

IN THE MATTER OF 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 decision: 22 November 2016

Hearing Panel: Sir John Hansen (Chair), Environment Judge Hassan (Deputy
Chair), Ms Jane Huria, Ms Sarah Dawson, Dr Phil Mitchell

Decision to make Minor Corrections to Decision

DECISION 51

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

**(and associated changes to other chapters and relevant definitions
and Planning Maps)**

Outcomes: Proposals changed as per Schedule 1 and Schedule 2

Background

[1] The Hearings Panel ('the Panel') issued its decision on Chapter 9 Natural and Cultural Heritage Stage 2 and 3 – Topic 9.5 Ngāi Tahu Values, associated changes to Chapter 8 and 16 in relation to land at North Belfast and consequential changes to other chapters and relevant definitions ('Decision 51') on 21 October 2016.

[2] In our decision we directed the parties to make any applications for minor corrections within 5 working days. In response, we received the following requests for minor corrections:

- (a) Memorandum of counsel for the Christchurch City Council ('the Council') requesting corrections to Decision 51 ('Council's corrections memorandum').¹
- (b) Joint Memorandum of counsel for Te Rūnanga o Ngāi Tahu and ngā rūnanga ('Ngāi Tahu') and the Crown in respect of minor corrections to Decision 51 ('joint memorandum').²
- (c) Memorandum of counsel for the Council in relation to further minor corrections (Council's further memorandum').³
- (d) Memorandum of counsel for the Council enclosing updated SONTCS Maps in relation to Decision 51.⁴

[3] In some cases the corrections requested relate to matters that are the subject of Decision 52⁵. We have addressed those matters in our decision on minor corrections to Decision 52⁶.

¹ Memorandum of counsel for the Council requesting corrections to Decision 51 Natural and Cultural Heritage (Part) – 9.5 Ngāi Tahu Values, 31 October 2016.

² Joint Memorandum of counsel for Ngāi Tahu and the Crown in respect of minor corrections to Decision 51, 31 October 2016.

³ Memorandum of counsel for the Council in relation to further minor corrections, 1 November 2016.

⁴ Memorandum of counsel for the Council enclosing updated maps, 7 November 2016.

⁵ Decision 52: Coastal Environment and Open Space Coastal Zone dated 21 October 2016.

⁶ Minor corrections to Decision 52 dated 22 November 2016.

[4] In the Council's corrections memorandum the Council also provided an updated zoning map for the Industrial General (North Belfast) zone. We confirm the planning map below.

Jurisdiction to make minor corrections

[5] Clause 16 of Schedule 3 to the OIC provides as follows:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

[6] The Council, in its corrections memorandum, has set out the jurisdictional requirements to make minor corrections to our Decision. We accept the Council correctly outlines the jurisdictional requirements to make corrections to our Decision. To the extent we have accepted the corrections sought by the Council and submitters; these meet the requirements of cl 16 of Schedule 3. The corrections we have accepted are set out in Schedule 1 and Schedule 2 attached to this decision.

Christchurch City Council

[7] The Council set out the matters it requests to be corrected in Appendix A to its corrections memorandum. The Council has also requested associated changes to Chapter 9.4 in relation to significant trees and the associated earthworks provisions in Chapter 8. Those changes are set out in Appendix C to the Council's corrections memorandum. We address each of the Appendices separately below.

[8] The Council submits that the corrections requested comprise matters relating to consistency with other decisions, amendments to assist in navigating the Plan, or minor errors in the Decision. We have not accepted all changes requested by the Council. Where we have not accepted the Council's request for minor corrections, or where further comment is required, we set out our reasons below. In some cases we have made further minor corrections for consistency reasons or we have found that the

Council's requested correction is better addressed through an alternative drafting correction. Those changes are also set out in the Schedules to this decision.

Ngāi Tahu and the Crown

[9] Ngāi Tahu and the Crown have also sought corrections to Decision 51 as set out in Appendix A to their joint memorandum. In some cases the corrections requested have been addressed in the Council's corrections memorandum. We have not accepted all changes requested by Ngāi Tahu and the Crown. Where we have not accepted Ngāi Tahu and the Crown's request for minor corrections we set out our reasons below. Apart from those matters we have accepted the changes requested by Ngāi Tahu and the Crown and also set these out in Schedule 1 (Chapter 9.5) and Schedule 2 (other chapters) to this decision.

Corrections requested in Appendix A to the Council's corrections memorandum that we have not accepted⁷

Chapter 1 Introduction clause 3.1.18

[10] The Council has requested two amendments to the drafting of clause 3.1.18. The first correction is to replace the word 'area' with 'environment' in the third line. We find that the amendment request is not required, however, we have identified that the word 'marine' was inadvertently omitted. It should read 'the coastal marine area'. We accept the deletion of the final sentence as indicated by the Council in Appendix A is appropriate.

Rule 8.3.2.1 Controlled Activities and 8.3.2.2 Restricted discretionary activities

[11] The Council has requested a change to Rule 8.3.2.1 and 8.3.2.2 to include cross reference to the Restricted Discretionary Activity ('RD') standards in Controlled Activity ('CA') rules and CA standards in RD rules. The change requested relates to the general structure of the rules rather than those parts amended by Decision 51. The request would have wider consequences to the application of the rules. It is not a minor correction and we reject the request accordingly.

⁷ In some cases Ngāi Tahu and the Crown also requested the same corrections. We address the common issues in this section.

Rule 8.3.2.2 RD12 Column 2 – relevant standards (a)(ii)

[12] The Council and the Crown seek the deletion of Rule 8.3.2.2 RD 12 (a)(ii) on the basis that the rule only relates to the Central City. We accept that the amendment is an appropriate minor correction in that the words, while they also featured in the notified proposal, are redundant

Rule 8.5.12

[13] The Council has requested the deletion of the word ‘which’ from clause f. We note that the drafting of the Rule is consistent with Rule 8.5.12 (d). We do not find that a correction is required in this case.

Rule 8.5A.2.1 P6

[14] The Council requests a minor drafting change to replace the word ‘Activities’ with ‘Earthworks’ at the beginning of the Rule. We have, as a consequence of corrections made to the significant tree and earthwork provisions discussed below, moved P6 to Chapter 9 and, therefore, no further amendment is required.

Rule 8.5A.2.3 RD6

[15] A request has been made to amend the wording of ‘affected parties’ clause to be consistent with Rule 9.5.4.1. We have not made the change requested because we find that the drafting of Rule 9.5.4.1 is not consistent with the drafting of other similar rules. We have, therefore, amended Rule 9.5.4.1 to be consistent with Rule 8.5A.2.3. RD6.

Chapter 9.3 - Rules 9.3.4.1-9.3.4.5 exemptions in rule 9.3.3

[16] The Council, Ngāi Tahu and the Crown have requested a change to the text of each of the above rules which record the application of various exemptions to Chapter 9.3 provisions as set out in Rule 9.3.3. Our decision records that the exemptions are found in Rule 9.3.3.k. The Council, Ngāi Tahu and the Crown have requested that we add a reference to clause j of that Rule. We find the correction is not required because the relevant provision identifies the exemption from the application of the rules in Chapter 9.3. Clause j. identifies exemptions from the Utility rules in

Chapter 11. The cross reference is to assist users of the CRDP by directing them to the exemptions from utility rules in Chapter 11. Therefore, no change is required.

Chapter 11 - 11.3 How to interpret and apply the rules – I

[17] We have addressed this amendment above in relation to Rule 9.5.4.1. For the same reasons we decline to make the change.

Rule 11.4.2 RD5, 11.5.2 RD1 and 11.6.2

[18] The Council has requested that we amend the references in these rules to the matters the Council's discretion shall be limited to, by referring only to Rule 9.5.5.1. The request has been made because the rules are specific to SONTCS in Schedule 9.5.6.1 and the corresponding matters of discretion relevant to Wāhi Tapu/Wāhi Taonga sites. Although we accept that in this case for Rules 11.4.2 RD5, 11.5.2 RD1 and 11.6.2 it is the Panel's drafting preference to standardise the drafting style. We find that for the sake of simplicity a generic statement is preferred across all relevant rules. We decline to make the amendments requested for those reasons.

Chapter 16 Industrial Rule 16.4.6.3.1 (a)

[19] The Council has requested consistent capitalisation of the words Outline Development Plan, which we accept is appropriate. However, we also note that for consistency reasons reference should also be made to Appendix 16.8.5 in this provision.

Corrections requested in Appendix C to the Council's corrections memorandum and in the Joint Memorandum of Ngāi Tahu and the Crown that we have not accepted

[20] The Crown and Ngāi Tahu sought amendment to the wording of Rule 8.5A.2.1 P6 to be consistent with rules relating to trees in the public realm within sub-chapter 9.4. In particular, they sought to clarify how the rules apply to earthworks in the State highway corridor. We accept the changes as improving consistency and clarity, subject to necessary amendments to integrate with changes sought by the Council (see below).

[21] The Council sought a number of amendments in relation to earthworks near public realm trees, including moving Rule 8.5A.2.1 P6 to sub-chapter 9.4⁸. The changes requested by the Council are accepted, subject to drafting amendments, as providing greater consistency, clarity and ease of use in regard to earthworks around public realm trees. We have included a cross-reference to the earthworks rules in sub-chapter 9.4 in the “How to interpret and apply the rules” section of Chapter 8 for clarification.

[22] The accepted changes in relation to earthworks near public realm trees are shown in Schedule 2.

Corrections requested in Appendix A to Ngāi Tahu and the Crown’s corrections memorandum that we have not accepted

Table 1 jointly requested corrections

Chapter 9.5.6.1 Schedule of Wāhi Tapu/Wāhi Taonga and Rule 9.5.4.1 advice note

[23] There are some errors in the cross referencing of rules in Schedule 9.5.6.1. Ngāi Tahu and the Crown requested that we make corrections to the column of rule cross references in Table 1–4 to include all relevant rules and make consequential changes to the advice note. The Council has raised the same issue, however, its preference is to delete the column and rely on the advice note. We prefer the Council’s solution as it simplifies the Tables. Therefore, there is no need to make the change requested by Ngāi Tahu and the Crown.

Chapter 8 Rule 8.3.2.1 C7

[24] This rule provides for the creation of a residential allotment subject to protection of open space and areas, sites or features recognised in Chapter 9. The rule was decided in Decision 28 and included activity standards d. ii A – C, which required the balance allotment to protect areas, sites or features recognised in Chapter 9. Matters A – C were deleted in Decision 51. Ngāi Tahu and the Crown seek clarification on whether this is

⁸ The changes sought by the Council in relation to significant trees are outlined in paragraphs 9 to 16 and Appendix C of the Council’s Memorandum.

an error or intentional by the Panel. If it is an error Ngāi Tahu and the Crown request the reinstatement of these provisions.

[25] The deletion of matters A – C was intentional and made as a consequence of the inclusion of Rule 8.3.2.2 RD8-RD11 as requested by the parties. As we have noted in the Decision at [242] onwards, we have made a number of consequential changes for consistency reasons. We acknowledge that the clarity of the provisions could be improved with the addition of an advice note to Rule 8.3.2.1 C7 as follows:

Refer to Rule 8.3.2.2 RD8 – RD11 for subdivision of land which includes sites, trees, items or land identified in Chapter 9 Natural and Cultural Heritage.

[26] We find that the inclusion of the advice note is necessary to ensure coherency of the provisions and is within our jurisdiction to do so in accordance with OIC, cl 13(5) and is of minor effect.

Rule 8.5A.3 Exemption b. iii

[27] This provision exempts earthworks which do not exceed 0.6m depth from the RD consent requirement that would otherwise apply to earthworks within Schedule 9.5.6.1 Wāhi Tapu/Wāhi Taonga SONTCS. Ngāi Tahu and the Crown say that the Panel's decision is silent on the reasons for the retention of the general exemption. Ngāi Tahu and the Crown submit that the retention appears redundant in light of the narrative exemptions in 8.5A.3.b I and ii. Ngāi Tahu and the Crown also submit that the exemption appears to be contrary to policies 9.5.2.4 and 9.5.2.7 and that neither party sought retention of the general exemption in closing submissions. Ngāi Tahu and the Crown seek clarification as to whether the exemption was intentional or an error.

[28] The inclusion of the general exemption was intentional. We observe that none of the parties identified or addressed the appropriateness of a general exemption and focused their attention to the agreed position reached in relation to the issues at North Belfast. The Panel has the overall responsibility to ensure the CRDP is coherent and consistent. The extension of the general exemption was necessary to ensure the sensible consistency of the performance standard.

[29] Clarification is also requested regarding the exemption for offal pits within Kaitōrete Spit from the RD consent requirements that would otherwise apply to earthworks within this SONTCS. Ngāi Tahu and the Crown note there is no volumetric maximum associated with this exemption. Decision 51 at [135] records the request from Mr Bayley for a specific maximum dimension for offal pits at Kaitōrete Spit. Ngāi Tahu and the Crown submit that if the omission of a volumetric maximum limit is in error that a maximum volumetric limit of 2 metres x 2 metres x 1.5 metres should be added to this exemption, which is consistent with [135] of the decision.

[30] While we consider that the addition adds some complexity to the provisions, we are satisfied that the change is of minor effect in the context that it reflects the evidence and what relevant parties (including Mr Bayley) sought. Therefore, exercising our powers under OIC, cl 13(5), we have added the requested dimensions.

Chapter 11 – 11.3.e.i. How to interpret and apply the rules

[31] Ngāi Tahu and the Crown request an amendment to this provision and the cross reference to sub-chapter 9.1. We addressed this issue in our Minor Corrections Decision to Decision 50 and declined to make the change.⁹ We reach the same conclusion here, and no change is required.

Rules 11.4.1 P2 and 11.4.2 RD1c

[32] Weather stations and navigational aids within a Site of Ngāi Tahu Cultural Significance are subject to the 9.5 matters of discretion as listed in Rule 11.4.2 RD1c. Ngāi Tahu and the Crown submit that in order to ensure it is clear that new weather stations and navigational aids are subject to the 9.5 provisions as listed in Rule 11.4.2 RD1c, an amendment is required to the activity standards of the related permitted activity rule to add reference to 9.5.

[33] The Panel did not include such a provision because it was not included in the provisions agreed by the Parties and was not reflected in the Final Revised Version.

⁹ Minor Corrections to Decision 50, Natural and Cultural Heritage (Part) – 9.1 Indigenous Biodiversity dated 16 November 2016 at [8].

Ngāi Tahu requested changes – Table 3

Chapter 8 Policy 8.1.2.2

[34] Ngāi Tahu has requested that the Panel amend Policy 8.1.2.2 – Design, to address a typographical error. Ngāi Tahu submits that the word ‘with’ ought to be ‘within’ as follows:

...affirms connections between manawhenua and place, particularly with
Sites of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6.

[35] We disagree with Ngāi Tahu. The Decision Version is correct and reflects the relationship of Ngāi Tahu with sites of significance. It does not require that subdivision is to be ‘within’ the site of significance.

Updated Planning Map for the Industrial General (North Belfast) zone

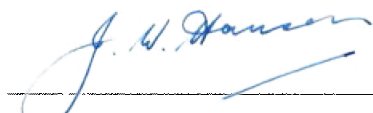
[36] In the Council’s corrections memorandum the Council provided an updated zoning map for the Industrial General (North Belfast) zone in Appendix B. We confirm the planning map reflects Decision 51 and confirm it accordingly.

[37] In the Council’s further corrections memorandum the Council seeks minor corrections to Appendix 16.8.5. ii (Tangata Whenua Layer) and Appendix 16.8.5.iii. (Blue Layer) of the Industrial General Zone (North Belfast). The Council has now provided updated maps to reflect the corrections sought. We accept the replacement Appendices and direct that they be included in the CRDP.

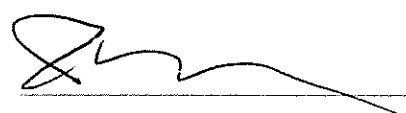
Updated Mapping of SONTCS

[38] The Hearings Panel will issue a separate decision confirming mapping of SONTCS in due course to enable identified problems to be resolved.

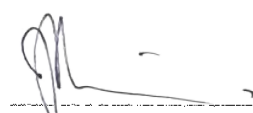
For the Hearings Panel:



Hon Sir John Hansen
Chair



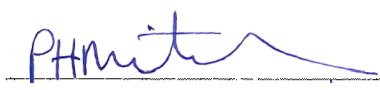
Environment Judge John Hassan
Deputy Chair



Ms Jane Huria
Panel Member



Ms Sarah Dawson
Panel Member



Dr Phil Mitchell
Panel Member

SCHEDULE 1

Amendments to Sub-chapter 9.5 – Ngāi Tahu Values

Amendments to Sub-chapter 9.5 – Ngāi Tahu Values	Reason						
<p>Add text to third paragraph of 9.5.1 Introduction to read as follows:</p> <p>The objectives, policies, rules, standards and matters of discretion in this sub-chapter are intended to protect Wāhi Tapu / Wāhi Taonga sites from inappropriate development, and manage the adverse effects of activities on those sites, and other sites of cultural significance including water bodies, waipuna / springs, repo / wetlands, and coastal areas identified as Ngā Wai, <u>and Ngā Tūranga Tūpuna landscapes of Ngāi Tahu cultural significance.</u></p>	<p>Provides a comprehensive description of all three types of SoNTCS.</p>						
<p>Remove comma from objective 9.5.2.2 as shown below:</p> <p>a. Ngāi Tahu cultural values, including as to natural character, associated with water bodies, repo / wetlands, waipuna / springs and the coastal environment of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area are maintained or enhanced as part of the rebuild and future development of the District - Ki Uta Ki Tai (from the mountains to the sea).</p>	<p>Corrects typo.</p>						
<p>Amend 9.5.3 d. to read:</p> <p>d. The rules that apply to Wāhi Tapu / Wāhi Taonga sites identified in Schedule 9.5.6.1 are contained in the activity status tables in Rule 9.5.4, the matters of discretion in Rule 9.6.5<u>9.5.5</u>, and in the relevant zone and/or district wide chapters.</p>	<p>Correct reference number.</p>						
<p>Amend 9.5.3 g.i. to read:</p> <p>i. Rule 9.5.5.1 - Wāhi Tapu / Wāhi Taonga, for Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit;</p>	<p>Corrects error to show three items in list.</p>						
<p>Amend Rule 9.5.4.1 to read:</p> <p>9.5.4.1 Restricted discretionary activities - Wāhi Tapu / Wāhi Taonga</p> <p>The activities listed below are restricted discretionary activities within any Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1.</p> <p>Discretion to grant or decline consent and impose conditions is restricted <u>to</u> the matters of discretion in Rule 9.5.5, as set out in the following table.</p> <table border="1" data-bbox="167 1783 1126 1948"> <thead> <tr> <th data-bbox="167 1783 320 1865">Activity</th> <th data-bbox="320 1783 671 1865"></th> <th data-bbox="671 1783 1126 1865">The Council's discretion shall be limited to the following matters</th> </tr> </thead> <tbody> <tr> <td data-bbox="167 1865 320 1948">RD1</td> <td data-bbox="320 1865 671 1948">a. Any buildings.</td> <td data-bbox="671 1865 1126 1948">a. Wāhi Tapu / Wāhi Taonga – Rule 9.5.5.1</td> </tr> </tbody> </table>	Activity		The Council's discretion shall be limited to the following matters	RD1	a. Any buildings.	a. Wāhi Tapu / Wāhi Taonga – Rule 9.5.5.1	<p>Corrects typo (“to” omitted).</p> <p>Text amended to be consistent with 8.5A.2.3 RD6.</p>
Activity		The Council's discretion shall be limited to the following matters					
RD1	a. Any buildings.	a. Wāhi Tapu / Wāhi Taonga – Rule 9.5.5.1					

Amendments to Sub-chapter 9.5 – Ngāi Tahu Values	Reason
<p>Any resource consent application arising from Rule 9.5.4.1 RD1 need not be publicly notified, but shall be notified to the relevant rūnanga, and Heritage New Zealand Pouhere Taonga in respect of sites on the New Zealand Heritage List / Rārangi Korero; unless those affected parties have provided written approval <u>(absent their written approval)</u>.</p> <p>Advice Note:</p> <p>1. Reference should also be made to:</p> <p>Chapter 8 Subdivision Rule 8.3.2.2 RD11;</p> <p>Chapter 8 Earthworks Rule 8.5A.2.3 RD6;</p> <p>Chapter 11 Utilities and Energy Rules 11.4.1 P1 and 11.4.2 RD5, Rules 11.5.1 P1 and 11.5.2 RD1 and Rules 11.6.1 P1 and 11.6.2 RD1;</p> <p>for rules that apply within any Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1.</p>	
<p>Delete seventh column “Cross-reference to rules” of 9.5.6.1 – Schedule of Wāhi Tapu / Wāhi Taonga – Tables 1 to 4 (pages 79 to 86).</p>	<p>Column 7 duplicates and is not consistent with the advice note under Rule 9.5.4.1.</p>
<p>Amend description in 9.5.6.2 Scheduled Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit – Table 1, ID 2a to read:</p> <p>Area mapped by tribal experts to indicate a higher probability of encounter with sensitive tangible and/or intangible Ngāi Tahu values.</p> <p><u>Referred to as silent file 031 in the Mahaanui Iwi Management Plan 2013.</u></p>	<p>Consistent with other rows and references in the table.</p>
<p>Amend description in 9.5.6.2 Scheduled Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit – Table 1, ID 3a to read:</p> <p>Area mapped by tribal experts to indicate a higher probability of encounter with sensitive tangible and/or intangible Ngāi Tahu values.</p> <p><u>Referred to as silent file 030 in the Mahaanui Iwi Management Plan 2013.</u></p>	<p>Consistent with other rows and references in the table.</p>
<p>Amend description in 9.5.6.2 Scheduled Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit – Table 1, ID 4a, 5a 6a, 10a, 11a, 12a, 13a, 14a, 15a and 16a to read as follows, inserting relevant silent file numbers as required:</p> <p>Area mapped by tribal experts to indicate a higher probability of encounter with sensitive tangible and/or intangible Ngāi Tahu values.</p> <p><u>Referred to as silent file [insert relevant number] in the Mahaanui Iwi Management Plan 2013.</u></p>	<p>Consistent with other rows and references in the table. Relevant numbers to be inserted are shown in Decision Version but lack the surrounding text.</p>

SCHEDULE 2**Amendments to provisions other than sub-chapter 9.5 – Ngāi Tahu values**

Amendments to provisions for Chapter 1 Introduction	Reason
<p>Amend 3.1.18 d.</p> <p>d. Ngā Wai - selected water bodies and their margins, including wetlands, waipuna (springs) and coastal waters which are significant areas of mahinga kai or other customary use for Ngāi Tahu. Ngā Wai sites include Te Tai o Mahaanui – the coastal <u>marine</u> area of Te Pātaka o Rākaihautū/Banks Peninsula and Wairewa/Lake Forsyth – both areas listed as areas of statutory acknowledgement in the Ngai Tahu Claims Settlement Act 1998. With respect to Ngā Wai Te Tai o Mahaanui / the coastal environment.</p>	<p>Adds missing word and removes redundant sentence.</p>

Amendments to provisions for Chapter 3 Strategic Directions	Reason
<p>Amend objective 3.3.17 a.i. as follows:</p> <p>i. taking an integrated approach to managing land use activities that could adversely affect wai-wāi (water), based on the principle of ‘Ki Uta Ki Tai’ (from <u>the</u> mountains to the sea);</p>	<p>Corrects typo and missing word.</p>

Amendments to provisions for Chapter 8 Subdivision, Development and Earthworks (other than for significant trees - see separate table below)	Reason
<p>Add the following Advice Note in the Activity column of Rule 8.3.2.1 C7</p> <p>Advice Note: Refer to Rule 8.3.2.2 RD8 – RD11 for subdivision of land which includes sites, trees, items or land identified in Chapter 9 Natural and Cultural Heritage.</p>	<p>Provides clarification regarding relevant rules for the activities referenced.</p>
<p>Add macrons to “Ōtākaro” in Rules RD8 and RD13.</p>	<p>Macrons omitted.</p>
<p>Amend Activity for Rule 8.3.2.2 RD12 to read:</p> <p>Subdivision within the Central City for the protection of:</p> <p>a. a Significant Feature identified in Appendix 9.2.9.2.3, or</p> <p>h.b. a heritage item or heritage setting listed in Appendix 9.3.7.2.</p>	<p>Corrects numbering.</p>
<p>Delete Rule 8.3.2.2 RD12 a.ii. and re-number as shown below:</p> <p>a. Where any allotment is created for the sole purpose of enabling the protection of land within a Significant Feature, or protecting a heritage item and associated setting, and no additional building is to be erected on that allotment, a new allotment</p>	<p>Clause ii is redundant as the rule only relates to Central City.</p>

Amendments to provisions for Chapter 8 Subdivision, Development and Earthworks (other than for significant trees - see separate table below)	Reason
<p>may be created where the allotment need not comply with minimum net site area for the relevant zone provided:</p> <p>i. a consent notice is registered against the relevant certificate(s) of title stating that no additional residential unit is to be erected on the allotment being created for protection; and</p> <p>ii. the other allotment shall be within the district administered by the Christchurch City Council; and</p> <p>iii. <u>ii.</u> the other allotment must be capable of containing a permitted activity (unless resource consent for any non-compliance has been obtained).</p>	
<p>Amend Rule 8.3.2.2 RD16 ‘Matters of discretion for the purpose of granting or declining consent and imposing conditions’ to read:</p> <p><u>Rule 8.5.12 g-i.</u></p>	Corrects reference.
<p>Amend Rule 8.3.3.1(f) to read:</p> <p>f. The minimum net site area specified in Tables 1-6 may be reduced by the area within the dripline of a significant tree or group of trees listed in Appendix 9.4.7.1, except that the minimum net site area shall not be reduced to an area less than 200 m².</p>	Corrects typos.
<p>Amend 8.3.3.15 a.iv.D. as follows:</p> <p>D. There shall not be any earthworks operations in the affected area until Te Ngāi Tūāhuriri Rūnanga representatives, the Police and Heritage New Zealand Pouhere Taonga staff have each given notice to the person responsible that the earthworks may recommence; and</p>	Corrects typo.
<p>Amend Rule 8.4.4.1 r. as follows:</p> <p>r. Where the subdivision is of land which includes a Site of Ngāi Tahu Cultural <u>Significance</u> identified in Appendix 9.5.6, the matters set out in Rule 9.5.5 as relevant to the site classification: ...</p>	Word missing.
<p>Amend Rule 8.5.12 d.vii. to read:</p> <p>vii. Any relevant matters of discretion set out in Rule 9.9.2.8.1, 9.2.8.1, 9.2.8.2 and 9.2.8.3.</p>	Corrects reference.
<p>Amend Rule 8.5A.2.1 P2 Activity Standard c.i. to read:</p> <p>i. The site or part of the site shall not be located within a silent file (as shown in the Mahaanui Iwi Management Plan), or statutory acknowledgement area. <u>Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1.</u></p>	Text amended to be consistent with sub-chapter 9.5.

Amendments to provisions for Chapter 8 Subdivision, Development and Earthworks (other than for significant trees - see separate table below)	Reason
<p>Amend Activity for Rule 8.5A.2.3 RD6</p> <p>Earthworks within:</p> <p>a. a Site of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1; or</p> <p>b. Kaitorete Spit (ID 64) identified in Schedule 9.5.6.2;</p> <p>except where listed as an exemption in Rule 8.5A.3 b.</p> <p>RD6 does not apply to land in the Industrial General Zone (North Belfast).</p> <p>Any application arising from this rule need not be publicly notified, but shall be limited notified to the relevant rūnanga, and Heritage New Zealand Pouhere Taonga in respect of sites on the Heritage New Zealand List / Rārangī Korero; (absent their written approval).</p>	<p>Minor amendment.</p> <p>Also refer to amendment to 9.5.4.1.</p>
<p>Amend Rule 8.5A.2.4 D1 to read (quotation marks removed from Overlay):</p> <p>Other than in the Central City, any earthworks within an 'Overlay' identified in Table 9 to Rule 8.5A.2.1 that exceeds the specified volume limit.</p>	<p>Quotation marks unnecessary.</p>
<p>Add text to Rule 8.5A.3 b.ii as follows:</p> <p>ii. earthworks for offal pits within Kaitorete Spit (ID 64) identified in Schedule 9.5.6.2 which do not exceed dimensions of 2 metres x 2 metres x 1.5 metres; or</p>	<p>Corrects error (omitted volumetric limits).</p>

Amendments to provisions for Chapter 8 Subdivision, Development and Earthworks in relation to significant and other trees.	Reason
<p>Amend 8.2.1 b. to read:</p> <p>b. The activity status tables and standards in the following chapters also apply to subdivision and earthworks activities:</p> <ul style="list-style-type: none"> 5 Natural Hazards; 6 General Rules and Procedures; 7 Transport; 9 Natural and Cultural Heritage; 11 Utilities and Energy; and 12 Hazardous Substances and Contaminated Land. <p>Chapter 5 (Natural Hazards) includes specific rules in relation to subdivision and earthworks in areas subject to natural hazards. Chapter 12 includes specific provisions relating to contaminated land. Chapter 6 manages earthworks within waterway setbacks. Sub-chapter 9.4 includes rules for earthworks: within the dripline of significant trees listed in Appendix 9.4.7.1; within 5 metres of the base of trees in parks, public open space or road corridors in Christchurch City, or in Akaroa as shown in Appendix 9.4.7.4; or within 10 metres of the base of any tree in the Riccarton Bush Significant Trees area.</p> <p>The rules in the zone chapters (13-21) do not apply to subdivision or earthworks, other than quarrying activities.</p>	<p>This amendment clarifies that rules relating to earthworks near significant trees are now contained in Chapter 9 following the amendments requested by the Council and outlined above.</p>

Amendments to provisions for Chapter 8 Subdivision, Development and Earthworks in relation to significant and other trees.	Reason
Delete Rule 8.5A.2.1 P6.	This rule has been moved to to sub-chapter 9.4 (see new Rule 9.4.4.1 P12).
Delete Rule 8.5A.2.3 RD5 and re-number rules 8.5A.2.3 RD6 – RD8, accordingly.	This rule has been replaced by new Rule 9.4.4.3 RD8 within sub-chapter 9.4.
<p>Amend 8.5A.3 a. to read:</p> <p>a. The following earthworks are exempt from the activity standards set out in Rule 8.5A.2.1 P1, P2 and P6 <u>P1 and P2</u>: ...</p>	Rule 8.5A.2.1 P6 has been moved to sub-chapter 9.4 and the exemptions are referred to within the new rule (Rule 9.4.4.1 P12).

Amendments to provisions for sub-chapter 9.4 Significant and other trees	Reason			
<p>Amend the Activity in Rule 9.4.4.1 P6 to read:</p> <p>Felling of any tree, <u>including ancillary earthworks</u>, in:</p> <p>a. parks, public open space or road corridors in Christchurch City; or</p> <p>b. Parks, public open space or road corridors in Akaroa as shown in Appendix 9.4.7.4.</p> <p>This rule does not apply to the felling of trees within Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p>	This is a consequential amendment following the moving of Rule 8.5A.2.1 P6 to sub-chapter 9.4. This amendment reduces the number of exemptions required under the new Rule 9.4.4.1 P12.			
<p>Amend Rule 9.4.4.1 P7 to read:</p> <table border="1" data-bbox="167 1478 1126 1655"> <tr> <td data-bbox="167 1478 247 1655">P7</td> <td data-bbox="247 1478 807 1655">Any pruning, maintenance or remedial work / treatment to, <u>earthworks within 5 metres of the base of</u>, or felling of, any tree within state highway road corridors, or Central City road corridors.</td> <td data-bbox="807 1478 1126 1655">Nil.</td> </tr> </table>	P7	Any pruning, maintenance or remedial work / treatment to, <u>earthworks within 5 metres of the base of</u> , or felling of, any tree within state highway road corridors, or Central City road corridors.	Nil.	This amendment gives the exemption for earthworks sought by the Crown / Ngāi Tahu in Central City road corridors and State highway road corridors. The Crown / Ngāi Tahu sought the exemption as part of Rule 8.5A.3, however the related rule, 8.5A.2.1 P6, is now moved to Rule 9.4.4.1 P12. The amendment to Rule 9.4.4.1 P7 provides for the exemption within the
P7	Any pruning, maintenance or remedial work / treatment to, <u>earthworks within 5 metres of the base of</u> , or felling of, any tree within state highway road corridors, or Central City road corridors.	Nil.		

Amendments to provisions for sub-chapter 9.4 Significant and other trees		Reason
		same sub-chapter the new Rule 9.4.4.1 P12.
Add new Rule 9.4.4.1 P12 as follows:		Rule 9.4.4.1 P12 replaces rule 8.5A.2.1 P6. Moving this rule to sub-chapter 9.4 provides greater ease of use and simplification of the activity specific standards.
<p>P12 Earthworks within 5 metres of the base of any tree in:</p> <p>a. parks, public open space or road corridors in Christchurch City; or</p> <p>b. Parks, public open space or road corridors in Akaroa as shown in Appendix 9.4.7.4;</p> <p>or earthworks within 10 metres of the base of any tree in the Riccarton Bush Significant Trees area.</p> <p>Earthworks listed in Rule 8.5A.3(a) are exempt from the activity specific standards in Rule 9.4.4.1 P12, except for exemption 8.5A.3(a)(xii).</p> <p>This rule does not apply to earthworks within Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p>	<p>a. Activities shall be undertaken by, or under the supervision of, a works arborist employed or contracted by the Council or a network utility operator.</p> <p>b. Activities within the area at Riccarton Bush identified as a ‘Significant Trees Area’ shall be undertaken by the Riccarton Bush Trust or its contractors.</p> <p>c. The tree shall not be:</p> <p>i. greater than 6 metres in height in a road corridor or 10 metres in height in a park or public open space;</p> <p>ii. within a Character Area Overlay;</p> <p>iii. within a waterway setback as described in sub-chapter 6.6 Water Body Setbacks in General Rules; or</p> <p>iv. of the following species:</p> <p>A. <i>Podocarpus cunninghamii</i> - Hall’s totara;</p> <p>B. <i>Prumnopitys taxifolia</i> – matai / black pine;</p> <p>C. <i>Prumnopitys ferruginea</i> – miro;</p> <p>D. <i>Dacrydium cupressinum</i> – rimu;</p> <p>E. <i>Libocedrus bidwillii</i> – kaikawaka / New Zealand cedar;</p> <p>F. <i>Eleocarpus dentatus</i> – hinau;</p> <p>G. <i>Eleocarpus hookerianus</i> – pokaka;</p> <p>H. <i>Griselinea lucida</i> – puka / akapuka / shining broadleaf;</p>	<p>The wording of Rule 9.4.4.1 P12 is amended from that of 8.5A.2.1 to:</p> <p>a. provide clarification and consistency in relation to State highways (as requested by the Crown and Ngāi Tahu)</p> <p>b. provide consistency with Rule 9.4.4.3 RD6 in relation to earthworks at Riccarton Bush</p> <p>c. reference relevant exemptions contained in Rule 8.5A.3(a) and consistency with the wording of the exemption.</p> <p>d. reduce duplication and provide consistency with Rule 9.4.4.1 P6.</p>

Amendments to provisions for sub-chapter 9.4 Significant and other trees			Reason
		<p>I. <i>Hedycarya arborea</i> – pigeonwood;</p> <p>J. <i>Alectryon excelsus</i> – titoki;</p> <p>K. <i>Rhopalostylis sapida</i> - nikau palm;</p> <p>L. <i>Cordyline indivisa</i> - mountain cabbage tree;</p> <p>M. <i>Ulmus horizontalis</i> - horizontal elm;</p> <p>N. <i>Ulmus glabra</i> 'Camperdownii' - camperdown elm;</p> <p>d. Except that c. above does not apply if:</p> <p>i. the earthworks are ancillary to the lawful removal or felling of any tree (see P6).</p>	
Amend Rule 9.4.4.3 RD6 to read:			Amended to provide consistency with Rule 9.4.4.1 P12.
RD6	<p>Any of the following within 10 metres of the base of any tree in the Significant Trees area at Riccarton Bush:</p> <p>a. works (including earthworks, <u>other than as provided for by Rule 9.4.4.1 P12</u>);</p> <p>b. vehicular traffic;</p> <p>c. sealing or paving (excluding earthworks);</p> <p>d. storage of materials, vehicles, plant or equipment; or</p> <p>e. the release, injection or placement of chemicals or toxic substances.</p> <p>In the case of the property at 48 Rata Street (legally described as Lot 375 DP 11261) the 10 metre restriction shall only apply to the northern boundary of that property.</p> <p>For the purposes of this rule, the outer boundary defining the Significant Trees Area (which follows the predator-proof fence surrounding the forest remnant) shall be deemed to be the base of the tree.</p>	a. Rule 9.4.6 a. – o.	

Amendments to provisions for sub-chapter 9.4 Significant and other trees		Reason
	Any application arising from this rule shall not be limited or publicly notified.	
Add new Rule 9.4.4.3 RD8 to read:		Clarifies the activity status for earthworks not complying with Rule 9.4.4.1 P12.
<u>RD8</u>	<p><u>Earthworks not meeting the activity specific standards in Rule 9.4.4.1 P12.</u></p> <p>b. <u>Rule 8.5A.4, matters 1 and 3</u></p> <p>c. <u>Rule 9.4.6 a.-e., g., i.-o.</u></p>	

Amendments to provisions for Chapter 11 Utilities		Reason
Amend 11.3 e.iii to read:		Corrects cross-references.
<p>iii. The following matters of discretion apply:</p> <p>A. Rule 9.1.5.2;</p> <p>B. Rules 9.2.8.1, 9.2.8.2 and 9.2.8.3;</p> <p>C. Rule 9.3.6.1;</p> <p>D. Rule 9.4.6;</p> <p>E. Rule 9.5.5, as relevant to the site classification;</p> <p>F. Rule 9.6.3.1.</p>		
Amend 11.3 F to read as follows:		Addition of reference provides greater clarity.
<p>g. The rules in Chapter 11 that relate to heritage items or heritage settings shall not apply to works undertaken to electrical equipment located within heritage items listed in the Schedule of Significant Historic Heritage (in Appendix 9.3.7.2) as heritage item numbers 201, 207, 489, 544, 600 and 624, where such works are associated with the replacement, repair, maintenance and minor upgrading of the electricity distribution network.</p> <p>The rules in Chapter 11 that relate to heritage items shall not apply to the Hagley Park heritage item <u>(number 1395)</u>, other than to heritage items and heritage settings individually items listed in the Schedule of Significant Historic Heritage in Appendix 9.3.7.2.</p>		
Amend 11.4.2 RD6, column 3 “The Council’s discretion shall be limited to the following matters” to read:		Corrects reference.
<p>a. Heritage and natural environment – Rule 11.10.1</p> <p>b. Within Sites of Ngāi Tahu Cultural Significance - Rule 9.5.5, as relevant to the site classification</p>		

Amendments to provisions for Chapter 16 Industrial	Reason
<p>In section 16.4.6 Area Specific Rules – Industrial General Zone (North Belfast) replace references to “North Belfast Outline Development Plan in Appendix 16.8.5”, “North Belfast Outline Development Plan in Appendix 16.8.5i” or “Outline Development Plan in Appendix 16.8.5” with the following:</p> <p>North Belfast Outline Development Plan (Appendix 16.8.5)</p>	<p>Provides consistent reference to this outline development plan.</p>
<p>Amend title of 16.4.6.2.2 as follows:</p> <p>16.4.6.2.2 Minimum building setback from a the boundary with a residential zone, Belfast cemetery and or an esplanade reserve or strip</p>	<p>Aligns title with the content of the rule (which does not contain a setback from a residential zone).</p>
<p>Amend 16.4.6.3.1(a) as follows</p> <p>a. The extent to which development is in accordance with the outline development plan Outline Development Plan.</p>	<p>Capitalization consistent with use elsewhere.</p>
<p>Amend map titles in Appendix 16.8.5 as follows:</p> <p>Appendix 16.8.5.i – General Industrial General Zone (North Belfast) – Outline Development Plan</p> <p>and</p> <p>Appendix 16.8.5.ii – General Industrial General (North Belfast) – Tangata Whenua Layer</p> <p>and</p> <p>Appendix 18.8.5.iii – General Industrial General (North Belfast) – Blue Layer</p>	<p>Corrects name of zone.</p>
<p>Replace Appendix 16.8.5.ii Industrial General (North Belfast) – Tangata Whenua Layer and Appendix 18.8.5.iii – Industrial General (North Belfast) – Blue Layer with updated versions attached to Memorandum of Counsel for the Christchurch City Council, dated 1 November 2016.</p>	<p>Decision 51 incorrectly contained earlier versions of these appendices.</p>

Amendments to provisions for Chapter 17 Rural	Reason
<p>Amend 17.2.3.3 Identified Important Ridgelines to read:</p> <p>a. All buildings shall be located at an elevation at least 20 vertical metres immediately below the height of any adjoining Important Ridgeline identified on the planning maps.</p>	<p>Amended to be consistent with Rule 9.2.7.2.</p>
<p>Amend the Advice note for 17.2.3.14 Minimum building setback from Mean High Water Springs to read:</p>	<p>Corrects typo.</p>

Amendments to provisions for Chapter 17 Rural	Reason
Advice Note: Te Tai o Mahaanui / Christchurch and Banks Peninsula Coast is identified as a Ngā Wai Site of Ngāi Tahu Cultural Significance in Schedule 9.5.6.4.	

Amendments to provisions for Chapter 18 Open Space	Reason
<p>Amend Rule 18.2.2.3 RD1 column 3 ‘The Council’s discretion shall be limited to the following matters:’ to read:</p> <p>As relevant to the built form standard that is not met:</p> <ul style="list-style-type: none"> a. For rules 18.2.3.1, 18.2.3.2 and 18.3.3.3 - Setback from boundaries – Rule 18.7.16. b. Outdoor storage – Rule 18.7.17. c. Building height – Rule 18.7.18. d. Recession planes – Rule 18.7.19. e. Water supply for firefighting – Rule 18.7.20. f. Building footprint, site coverage and impervious surfaces - Rule 18.7.22 g. For Rule 18.2.3.6, within a Site of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6 – Rule 9.5.5 as relevant to the site classification. h.g. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3. h.h. In addition, in the case of Hagley Park, for applications relating to Rule 18.2.3.1 and 18.2.3.6 - Additional matters for Hagley Park - building footprint, site coverage and impervious surfaces - Rule 18.7.21. 	This is a Discretionary (rather than Restricted Discretionary) matter.
<p>Amend Rule 18.5.2.3 RD1 column 3 ‘The Council’s discretion shall be limited to the following matters:’ to read:</p> <p>As relevant to the built form standard that is not met:</p> <ul style="list-style-type: none"> a. For Rules 18.5.3.1 and 18.5.3.2 - Setback from boundaries – Rule 18.7.16. b. Building height – Rule 18.7.18. c. Recession planes – Rule 18.7.19. d. Water supply for firefighting – Rule 18.7.20. e. Building footprint, site coverage and impervious surfaces - Rule 18.7.22. f. For Rule 18.5.3.5, within a Site of Ngāi Tahu Cultural Significance identified in Appendix 9.5.6 – Rule 9.5.5 as relevant to the site classification. 	This is a Discretionary (rather than Restricted Discretionary) matter.
<p>Add the following as an additional matter of discretion to Rule 18.7.22:</p> <p><u>k. 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.</u></p>	Enables consideration of matters in Rule 9.5.5.