted between the two rows of trees, using the species listed in Appendix 16.8.16.11.6 of Chapter 6, Section 3. vi. The requirements of Appendix 16.8.16.11.6 of Chapter 6, Part A shall apply. vii. Maintenance of the landscaping strip shall be undertaken for a period of no less than 5 years from the date of planting.

Amend **Rule 16.6.2.7** as follows:

16.6.2.7 Landscaped areas

Landscaping and trees shall be provided as follows:

	Standard
a.	The minimum percentage of the site to be landscaped shall be 10%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).
b.	The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards. <ul style="list-style-type: none"> iii. Minimum width - 1.5 metres i. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.
c.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof.
d.	In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.
e.	All landscaping/ trees required for these rules shall be in accordance with the provisions in Appendix 16.8.14 <u>16.11.6 of Chapter 6</u> .
f.	The built form standards in clauses (a) and (b) shall not apply to emergency service facilities.

Amend **Rule 16.6.5.2.2** as follows:

16.6.5.2.2 Landscaped areas

Landscaping and trees shall be provided as follows:

	Applicable to	Standard
a.	Activities located on a site that includes or adjoins the former channel of the Styx River, identified on the Industrial Park Zone (Wairakei Road) Outline Development Plan in Appendix 16.8.14 as “Indicative Blue/ green corridor – planting”	a. Planting of trees and shrubs shall: <ul style="list-style-type: none"> i. be completed prior to, or in conjunction with, the establishment of the activity; i. be at a density of 1 tree or shrub per 2m²; ii. be undertaken as a corridor either side of the former channel of the Styx River; and iii. be of indigenous species only.
b.	Activities on sites adjoining the Rural Urban Fringe	a. A landscaping strip shall be provided adjacent to the boundary with the Rural Urban Fringe and/or Specific Purpose (School) Zones in accordance with the following standards:

	Applicable to	Standard
	and/or Specific Purpose (School) Zones.	<ul style="list-style-type: none"> i. Minimum width of 10 metres iv. Two rows of trees, staggered in a manner that one row is off-set from the other row; v. Trees shall be spaced 10 metres apart in each row; vi. Trees used in the landscaping strip shall comprise one or more of the following species: Podocarpus totara – Totara, Hoheria angustifolia – houhere/ narrow-leaved lacebark, Plagianthus regius – manatu/ lowland ribbonwood; vii. Shrubs shall be planted between the two rows of trees, using the species listed in Appendix 46.8.46.11.6 of Chapter 6, section 3; viii. The requirements of Appendix 46.8.46.11.6 of Chapter 6 Part A shall apply; ix. Maintenance of the landscaping strip shall be undertaken for a period of no less than 5 years from the date of planting. x. The landscaping strip shall be completed prior to, or in conjunction with, the establishment of the activity.
c.	Activities on sites adjoining the Specific Purpose (School) Zones.	<ul style="list-style-type: none"> a. In addition to (a) and (b), a solid, continuous fence with a minimum height of 1.8 metres shall be constructed on the boundary with the Specific Purpose (Schools) Zone. f. The fence shall be constructed prior to, or in conjunction with, the establishment of the activity.

16.6 Appendices

Delete Appendix 16.6.1

16.6.1 Rules and guidance for landscaping and tree planting

The provisions in Part B of this appendix are for information and guidance only and are not statutory rules. They have been incorporated to assist in the choice of species suitable for planting in particular site conditions, and to help ensure the Council's requirements are successfully achieved.

Part A: Tree requirements—statutory requirements

1. Tree Size

- a. Any tree required under Landscaped area rules shall be:
 - i. not less than 1.5 metres high at the time of planting; and
 - ii. a species capable of reaching a minimum height at maturity of eight metres.

Note: trees listed in Part B of this appendix would meet this clause.

2. Tree protection

- a. Any trees required under Landscaped area rules shall be located within a landscaping strip, or within a planting protection area, with a minimum dimension or diameter of 1.5 metres.
- b. No more than 10% of any landscaping strip required under Landscaped area rules, or any planting protection area, shall be covered with any impervious surfaces.
- c. Landscaping strips or planting protection areas adjacent to a road boundary, or adjacent to or within a car parking area, shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least one metre from any tree.

3. Maintenance of trees and landscaping

- a. Any landscaping or trees required under Landscaped area rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.

Part B: Tree species—information and guidance only, non-statutory requirements

4. The lists of trees and shrubs contained in Sections 1 to 3 of this Part are considered suitable for Christchurch conditions.

- a. Section 2 of this Part specifies the suitability of the trees that meet the requirements in Part A for particular conditions, these being:
 - i. trees suitable for moist/wet soil conditions;
 - ii. trees suitable for dry soil conditions;
 - iii. frost tender trees;
 - iv. trees suitable for coastal areas;
 - v. trees suitable for car parking/ paved areas etc;
 - vi. trees susceptible to wind damage/ breakages;
 - vii. trees with aggressive root system (relevant to driveways and underground services);
 - viii. trees prone to common diseases.
- b. More detailed descriptions and requirements for each tree can be obtained from various plant manuals or by seeking advice from the Christchurch City Council City Arborist or Nursery Supervisor. It should be noted that the tree size ranges are estimates for trees that are planted in highly modified environments, e.g. streets, car parks, pedestrian malls, storm water swales. Trees planted in parks or large gardens are expected to grow larger.
- c. The shrubs listed in Section 3 are considered suitable for planting between trees in landscaped strips.

Section 1 – Trees considered suitable for Christchurch conditions**1.1 Deciduous broadleaved trees**

Common name	Botanical name	Height range	Canopy spread range
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Red oak	<i>Quercus rubra</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Scarlet oak	<i>Quercus coccinea</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Willow oak	<i>Quercus phellos</i>	15m-20m	10m-15m
Sawtooth oak	<i>Quercus acutissima</i>	15m-20m	10m-15m
Turkish hazel	<i>Corylus collurna</i>	10m-15m	6m-10m
European beech	<i>Fagus sylvatica</i>	15m-20m	10m-15m
Copper or purple beech	<i>Fagus sylvatica purpureum</i> (and 'Riversii')	15m-20m	10m-15m
Weeping beech	<i>Fagus sylvatica pendula</i>	15m-20m	6m-10m
Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck'	10m-15m	3m-6m
Purple Dawyck beech	<i>Fagus sylvatica</i> 'Dawyck Purple'	10m-15m	3m-6m
American beech	<i>Fagus grandifolia</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	<i>Fraxinus</i> 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Golden ash	<i>Fraxinus excelsior</i> 'Jaspidea' (or 'Aurea')	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m
Horsechestnut	<i>Aesculus hippocastanum</i>	15m-20m	10m-15m
Seedless horsechestnut	<i>Aesculus plantierensis</i>	15m-20m	10m-15m
Walnut	<i>Juglans regia</i>	15m-20m	10m-15m
Common lime	<i>Tilia x europaea</i>	15m-20m	10m-15m
Large leaved lime	<i>Tilia platyphyllos</i>	15m-20m	10m-15m
Small leaved lime	<i>Tilia cordata</i>	15m-20m	10m-15m
Weeping silver lime	<i>Tilia petiolaris</i>	15m-20m	10m-15m
Silver lime	<i>Tilia tomentosa</i>	15m-20m	10m-15m
Liquidambar 'Worplesdon'	Liquidambar 'Worplesdon'	15m-20m	10m-15m
London plane	<i>Platanus acerifolia</i>	15m-20m	10m-15m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m
Autumn glory plane	<i>Platanus orientalis</i> <i>insularis</i>	15m-20m	10m-15m
Cut leaf plane	<i>Platanus orientalis</i> <i>digitata</i>	15m-20m	10m-15m
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Variegated Norway maple	<i>Acer platanoides</i> 'Drummondii'	10m-15m	10m-15m
Acer 'Bloodgood'	Acer 'Bloodgood'	3m-10m	6m-10m
Trident maple	<i>Acer buergerianum</i>	15m-20m	10m-15m
Paper bark maple	<i>Acer griseum</i>	3m-10m	6m-10m
Field maple	<i>Acer campestre</i>	10m-15m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Paper birch	<i>Betula papyrifera</i>	15m-20m	10m-15m
Black birch	<i>Betula nigra</i>	15m-20m	10m-15m
Swedish birch	<i>Betula pendula dalecarlica</i>	15m-20m	10m-15m
Himalayan birch	<i>Betula jaquemontii</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Chinese tulip tree	<i>Liriodendron chinensis</i>	15m-20m	15m-10m
Maidenhair tree (male only)	<i>Ginkgo biloba</i>	15m-20m	6m-10m
Hornbeam	<i>Carpinus betulus</i>	15m-20m	10m-15m
Common alder	<i>Alnus glutinosa</i>	15m-20m	10m-15m
Italian alder	<i>Alnus cordata</i>	15m-20m	10m-15m
Grey alder	<i>Alnus incana</i>	15m-20m	10m-15m
Red alder	<i>Alnus rubra</i>	15m-20m	10m-15m
Indian bean tree	<i>Catalpa bignonioides</i>	15m-20m	10m-15m
Weeping willow	<i>Salix babylonica</i>	15m-20m	15m-20m
Golden weeping willow	<i>Salix x chrysoeoma</i>	15m-20m	15m-10m

1.2 Coniferous trees

Common name	Botanical name	Height	Canopy spread range
Wellingtonia	Sequoiadendron giganteum	20m-25m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Spanish fir	Abies pinsapo	10m-15m	6m-10m
Atlantica cedar	Cedrus atlantica	15m-20m	10m-15m
Western red cedar	Thuja plicata	15m-20m	6m-10m
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Bhutan cypress	Cupressus torulosa	15m-20m	6m-10m
Monkey puzzle/ Chile pine	Araucaria araucana	15m-20m	6m-10m
Totara	Podocarpus totara	10m-15m	6m-10m
Dawn redwood	Metasequoia glyptosteuoboides	15m-20m	6m-10m
Japanese cedar	Cryptomaria japonica	15m-20m	6m-10m

1.3 Other evergreens

Common name	Botanical name	Height range	Canopy spread range
Bay laurel	Laurus nobilis	10m-15m	6m-10m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen or holm oak	Quercus Ilex	15m-20m	10m-15m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

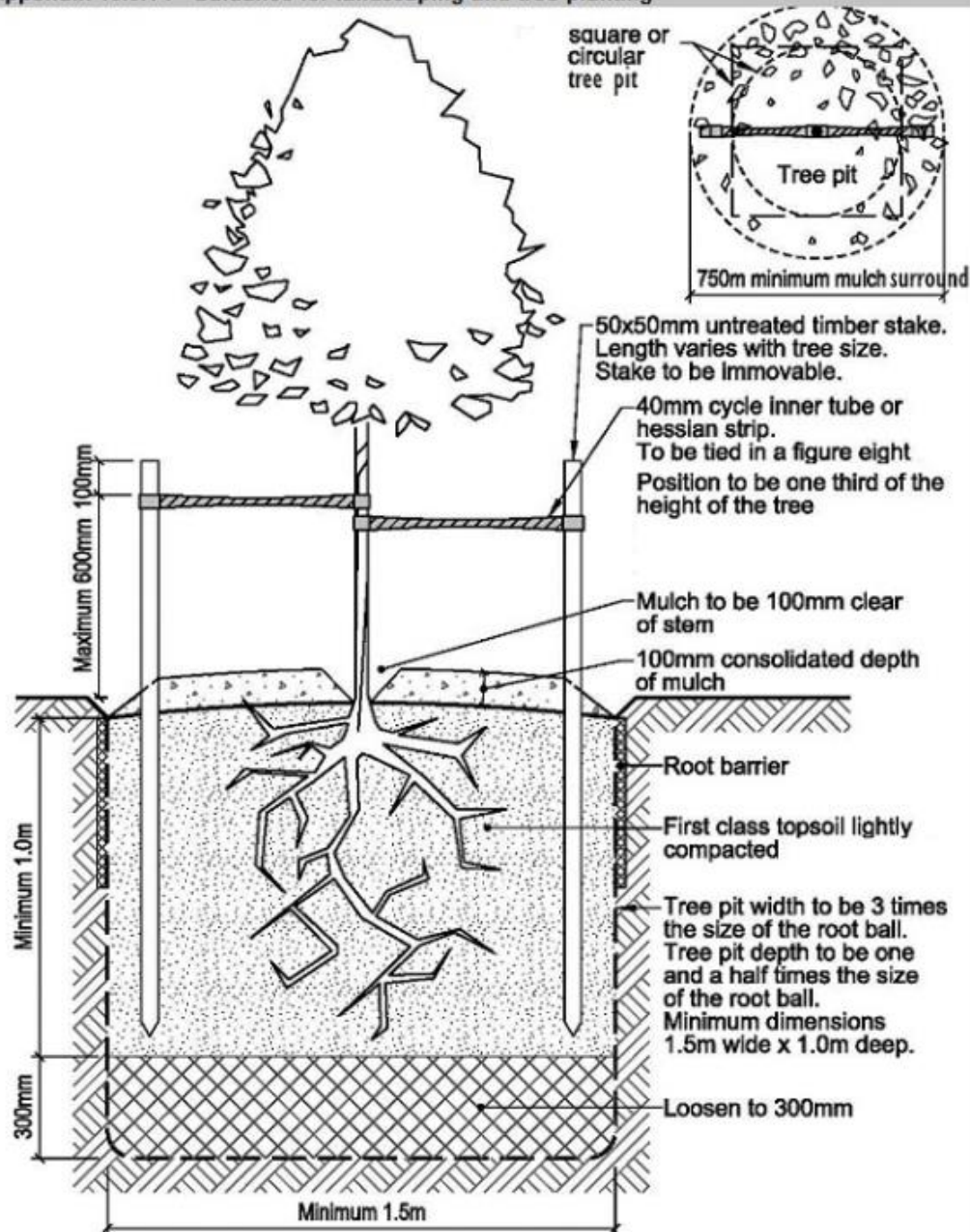
1.4 Palms

Common name	Botanical name	Height range	Canopy spread range
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

1.5 Native trees

Common name	Botanical name	Height range	Canopy spread range
Totara	Podocarpus totara	10m-15m	6m-10m
Kahikatea/white pine	Podocarpus daerydioides	10m-15m	6m-10m
Rimu	Daerydium cupressinum	10m-15m	6m-10m
Red beech	Nothofagus fusca	10m-15m	6m-10m
Silver beech	Nothofagus menziesii	10m-15m	6m-10m
Black beech	Nothofagus solandri var. solandri	10m-15m	6m-10m
Mountain beech	Nothofagus solandri var. cliffortioides	10m-15m	6m-10m
Miro	Prumnopitys ferruginea	10m-15m	3m-6m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Pohutukawa	Metrosideros excelsa	TBC	TBC

Appendix 16.6.1 i - Guidance for landscaping and tree planting



Note: Irrigation is likely to be required for first year.

Generic detail for trees in landscaping strips / grass berms

Section 2 – Suitability of trees for particular conditions

2.1 Trees for wet soil conditions (in order of tolerance to wetness)

Common name	Botanical name	Height range	Canopy spread range
Swamp cypress	<i>Taxodium distichum</i>	15m-20m	6m-10m
Moosewood	<i>Acer pensylvanicum</i>	15m-20m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m
Kahikatea/ White pine	<i>Daerycarpus acrydioides</i>	10m-15m	6m-10m
Alder (most species)	<i>Alnus</i> species	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Black birch	<i>Betula nigra</i>	15m-20m	10m-15m
Willow (most species)	<i>Salix</i> species	15m-20m	15m-20m
Lombardy poplar (shelterbelts)	<i>Populus italica</i> 'Nigra'	15m-20m	6m-10m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m
Dawn redwood	<i>Metasequoia glyptostroboides</i>	15m-20m	6m-10m

2.2 Trees suitable for dry soil

Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	<i>Podocarpus totara</i>	10m-15m	6m-10m
Exotic			
Field maple	<i>Acer campestre</i>	10m-15m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Indian horse chestnut	<i>Aesculus indica</i>	15m-20m	10m-15m
Hornbeam	<i>Carpinus betulus</i>	10m-15m	10m-15m
Atlantic cedar	<i>Cedrus atlantica</i>	15m-20m	10m-15m
Hop hornbeam	<i>Ostrya carpinifolia</i>	10m-15m	6m-10m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Bay laurel	<i>Laurus nobilis</i>	10m-15m	6m-10m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Cork oak	<i>Quercus suber</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Californian redwood	<i>Sequoia sempervirens</i>	15m-20m	10m-15m
Alder (tolerant of dry and wet soils)	<i>Alnus species</i>	15m-20m	10m-15m
Arizona ash	<i>Fraxinus velutina</i>	15m-20m	10m-15m

2.3 Frost tender trees suitable for Sumner, Redcliffs and frost free hill areas

Common name	Botanical name	Height range	Canopy spread range
Scarlet gum	<i>Eucalyptus ficifolia</i>	3m-10m	6m-10m
Monkey puzzle	<i>Araucaria araucana</i>	15m-20m	6m-10m
Pohutukawa	<i>Metrosideros excelsa</i>	10m-15m	10m-15m

2.4 Trees suitable for Christchurch coastal areas

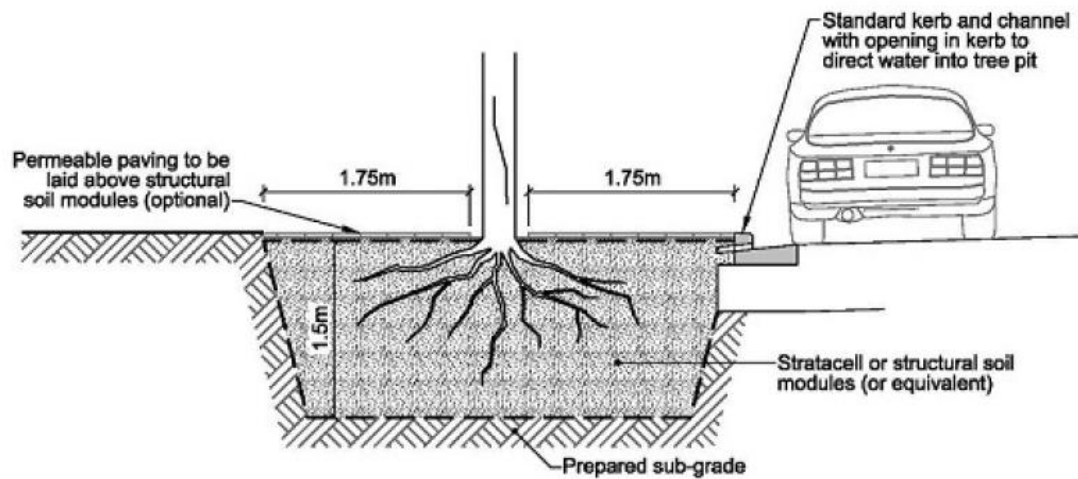
Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m
Horse chestnut	Aesculus hippocastanum	15m-20m	10m-15m
Monkey puzzle	Araucaria araucana	15m-20m	6m-10m
Japanese cedar	Cryptomeria japonica	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Bay laurel	Lauris nobilis	10m-15m	6m-10m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Oriental plane	Platanus orientalis	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen holm oak	Quercus ilex	15m-20m	10m-15m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Macrocarpa (shelterbelts only)			
Western red cedar			
Monterey pine (shelterbelts only)	Pinus radiata	15m-20m	15m-20m

Common name	Botanical name	Height range	Canopy spread range
Maritime pine (shelterbelts only)	<i>Pinus pinaster</i>	15m-20m	10m-15m
Stone pine (shelter belts only)	<i>Pinus pinea</i>	15m-20m	10m-15m
Norfolk pine	<i>Araucaria heterophylla</i>	15m-20m	10m-15m
Whitebeam	<i>Sorbus aria</i> 'Lutescens'	10m-15m	6m-10m

2.5 Trees suitable for car parks, paved surfaces and buildings

Common name	Botanical name	Height range	Canopy spread range
Common lime	<i>Tilia x europaea</i>	15m-20m	10m-15m
Large leaved lime	<i>Tilia platyphyllos</i>	15m-20m	10m-15m
Silver lime	<i>Tilia tomentosa</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Field maple	<i>Acer campestre</i>	15m-20m	10m-15m
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Variegated norway maple	<i>Acer platanoides</i> 'Drumondii'	10m-15m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	<i>Fraxinus</i> 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
London plane	<i>Platanus acerifolia</i>	15m-20m	10m-15m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Liquidambar 'Worplesdon'	Liquidambar 'Worplesdon'	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m

Appendix 16.6.1 ii - Guidance for landscaping and tree planting



Generic detail for trees in car park / paved situations

2.6 ~~Trees particularly susceptible to wind damage/branch breakage~~

Common name	Specific susceptibility
Wattle	Weak branch unions
Acer negundo (box elder)	Brittle branches, weak branch unions
Agonis (myrtle)	Weak branch unions
Banksia integrifolia	Weak branch unions
Eucalyptus	Heavy end weighted branches can cause branch breakage, summer branch drop
Gleditsia triacanthos (honey locust)	Weak branches
Paulownia tomentosa (epaulette tree)	Weak branch unions, brittle branches
Poplar	Weak branch unions

Common name	Specific susceptibility
Wattle	Weak branch unions
Liquidambar	Heavy weak branch forks and brittle timber prone to wind damage when in full leaf
Claret ash (and other ash species excepting common and manna ash)	Weak forks, brittle timber
Willow (all species)	Brittle timber, heavy foliage, summer branch drop
Pinus radiata	Wind and snow damage
Cupressus macrocarpa	Wind and snow damage
Cedar (all species)	May suffer loss of large branches in winds and snow when mature

The above trees should not be precluded from plantings entirely but thought should be given to siting them in more sheltered positions away from buildings and public thoroughfares.

2.7 Trees with particularly aggressive root systems

- a. The roots of all trees have the potential to cause damage to structures, underground services and sealed/paved surfaces if planted too close to them. For example, most trees have a tendency to develop roots under shallow sealed surfaces often causing cracking or lifting.
- b. Properly constructed planting pits that allow for adequate root growth along with the use of a combination of structural soils (or root cells) and permeable asphalt surrounding the planting pit will alleviate this problem. Please contact the Christchurch City Council City Arborist for more information.
- c. The roots of all trees will follow moisture trails from leaking drainage systems (usually old earthenware pipes) and enter them. However, most modern drainage pipes made of synthetic materials with greatly improved joint sealing should be able to withstand all but the direct expansion pressure of trees growing right next to them. In addition tree roots will not extend in to heavily compacted soils. Soils around underground services need to be heavily compacted so that roots will not enter them. To be on the safe side, medium to large sized trees should be situated at least 3.0 metres from all drainage pipes except that if a tree root barrier is used then trees can be planted up to 1.5 metres from drainage pipes. A modern reinforced concrete slab building foundation constructed to withstand earthquake forces should not be affected by tree roots, except possibly where a larger tree is growing right against it. The older type of foundation, which ran around the perimeter of the building only, is much more at risk and even smaller growing trees should not be planted too close.
- d. Commonly planted tree species more frequently associated with damage to the above structures are as follows:
 - i. Willows

- ii. — ~~Poplars~~
- iii. — ~~Eucalyptus~~
- iv. — ~~Pinus radiata~~
- v. — ~~Cuppressus macrocarpa~~
- vi. — ~~Horsechestnut~~
- vii. — ~~Maples and sycamore~~
- viii. — ~~Ash.~~

2.8 ~~Trees prone to diseases common in Christchurch~~

Common name	Disease
Ornamental crabapples, plums, cherries and rowans etc	Silver leaf disease, particularly when pruned or wounded
Cypress, thuja, juniper (and forms)	Leaf webber insect
Cypress, thuja, juniper (and forms)	Cypress canker
Native lacebark	Gall mite
London plane	Anthracnose (leaf and twig blight)
Cherry, pear, plum	Flowering thorns and white beam cherry/pear slug
Weeping willow	Honey fungus root rot
Upright willow	Bacterial die back
Spruce	Needle/leaf defoliating insect
Wattles (<i>Racosperma dealbata</i> & <i>baileyana</i>)	Rust fungi galls
Maple	Formopsis (twig dieback)

Section 3: Species of shrubs for planting in landscaping strips—information and guidance only, non-statutory requirements.

Native Shrubs	
Common name	Botanical Name
	<i>Astelia</i> spp
	<i>Brachyglottis greyi</i>
	<i>Chionochoea flavicans</i>
	<i>Coprosma</i> spp
	<i>Corokia</i> spp
	<i>Hebe</i> spp
Whiteywood	<i>Melicope ramiflorus</i>
Red matipo	<i>Myrsine australis</i>
Kawakawa	<i>Piper excelsum</i>
	<i>Pittosporum</i> 'Mountain Green'
Five finger	<i>Pseudopanax arboreus</i>
	<i>Pseudopanax</i> 'Cyril Watson'
Lancewood	<i>Pseudopanax crassifolius</i>
Toothed Lancewood	<i>Pseudopanax ferox</i>
	<i>Pseudowintera</i> 'Red Leopard'
Prostrate Kowhai	<i>Sophora prostrata</i>
Exotic Shrubs	
Common name	Botanical name
	<i>Abelia</i> spp
	<i>Acer</i> spp
Japanese laurel	<i>Aucuba japonica</i>

Barbary	Berberis spp
	Boronia spp
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Carpet rose	Rosa 'Carpet Rose'
	Ceanothus spp
Chinese plumbago	Ceratostigma willmotianum
Mexican orange blossom	Choisya ternata
Breath of heaven	Coleonema pulchrum
	Correa spp
Winter Hazel	Corylopsis spicata
Smoke bush	Cotinus spp
	Daphne spp
	Deutzia spp
	Erica spp
	Escallonia spp
Japanese laurel	Fatsia japonica
	Forsythia spp
	Gardenia spp
	Hydrangea spp
	Leucodendron spp
	Leucospermum spp
	Loropetalum spp
Star Magnolia	Magnolia stellata

	<i>Michelia doltsopa</i>
Port Wine Michelia	<i>Michelia figo</i>
	<i>Nandina 'Gulf Stream'</i>
Red Robin	<i>Photonia x fraseri</i>
Lily of the Valley	<i>Pieris japonica</i>
	<i>Protea spp</i>
	<i>Rhododendron</i>
Rosemary	<i>Rosmarinus officinalis</i>
Waratah	<i>Telopea spp</i>
	<i>Weigelia florida</i>
Shrubs for Low Screening (3 metres–5 metres height)	
Natives	
Common name	Botanical name
Taupata	<i>Coprosma repens</i>
Ake ake	<i>Dodonea viscosa</i>
Purple ake ake	<i>Dodonea viscosa 'Purpurea'</i>
Broadleaf	<i>Griselinia spp</i>
Narrow-leaved houhere	<i>Hoheria angustifolia</i>
Kanuka	<i>Kunzea ericoides</i>
Whiteywood	<i>Melicetyus ramiflorus</i>
Manuka	<i>Leptospermum scoparium</i>
Fragrant olearia	<i>Olearia fragrantissima</i>
Mountain holly	<i>Olearia ilicifolia</i>
Golden akeake	<i>Olearia paniculata</i>
Kawakawa	<i>Piper excelsum</i>

Lemonwood	Pittosporum eugenoides
Kohupu	Pittosporum tenuifolium
Karo	Pittosporum crassifolium
Exotics	
Common name	Botanical name
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Camelia	Camelia spp
	Ceanothus spp
Smoke bush	Cotinus spp
Japanese aralia	Fatsia japonica
	Michelia doltsopa
Red robin	Photonia x fraseri
	Protea spp
	Rhododendron

Chapter 17 Rural

The following amendments are made to Chapter 17 - Rural (deleted text ~~struck through~~, added text underlined).

Amend **Policy 17.1.1.10 c.i.** as follows:

- 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 and the 50dB Ldn Engine Testing 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]*~~

Amend **Rule 17.3.2.1 P7** and **P11** as follows:

P7	Minor residential unit	<ul style="list-style-type: none"> a. Shall have a minimum GFA of 35m² and a maximum GFA of 70m²; b. Shall share vehicle access with the primary residential unit; c. Shall be located on a site with a minimum net site area of 4ha; and d. Shall be limited to a family flat where located within the 50dB Ldn Air Noise Contour <u>or the 50dB Ldn Engine Testing Contour</u>. <i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i>
P11	Farm stay	<ul style="list-style-type: none"> a. Shall accommodate no more than 10 farm stay guests at one time; and b. Guests may be accommodated within an existing residential unit or minor residential unit; <p>Except that where located within the 50dBA Ldn Air Noise Contour <u>or the 50dB Ldn Engine Testing Contour</u>:</p> <ul style="list-style-type: none"> c. The maximum number of farm stay guests accommodated at one time shall not exceed four; and 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>

Delete the notation regarding reconsideration in **Rule 17.3.2.2 RD10** as follows:

RD10	<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 Barters Road, Templeton, Lot 19 DP 23834, CB4C/395; and 15 Barters 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>	<p>a. Residential activities on existing small sites – Rule 17.8.2.6</p>
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Amend **Rule 17.3.2.4 NC5** as follows:

NC5	<p>a. Any sensitive activities located within the 50dB Ldn Air Noise Contour <u>or the 50dB Ldn Engine Testing Contour</u>, including:</p> <p>i. any residential unit on a site less than 4ha;</p> <p>ii. any activity listed in Rule 17.3.2.1 P7 that does not meet activity specific standard d.; and</p> <p>iii. any activity listed in Rule 17.3.2.1 P11 that does not meet activity specific standard c. or d.</p> <p><i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p>
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Amend **Rule 17.4.2.1 P8** and **P12** as follows:

P8	Minor residential unit	<p>a. Shall have a minimum GFA of 35m² and a maximum GFA of 70m²;</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 20ha; and</p> <p>d. Shall be limited to a family flat where located within the 50dB Ldn Air Noise Contour <u>or the 50dB Ldn Engine Testing Contour</u> <i>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i>.</p>
P12	Farm stay	<p>a. Shall accommodate no more than 6 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 <u>or the 50dB Ldn Engine Testing Contour</u>:</p> <p>c. The maximum number of farm stay guests accommodated at one time shall not exceed four; and</p> <p>d. Guests shall only be accommodated in an existing residential unit.</p> <p><i>[These provisions may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</i></p>

Amend **Rule 17.4.2.4 NC6** as follows:

NC6	<p>e. Any sensitive activities located within the 50dB Ldn Air Noise Contour <u>or the 50dB Ldn Engine Testing Contour</u>, including:</p> <ul style="list-style-type: none"> i. any residential unit on a site less than 20ha; ii. any activity listed in Rule 17.4.2.1 P12 that does not meet activity specific standards c. or d.; and iii. any activity listed in Rule 17.4.2.1 P8 that does not meet activity specific standard d. <p>[This provision may be reconsidered by the Hearings Panel following the decision on Chapter 6 General Rules]</p>
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Amend **Rule 17.7.2.2 RD1** (as deferred to Chapter 6 General Rules) as follows:

RD1	<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 17.7.2.4 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> <ul style="list-style-type: none"> 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. Site coverage and building footprint– Rule 17.8.1.6; and e. For Rules 17.7.3.5, 17.7.3.6, 17.7.3.7 (deferred), 17.7.3.8 (deferred), and 17.7.3.9, Rural Templeton – Rule 17.8.2.7 f. Water supply for firefighting – Rule 17.8.1.11
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Delete **Rule 17.7.2.2 RD2** (deferred to Chapter 6 General Rules) as shown:

RD2	[Deferred to Chapter 6 General Rules]	[Deferred to Chapter 6 General Rules]
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Delete **Rules 17.7.3.7 and 17.7.3.8** (deferred to Chapter 6 General Rules) as shown:

~~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]~~

Amend **Rule 17.8.2.3** as follows:

17.8.2.3 Intensive farming, equestrian facilities and boarding of domestic animals

- k. 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.
- l. 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.
- m. 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.
- n. The effects of the hours of operation and public visiting the site on the surrounding environment.
- o. Any other mitigation proposed including visual screening.
- p. For intensive farming located in the Bird Strike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) as shown in Appendix 6.11.7.5:
 - i. the scale and significance of bird strike risk likely to be created at the location proposed.
 - ii. Mitigation of bird strike risk including by design measures, operation or management procedures, direct intervention practices and/or monitoring.

Delete **Rule 17.8.2.7 c.** (deferred to Chapter 6 General Rules) as shown:

- d. ~~[Deferred to Chapter 6 General Rules]~~

Chapter 18 Open Space

The following amendments are made to Chapter 18 - Open Space (deleted text ~~struck through~~, added text underlined).

Amend **Policy 18.1.8 c.ii.** (deferred to Chapter 6 General Rules) as shown:

- e. Minimise potential impacts of development within the open space zones on the operation of the Christchurch International Airport by:
 - i. avoiding development which could give rise to reverse sensitivity effects; ~~and~~
 - ii. ~~[Deferred to Chapter 6 General Rules]~~

Delete the following rules which were deferred to Chapter 6 General Rules:

Rule 18.2.2.3 RD11

Rule 18.3.2.3 RD12

Rule 18.3.4.1.3 RD3

Rule 18.4.2.3 RD8

Rule 18.5.2.3 RD12

Rule 18.6.2.3 RD8

Delete **Rule 18.4.2.4 D2** as shown:

18.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

Activity	
D1	Any activity that does not comply with built form standard 18.4.3.4.
D2	Shooting ranges located closer than 1 kilometre from the Peacock Springs Conservation Area as shown in Appendix 17.9.1.

Delete **Rule 18.7.7** (deferred to Chapter 6 General Rules) as shown:

~~18.7.7 Surface water management structures and birdstrike risk~~

~~[Deferred to Chapter 6 General Rules]~~

SCHEDULE 3

Table of submitters

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 of Witness	Filed/Appeared
Christchurch City Council	3723	Kelly Andrew	Planner	Filed/Appeared
		Adam Scott Blair	Planner	Filed/Appeared
		Stuart Camp	Acoustics	Appeared
		Dr Stephen Chiles	Acoustics	Filed/Appeared
		David Compton-Moen	Urban Design	Filed/Appeared
		Glenda Dixon	Planner	Filed/Appeared
		Edward Jolly	Urban Design	Filed
		John Lonink	Urban Design	Filed
		Belinda Margetts	Waterways Ecologist	Filed/Appeared
		Rachel McClellan	Ornithology	Filed/Appeared
		John McKensey	Lighting	Filed
		Alison McLaughlin	Planner	Filed/Appeared
		Robert Brian Norton	Planner	Filed/Appeared
		Adele Radburnd	Planner	Filed/Appeared
		Janet Reeves	Urban Design	Filed/Appeared
Crown	3721	Geoffrey Deavoll	Planner	Filed
		Rachael Eaton	Urban Design	Filed/Appeared
		Malcolm Hunt	Noise	Filed/Appeared
		Alistair Lawn	Alcohol Licensing	Filed/Appeared
		Sara McMillan	Planner	Filed/Appeared
		Robert Owen	Temporary Military Training Activities	Filed/Appeared
		Andrew Willis	Planner	Filed/Appeared
		Brenden Winder		Filed
Air New Zealand Limited	2255	Eric Morgan	Aviation	Filed/Appeared
Bruce Campbell	2489	Bruce Campbell		Filed/Appeared
Canterbury District Health Board	3696	Stuart Dodd	Alcohol Harm	Filed/Appeared
Carter Group Limited (CGL)	3602	Philip Carter		Filed/Appeared
		David Compton-Moen	Urban Design	Filed/Appeared
		Jeremy Phillips	Planner	Filed/Appeared
Carter Group Limited, Scentre NZ Limited, Kiwi Property Holdings Limited, Bunnings Limited, NPT Limited	3602, 2332, 2372, 2364, 2369	Jonathan Clease	Planner / Urban Design	Filed/Appeared
Catholic Diocese and Others	2147	Robert Nixon	Planner	Filed/Appeared

Submitter Name	No.	Person	Expertise or Role of Witness	Filed/Appeared
Chorus, Spark, Vodafone, 2 Degrees, Enable	3408, 3636, 3556, 3553, 3689	Matthew McCallum Clark		Filed
Christchurch International Airport Limited (CIAL)	2348	Prof S Bagchi		Filed/Appeared
		Kevin Bethwaite	Noise	Filed/Appeared
		Matthew Bonis	Planner	Filed/Appeared
		Rhys Boswell	Company representative	Filed/Appeared
		Andrew Brough	Engineering	Filed
		Jonathan Clease	Planner / Urban Design	Filed
		Michael Copeland	Economist	Filed/Appeared
		Christopher Day	Noise	Filed/Appeared
		Katherine Mckenzie	Planner	Filed/Appeared
		Iain Munro		Filed/Appeared
		Phillip Shaw	Bird Strike	Filed/Appeared
		Nicola Smethem	Landscape Architecture	Filed
Church Property Trustees	2062	Rochelle Hardy	Planner	Filed
ENAAS	2456	Vernon Goodwin	Environmental Acoustics	Filed/Appeared
		Kevin Campbell		Appeared
Paul Francis	5079	Mr Francis		Filed/Appeared
Go Media	2265	Michael Gray	Company representative	Filed/Appeared
		Melanie Foote	Planner	Filed/Appeared
Hands off Hagley Inc.	3711	Professor Kissling		Appeared
Christian Jordan	2497	Christian Jordan		Appeared
Kennaway Park Joint Venture Partnership	2368	Pauline Fiona Aston	Planner	Filed/Appeared
KiwiRail Holdings Limited	2246	Deborah Hewett	Company representative	Filed/Appeared
		Dr Stephen Chiles	Acoustics	Filed/Appeared
David Lawry	2514	David Lawry		Filed/Appeared
David Lawry Bruce Campbell Mike Marra Vanessa Payne John Sugrue Gerrit Venema	2514, 2054, 2489, 2191, 2567, 2091	Prof John-Paul Clarke	Aeronautical acoustics	Filed/Appeared
Lyttelton Port Company	2367	Nevil Hegley	Acoustics	Filed/Appeared
		Andrew Purves	Planner	Filed/Appeared
Mike Marra	2054	Michael Marra		Filed/Appeared
NPT Limited	2369	Kim Seaton	Planner	Filed/Appeared

Submitter Name	No.	Person	Expertise or Role of Witness	Filed/Appeared
Pacific Park Investments Limited	3459	Tony Astle		Filed
		Matthew Bonis	Planner	Filed/Appeared
		Maxwell Bremner		Filed
		Christopher Casserly		Filed
		Michael Copeland	Economist	Filed
		Richard Diver		Filed
		Brett Giddens		Filed/Appeared
		Evan Harris	Valuer	Filed
		James Murdoch		Filed
		Richard Peebles		Filed
		Darren Tait		Filed
		Carissa Tok		Filed
		James Samson		Filed
Vanessa Payne	2191	Vanesssa Payne		Filed/Appeared
Phantom Billstickers Ltd	2313	Jamey Holloway	Company representative	Appeared
		Susan Wells	Planner	Filed/Appeared
Riccarton/Wigram Community Board	3637	Mike Mora		Appeared
Rod Donald Banks Peninsula Trust Akaroa Civic Trust	2311 2285	Janice Cook		Filed/Appeared
John M Sugrue	2567	John Sugrue		Filed/Appeared
Te Runanga o Ngai Tahu	3722	Yvonne Legarth	Planner	Filed/Appeared
The Arts Centre of Christchurch Trust Board	3275	Graham Taylor	Planner	Filed
The Isaac Conservation and Wildlife Trust	2146	John Dowding	Ecologist	Filed/Appeared
		Kim Seaton	Planner	Filed/Appeared
		Dr J Trevathan	Acoustics	Filed/Appeared
The Radford Family	3622	Pauline Fiona Aston	Planner	Filed/Appeared
The University of Canterbury	2464	Daryl Millar	Planner	Filed/Appeared
		Dr J Trevathan	Acoustics	Filed/Appeared
Brent Martin and Suky Thompson	2418	Suky Thompson		Appeared
Transpower New Zealand Limited	2218	Ainsley Mcleod	Planner	Filed/Appeared
		Andrew Renton	Engineer	Filed/Appeared
Gerrit Venema	2091	Gerrit Venema		Filed/Appeared
Jeff Vesey	2212	Jeffrey Vesey		Filed/Appeared
Victoria Neighbourhood Association Inc.	3611	Marjorie Manthei		Filed/Appeared
Kevin and Bonnie Williams	2757	Michael Smith		Filed/Appeared

SCHEDULE 4

Schedule of amendments to figures, appendices and planning maps

Chapter / Provision Reference	Amendments to figures, appendices and planning maps.
6.1 Noise	<p>Figure 1 - Update the title to: Map of 65 dB Ldn Air Noise Compliance Contour</p> <p>Figure 2 – Amend both figures as follows:</p> <ul style="list-style-type: none"> - Show the further constrained engine testing contours in accordance with the Direction in paragraph 545(b)(ii). - Amend the figure so on-aircraft engine testing compliance monitoring positions (ETCMPs) are in the location depicted on Appendix B in the joint memorandum from Christchurch City Council, Christchurch International Airport Limited, and Air New Zealand Limited, dated 30 August 2016.¹ - Amend figure to refer to “on-aircraft” engine testing, rather than “on-wing”.
6.11 Appendices	
<p>Appendix 6.11.3.1 Lancaster Park</p> <p>Appendix 6.11.3.2 Queen Elizabeth II Park</p> <p>Appendix 6.11.3.3 Specific Purpose Wigram Zone</p> <p>Appendix 6.11.3.4 Christchurch Stadium</p> <p>Appendix 6.11.3.5 Carrs Road Raceway</p> <p>Appendix 6.11.3.7 Hagley Park</p> <p>Appendix 6.11.3.8 Cathedral Square</p>	<p>Delete any strikethrough text and update the rule reference in all legends as follows:</p> <p>Site(s) subject to Rule 6.1.6.2.3 Table 4 – Location specific noise standards</p>

¹ Memorandum of Counsel of Christchurch City Council, Christchurch International Airport Limited, and Air New Zealand Limited in relation to the Panel's Minute of 10 August 2016 – Airport Noise Provisions: Clarity, Certainty and Wording Issues, dated 30 August 2016

Chapter / Provision Reference	Amendments to figures, appendices and planning maps.
Appendix 6.11.3.9 Victoria Square	
Appendix 6.11.5.4 Maps of Water Body Classifications	Remove the environmental asset standing water body classification for QE2 Stadium stormwater ponds.
Appendix 6.11.7.4 Map of Christchurch International Airport Ground Lighting and Aircraft Safety Control Areas	Update the rule reference in the key as follows: Light Control Area (see Rule 6.3.4.3 NC2)
Appendix 6.11.7.5 Map of Christchurch International Airport Bird Strike Management Area (within 3km of the thresholds of runways)	Update the map to show only the Bird Strike Management Area within 3km of the thresholds of the runways of Christchurch International Airport. The legend shall be updated to reflect the decision on the Bird Strike Management Area. Title to be updated to read: Map of Christchurch International Airport Bird Strike Management Area (within 3km of the thresholds of runways)
Appendix 6.11.10.6 Waimairi Permitted Temporary Activities Area	The spelling of “Waimairi” to be corrected on the map title. Title to read: Appendix 6.11.10.6 – Waimairi Permitted Temporary Activities Area
Appendix 6.11.11 Maps for Works for the Purposes of Earthquake Recovery	All map titles and legends shall be updated as set out below. <u>Map titles to be updated as follows:</u> Overview Map title to read: Appendix 6.11.11.0 Overview Map Detail Map 1 title to read: Appendix 6.11.11.1 Detail Map 1 Detail Map 2 title to read: Appendix 6.11.11.1 Detail Map 2 Detail Map 3 title to read: Appendix 6.11.11.1 Detail Map 3 Detail Map 4 title to read:

Chapter / Provision Reference	Amendments to figures, appendices and planning maps.
	<p>Appendix 6.11.11.1 Detail Map 4</p> <p>Detail Map 5 title to read: Appendix 6.11.11.1 Detail Map 5</p> <p>Detail Map 6 title to read: Appendix 6.11.11.1 Detail Map 6</p> <p>Detail Map 7 title to read: Appendix 6.11.11.1 Detail Map 7</p> <p>Detail Map 8 title to read: Appendix 6.11.11.1 Detail Map 8</p> <p>Detail Map 9 title to read: Appendix 6.11.11.1 Detail Map 9</p> <p>Detail Map 10 title to read: Appendix 6.11.11.1 Detail Map 10</p> <p>Detail Map 11 title to read: Appendix 6.11.11.1 Detail Map 11</p> <p>Detail Map 12 title to read: Appendix 6.11.11.1 Detail Map 12</p> <p>Detail Map 13 title to read: Appendix 6.11.11.1 Detail Map 13</p> <p>Detail Map 14 title to read: Appendix 6.11.11.1 Detail Map 14</p> <p>Detail Map 15 title to read: Appendix 6.11.11.1 Detail Map 15</p> <p>Detail Map 16 title to read: Appendix 6.11.11.1 Detail Map 16</p> <p>Detail Map 17 title to read: Appendix 6.11.11.1 Detail Map 17</p> <p>Detail Map 18 title to read:</p>

Chapter / Provision Reference	Amendments to figures, appendices and planning maps.
	<p>Appendix 6.11.11.1 Detail Map 18</p> <p><u>Text in all map legends to be updated as follows:</u> Areas where Rule 6.10.3.1 'Works for the Purposes of Earthquake Recovery' applies</p>
<p>Chapter 8 Subdivision</p> <p>Appendix 8.6.5, Appendix 8.6.15, Appendix 8.6.23, Appendix 8.6.28</p>	<p>Amend Appendix 8.6.5, Appendix 8.6.15, Appendix 8.6.23, Appendix 8.6.28 (including the Outline Development Plans maps), by replacing references to "50DBA air noise contour" and "50 dBA noise contour" with "50 dB Ldn Air Noise Contour".</p>
<p>Chapter 14.10 Residential Guest Accommodation Zones</p> <p>Appendix 14.15.11 – Grouping of Residential Guest Accommodation Zone Sites</p>	<p>All Residential Guest Accommodation Zone site location diagrams shall be updated with the correct appendix reference.</p> <p>Appendix references shall read: 14.15.11 Residential Guest Accommodation Zone Sites</p>
<p>Chapter 21.9 Specific Purpose (Golf Resort) Zone</p> <p>Appendix 21.9.7.1 Development Plan for Clearwater Golf Resort</p>	<p>The Development Plan for Clearwater Golf Resort shall be updated as set out below.</p> <p>Change title to: Appendix 21.9.7.1 Development Plan for Specific Purpose (Golf Resort) Zone - Clearwater Golf Resort</p> <p>Remove the wording in the bottom right-hand corner, being: Specific Purpose (Golf Resort) Zone – Clearwater Outline Development Plan.</p> <p>Make the 'key' larger so it is legible at A4 size.</p> <p>Include a legible scale.</p>
<p>Chapter 21.9 Specific Purpose (Golf Resort) Zone</p> <p>Appendix 21.9.7.2 Development Plan for Whisper Creek Golf Resort</p>	<p>The Development Plan for Whisper Creek Golf Resort shall be updated as set out below.</p> <p>Change title to: Appendix 21.9.7.2 Development Plan for Specific Purpose (Golf Resort) Zone – Whisper Creek Golf Resort'</p> <p>Make the 'key' larger so it is legible at A4 size.</p> <p>Include a legible scale.</p>

Chapter / Provision Reference	Amendments to figures, appendices and planning maps.
Planning Maps	Amend the Central City Maximum Building Height Planning Map to show the Avon Hotel site at 356 Oxford Terrace, being Lots 1,2,3,4 DP 1907, Pt Lots 7,7,8,8,9,9 DP 281, Lot 1 DP 28239, Pt Lot 1 DP 432, Lot 1 DP 432, Pt Lot 2 DP 48542, Lots 1,2 DP 7045, Pt Res 28, 77 Christchurch Town, as Central City Building Height 14m Overlay.
Planning Maps	Amend the Legend and the symbols for all environmental asset standing water bodies, in accordance with the Memorandum of Counsel of Christchurch City Council in Relation to Planning Map Symbols for Environmental Asset Standing Water Bodies, dated 15 September 2016.
Planning Maps	Amend Planning Maps to show the amended Air Noise Boundary as sought by CIAL in its Second Addendum to its submission on 25 June 2015.
Planning Maps	Amend the Legend for the Planning Maps to refer to Air Noise Boundary. This will require consequential amendments to the Legend and the Planning Maps to identify the Air Noise Contours separately from the Air Noise Boundary.
Planning Maps	Amend the Legend for the Planning Maps to refer to Engine Testing Contours
Planning Maps	Amend Planning Maps to show the further constrained Engine Testing Contours in accordance with the Direction in paragraph 545(b)(ii).
Planning Maps	Naming of the Contours on the Planning Maps and its Legend shall be as follows: 50 dB Ldn Air Noise Contour 55 dB Ldn Air Noise Contour Air Noise Boundary 50 dB Ldn Engine Testing Contour 55 dB Ldn Engine Testing Contour 60 dB Ldn Engine Testing Contour 65 dB Ldn Engine Testing Contour