

STAGE 3 - SECTION 32

CHAPTER 6

GENERAL RULES AND PROCEDURES

ADDENDUM

Parts of the section 32 report specific to Stage 3 General Rules

1.0 INTRODUCTION

[...]

1.3 REPLACEMENT DISTRICT PLAN

1.3.1 Stages 1, 2 and 3

Parts of the General Rules and Procedures Chapter have been included in both Stage 1 and Stage 2 of the proposed replacement District Plan. Because the General Rules and Procedures proposal applies across the proposed Replacement District Plan, part of the proposal have been included in all three stages of the review. The first stage of the review focused on those chapters which were considered urgent in terms of promoting the recovery of Christchurch. This included the Residential, Commercial, Natural Hazards and Strategic Directions chapters.

Section 6.4 Temporary Earthquake Recovery Activities and its two appendices (Appendix 6.1 and Appendix 6.2) were notified as part of Stage 1 of the review and the extension to Stage 1 directed by the Independent Hearings Panel. This section includes provisions for activities displaced by the earthquakes, storage facilities and workers' temporary accommodation.

Stage 2 of the General Rules and Procedures chapter includes all outstanding subsections including:

- 6.1 Noise
- 6.2 Temporary activities, buildings and events
- 6.3 Outdoor lighting and glare
- 6.5 Scheduled activities
- 6.6 Water body setbacks
- 6.7 Aircraft protection
- 6.8 Signs
- 6.9 Sale of alcohol
- 6.10 Public safety and emergency services

The majority of Appendix 6.6 Landscaping and Tree Planting – Rules and Guidance was notified as part of Stage 1 as an Appendix to the Industrial Chapter (Appendix 16.7.1). Because this guidance applies to a number of zones, it has been moved to the General Rules chapter and some additional guidance related to planting for quarry screening has been added for Stage 2.

Stage 3 includes additional rules for s6.2 Temporary Activities, Buildings and Events, s6.3 Outdoor Lighting and Glare and s6.6 Water Body Setbacks. These rules are generally consequential amendments resulting from matters dealt with in other Stage 3 proposals (i.e. Natural and Cultural Heritage, Coastal, and Natural Hazards) and benefit from reading in context with those proposals. The Stage 2 s32 analysis for those sections generally continues to inform aspects of the Stage 3 proposal.

[...]

3.0 TEMPORARY ACTIVITIES, BUILDINGS AND EVENTS

[...]

3.2.0 RESOURCE MANAGEMENT ISSUES

1. Several resource management issues have emerged from a range of sources including issues that have arisen from:
 - a. discretionary discussions with stakeholders including the Council's Events Team;
 - b. the administration of the operative District Plan; and
 - c. comparison of provisions with other recently reviewed District Plans.

3.2.1 Resource Management Issue 1: Managing adverse effects of temporary activities

TEMPORARY ACTIVITIES RESOURCE MANAGEMENT ISSUE 1
<p>1. SUMMARY OF ISSUE</p> <ol style="list-style-type: none"> a. Temporary activities have an important role to play in the economic, social and cultural recovery of the District. However, they also have the potential, depending on their nature, scale, location and duration, to create adverse effects for the local community. In many cases, these effects can be tolerated to a greater extent than what would be acceptable for a permanent activity, but in some cases they still require management. b. The adverse effects of most concern are noise, traffic generation and parking effects, amenity impacts of temporary buildings, loss of public access to public open spaces, light spill and glare, waste generation <u>and potential adverse effects on sensitive environments including the coastal environment, sites of ecological significance, heritage areas and silent file areas.</u> c. It is unclear, however, from the drafting of the rules in the operative Plan, the extent to which other Plan rules such as noise, glare, alteration of a heritage site or modification of significant trees are intended to apply to temporary activities. For example, the CCRP Noise and Entertainment Provisions include noise standards for events in Hagley Park, the City Mall and other locations, but the temporary activities rules in the CCRP state "notwithstanding anything to the contrary in this Plan" temporary events are permitted. <p>2. GENERAL DIRECTIONS</p> <ol style="list-style-type: none"> a. The general policy direction from the Christchurch Central Recovery Plan has been to: <ol style="list-style-type: none"> i. provide for temporary activities and events in the Central City Business and Mixed Use zones, particularly on vacant sites, with no restrictions until 2016; ii. extend the permitted time period for temporary construction buildings in the Central City; and iii. allow temporary signage related to the rebuild as a permitted activity. <p>3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE</p> <ol style="list-style-type: none"> a. Having regard to the direction to provide for and enable temporary activities and to reduce reliance on consenting processes, the recommended policy

approach is to clarify which Plan rules continue to apply to temporary activities but to set achievable Permitted Standards for the majority of activities where adverse effects can be tolerated because of the short term nature of the activity.

4. SCALE AND SIGNIFICANCE

- a. The change to an activities-based plan format and the need to clarify the status of other Plan rules have resulted in the drafting of a number of new standards for temporary activities. The new standards, however, are considered to be permissive and enabling and, as a result, the scale and significance of the changes are considered to be minor.

[...]

3.2.3 Resource Management Issue 3: Providing for events

TEMPORARY ACTIVITIES RESOURCE MANAGEMENT ISSUE 3

1. SUMMARY OF ISSUE

- a. Temporary events such as concerts, festivals, races and exhibitions contribute significantly to the economic, social and cultural wellbeing of the District. Pre-earthquake event-related expenditure in Christchurch exceeded \$40 million a year. This contribution is particularly important in the context of the rebuild.
- b. The loss of a number of permanent entertainment venues has placed additional pressure on remaining facilities and has required a more creative and flexible approach to organising events. This raises the question of whether events should be enabled everywhere or should be directed towards centres and, particularly, towards the Central City.
- c. There is a need to continue to manage the effects of events, particularly noise, traffic generation and parking, and waste management. While some temporary activities have a limited duration and cause minimal effects, other activities, particularly larger scale events, have the potential to disrupt sensitive environments such as Sites of Ecological Significance, the Coastal Environment or Silent File Areas, to a degree that needs to be managed even in the short term.
- d. Events in Council-owned public spaces, including road and parks, are generally controlled through a licensing system under the Trading and Events in Public Places Policy 2010, the Parks and Reserves Bylaw 2008 and the Public Places Bylaw 2008.
- e. The function of the District Plan rules with respect to events is to provide guidance for licensing and permitting decisions and to address the effects of events proposed on sites that are not Council-managed and therefore not subject to the permitting process.
- f. While the operative Plan rules permit events for up to a month, they require consents for periodic events lasting longer than a month. So a festival for 14 consecutive days would be permitted but a concert series once a week for six weeks would require a consent.
- g. Consideration also needs to be given to clarifying the status of the temporary activities rules with respect to events using permanent facilities. As the temporary activities rules are generally more permissive than what would be allowed under the zone rules for permanent activities, there is a risk of sites

arguing that, for example, sports events or concerts in stadiums are “events” and should therefore use the temporary activities rules rather than the zone rules for stadiums.

2. GENERAL DIRECTIONS

- a. The general policy direction from the Christchurch Central Recovery Plan has been to provide for events in the Central City for up to one month with an additional four weeks for pack-in/pack-out and to permit any event on a vacant site in the Central City until 18 April 2016.

3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE

- a. The proposed direction for events is to increase the length of time permitted for periodic events as long as public access to the site is not impeded, extend the pack-in/pack-out time allowance for the Central City to the rest of the District, and revise the definition of temporary activities to exclude activities that are part of the permanent use on a site or that are frequent, recurring and not-anticipated-to-end activities like weekly community markets (now provided for under the zone rules).
- b. It is also proposed to generally require consents for events in Sites of Ecological Significance, the Coastal Environment Overlay and Silent File areas except in identified areas where the effects can be managed.

4. SCALE AND SIGNIFICANCE

- a. The proposed changes are considered to be of low significance because they are generally clarifying existing provisions and allowing slightly longer but less frequent temporary activities.

3.2.4 Resource Management Issue 4: Providing for filming

TEMPORARY ACTIVITIES RESOURCE MANAGEMENT ISSUE 4

1. SUMMARY OF ISSUE

- a. Providing for the film industry will contribute to the economic, social and cultural recovery of the District. The adverse effects of larger scale film shoots on sensitive ecological environments and the effects of longer film shoots on neighbourhood amenity and the transport network need to be managed.
- b. At the moment, the effects of filming on the transport network are managed through the permitting process for temporary road closures but this does not address the noise, lighting, or other potential environmental effects of film shoots including the parking and traffic generation effects of film shoots that do not require road closures.
- c. The operative plan does not include provisions for filming as temporary activities outside of the Central City. These have been introduced to most New Zealand District Plans that have been recently reviewed and were introduced for the Central City by the CCRP under the definition of “events”.

2. GENERAL DIRECTIONS

- a. The general policy direction from the Christchurch Central Recovery Plan has been to broaden the definition of temporary activities to include filming.

3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE
 - a. The proposed changes include permitting filming across the district but setting standards in accordance with Local Government New Zealand’s filming protocol and requiring a consent to assess the effects of larger-scale film shoots on sensitive ecological areas.
4. SCALE AND SIGNIFICANCE
 - a. The proposed changes are considered to be of low significance because they are enabling an infrequent temporary activity that is already permitted in the Central City and setting standards that will not require a consent for the majority of filming activities.

[...]

3.2.6 Resource Management Issue 6: Providing for temporary markets

TEMPORARY ACTIVITIES RESOURCE MANAGEMENT ISSUE 6	
1.	<p>SUMMARY OF ISSUE</p> <ol style="list-style-type: none"> a. The operative plan allows “bazaars” for up to one month outside the Central City. In the Central City a “temporary event or public meeting” is permitted for one month. “Event” is defined as “any temporary and organised activity” and includes temporary markets. b. There is some ambiguity around whether or not weekly community markets qualify as a temporary activity. Many plans include recurring events under the temporary activities rules but in a situation like Riccarton Bush where markets run for a significant period of time every Saturday and Sunday the line between temporary activities and periodic permanent activities becomes unclear. c. If weekly markets fall under the temporary activities rules they would potentially require a resource consent under the operative Plan because they are operating for more than one month. Alternately, permitting weekly markets would not be appropriate in all areas and would begin to blur the lines with other commercial activities (such as a market using a permanent building with stalls but not open every day of the week). d. There are no controls on the location of temporary markets in the operative Plan but there is the potential for these markets to cause adverse effects on the transport network, compete with commercial centres, and decrease residential amenity if they are allowed to occur frequently in residential areas. e. <u>Like events, temporary markets have the potential to attract large crowds that may not be appropriate in sensitive natural environments or areas of cultural significance.</u>
2.	<p>GENERAL DIRECTIONS</p> <ol style="list-style-type: none"> a. The general policy direction from the Christchurch Central Recovery Plan is to provide for temporary markets for up to one month.
3.	<p>PROPOSED DIRECTION IN ADDRESSING THE ISSUE</p> <ol style="list-style-type: none"> a. The proposed changes include clarifying in the definition of temporary activities that the rules apply to activities that are intended to end, providing

- for regular community markets in the relevant zone rules and providing for one-off or infrequent markets in the temporary activities rules.
- b. The proposed rules also direct temporary markets towards commercial centres or other areas where their impacts on residential amenity and the transport network can be managed.
 - c. Consents are required for markets in Sites of Ecological Significance, the Coastal Environment Overlay and Silent File areas except in identified areas.
4. SCALE AND SIGNIFICANCE
- a. The proposed changes are considered to be of low significance because they continue to enable temporary markets while directing them towards appropriate locations.

3.2.7 Resource Management Issue 7: Providing for training exercises

TEMPORARY ACTIVITIES RESOURCE MANAGEMENT ISSUE 7	
1.	SUMMARY OF ISSUE
	<ol style="list-style-type: none"> a. Temporary military training exercises are undertaken from time to time both on land owned by New Zealand Defence Force and in other parts of the District. They play an important role in national defence readiness. b. The potential adverse effects of temporary military training exercises include noise from weapons, explosives or aircraft, impacts on the transport network, damage to vegetation, <u>the potential effects of any earthworks on sensitive ecological areas and the cultural appropriateness of these activities in some areas.</u> c. The operative Plan only references temporary military training exercises to exclude them from the noise provisions. Most recently reviewed District Plans include provisions for temporary military training exercises. d. New noise standards are also proposed for temporary military training exercises through the Stage 2 noise provisions. e. Providing for emergency response training exercises, such as civil defence training exercise, will also assist in the recovery and provide certainty for those activities.
2.	GENERAL DIRECTIONS
	<ol style="list-style-type: none"> a. There is no general policy direction with respect to temporary military training exercises or emergency response training exercises.
3.	PROPOSED DIRECTION IN ADDRESSING THE ISSUE
	<ol style="list-style-type: none"> a. The proposed direction is to provide for temporary military training exercises that meet noise standards <u>and are not located in sensitive ecological or cultural areas.</u> Emergency response training exercises are permitted as long as they meet standards for noise, earthworks and storage of hazardous substances.
4.	SCALE AND SIGNIFICANCE
	<ol style="list-style-type: none"> a. The proposed changes are considered to be of low significance because these exercises are infrequent and temporary military training exercises are

generally conducted on NZDF-owned land where their effects can be managed.

[...]

3.4.0 EVALUATION OF PROPOSED RULES AND METHODS

[...]

3.4.3 Events

PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives and policies:</p> <p><i>6.2.1.1 Objective 1 - Temporary activities and events</i></p> <p><i>a. A diverse range of temporary activities and events provide opportunities for artistic, social and cultural expression; contribute to the economic recovery and resilience of the District; and reinforce or promote a positive sense of place and community, having regard to the natural, historic and cultural values and expected amenity levels of the areas in which they are located.</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1</p> <p><i>6.2.1.1.1 Policy 1 – Temporary activities and events</i></p> <p><i>a. Enable temporary activities, buildings and events provided:</i></p> <p><i>i the frequency, scale and effects of these activities are not incompatible 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;</i></p> <p><i>ii parking and traffic generation are managed so that:</i></p> <p><i>A. road safety and network efficiency are not compromised; and</i></p> <p><i>B. accessibility within and to local commercial centres and businesses is not adversely effected;</i></p> <p><i>iii public access to public open space is maintained as far as practicable, given the nature of the activity or event in question;</i></p> <p><i>iv natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and</i></p>	<p>1. Effectiveness</p> <p>a. The rules proposed are the most appropriate way to achieve the objectives because they clarify which other Plan rules continue to apply to events, better provide for periodic events and manage the effects of temporary activities on sensitive environments to a greater extent than the operative Plan.</p> <p>b. The operative Plan rules do not differentiate between motorised and non-motorised sporting events which can have significantly different environmental effects, particularly in terms of noise and impacts on the transport network. Motorised sporting events are proposed to be a restricted discretionary activity to better assess and manage these effects.</p> <p>c. <u>Consents are also now required for events in Sites of Ecological Significance, the Coastal Environment and Silent File Areas outside of identified areas. This requirement will better allow for an assessment of potential site disturbance including impacts of noise, vegetation or dune disturbance, littering and cultural values associated with a site (e.g.</u></p>

<p>v <i>waste and litter are effectively managed and minimised;</i></p> <p>Methods:</p> <ol style="list-style-type: none"> a. Rules permitting events for one month or six weekends or twelve days a year b. Rules requiring events to meet noise standards for amplified sound and to restrict hours for fireworks c. Rules requiring events to meet evening light spill and glare standards d. <u>Rules requiring a consent for events in a Site of Ecological Significance or the Coastal Environment except in identified Permitted Temporary Activities Areas</u> e. <u>Rules requiring a RD consent for events with over 500 participants in a Silent File Area</u> f. RD consent required for motorised sporting events 	<p><u>by assessing the effects of a concert proposed on a burial site).</u></p> <ol style="list-style-type: none"> d. <u>Areas have been identified in sites of ecological significance and the coastal environment overlay that are exempt from the requirement for a consent to hold events. These have been identified on the basis of historic demand for events (in the areas around New Brighton Pier and the surf lifesaving clubs) and assessed to exclude areas, such as vegetated dunes, where the effects of temporary activities would not be appropriate.</u> e. <u>This approach would be more effective that the operative Plan in providing for temporary activities and events in high demand areas where the effects could be managed but requiring assessment of the effects of events outside of those areas.</u> <p>2. Efficiency</p> <ol style="list-style-type: none"> a. Benefits <ul style="list-style-type: none"> <i>Environmental</i> <ol style="list-style-type: none"> i. <u>Improved assessment and management of the effects of events on Sites of Ecological Significance and the Coastal Environment.</u> <i>Economic</i> <ol style="list-style-type: none"> ii. Some events series will no longer require a consent. iii. Greater clarity for applicants around which rules their application will be assessed against. iv. Noise standards are easier to interpret when the standard is expressed in amps allowed rather than requiring events to meet a noise standard. This is easier to enforce and for applicants to understand (see the s32 for the Noise rules for a more detailed discussion).
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	<p>v. <u>Events are enabled in areas where the effects can be managed.</u></p> <p><i>Social/Cultural</i></p> <p>vi. Longer series of events are enabled.</p> <p>vii. <u>Improved assessment and management of the effects of larger-scale events on sites of significance to iwi.</u></p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>i. Some risk of loss of amenity from temporary buildings associated with events remaining on sites for a longer period of time.</p> <p>ii. Proposed noise rules are more permissive in terms of the standards required for amplified sound and fireworks but set clear restrictions on length of time and hours.</p> <p><i>Economic</i></p> <p>iii. Some applicants may require consent if unable to meet the noise or glare standards <u>or if they are proposing to hold the event in a sensitive area.</u> Based on analysis of past events held in Christchurch (see Appendix 3.3), it is unlikely that many events will not be able to meet the permitted standards.</p> <p><i>Social/Cultural</i></p> <p>iv. Allowing longer timeframes for events means public access to some open spaces may be restricted for a longer period of time but this is managed by the requirement to reinstate public access between openings of the event.</p>
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>Methods:</p> <p>a. Rules permitting carnivals, bazaars and public meetings for one month outside</p>	<p>Appropriateness</p> <p>1. The terminology in the operative Plan is somewhat antiquated and does not cover the range of events likely to be proposed. It also increases Plan complexity unnecessarily to have</p>

<p>the Central City “notwithstanding anything to the contrary in the Plan”</p> <p>b. Rules permitting events for one month plus four weeks of pack-in/pack-out time in the Central City “notwithstanding anything to the contrary in the Plan”</p>	<p>separate rules for the Central City and the remainder of Christchurch.</p> <p>2. The wording of the current rules makes it unclear what other Plan rules apply. This is confusing when the Plan also sets noise standards for events.</p> <p>3. <u>The operative Plan rules also do not consider the relative effects of different sizes or scales of events.</u></p>
<p>3. Option 3 – Reliance on bylaws</p> <p>No District Plan rules for events; rely on bylaws</p>	<p>Appropriateness</p> <p>1. Under the Local Government Act 2002, Council may make bylaws for the purposes of protecting the public from nuisance, protecting, promoting and maintaining public health and safety and minimising the potential for offensive behaviour in public places. While some of the potential adverse effects of events, such as noise or littering, could be managed through bylaws and the Council permitting system, <u>this process would not address the wider environmental effects of events such as their appropriateness in or impact on sensitive environments.</u></p> <p>2. Option 3 also is a less appropriate way to achieve the objectives because the current Christchurch City Council bylaws only apply to events on Council-owned or managed property and would not control the adverse effects of events held on private land.</p>
<p>Risk of Acting or Not Acting</p>	
<p>1. <u>There is some uncertainty about the threshold of event sizes for creating adverse effects on sensitive environments. The 500 person threshold is based on a review undertaken for the Queenstown Lakes District Plan which increased their threshold from 200 to 500 persons but monitoring should be undertaken to ascertain the appropriateness of this threshold in the Christchurch context. The risk of not acting is that temporary activities are permitted in areas such as sites of ecological significance or the coastal environment and their effects are not assessed or managed appropriately.</u></p>	

3.4.4 Filming

PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives and policies:</p> <p><i>6.2.1.1 Objective 1 - Temporary activities and events</i> <i>A diverse range of temporary activities and events provide opportunities for artistic, social and cultural expression; contribute to the economic recovery and resilience of the District; and reinforce or promote a positive sense of place and community, having regard to the natural, historic and cultural values and expected amenity levels of the areas in which they are located.</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1</p> <p><i>6.2.1.1.1 Policy 1 – Temporary activities and events</i></p> <p><i>a. Enable temporary activities, buildings and events provided:</i></p> <p><i>i the frequency, scale and effects of these activities are not incompatible 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;</i></p> <p><i>ii parking and traffic generation are managed so that:</i></p> <p><i>A. road safety and network efficiency are not compromised; and</i></p> <p><i>B. accessibility within and to local commercial centres and businesses is not adversely effected;</i></p> <p><i>iii public access to public open space is maintained as far as practicable, given the nature of the activity or event in question;</i></p> <p><i>iv natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and</i></p> <p><i>v waste and litter are effectively managed and minimised;</i></p> <p>Methods:</p> <p>a. Rules permitting commercial film or video production for 30 days a year per location and exempting it from noise and glare standards from 10pm to 7am.</p>	<p>1. Effectiveness</p> <p>a. Option 1 is a more appropriate way to achieve the objectives because the rules extend the permitted 30 days for film shoots from the Central City to the remainder of the District and clarify that the noise and glare standards with respect to filming only need to be met at night time and where traffic safety could be compromised. <u>Requiring consent for larger film shoots in sensitive ecological areas will allow for the potential adverse effects on those areas to be considered appropriately.</u></p> <p>b. The proposed one month limit reflects best practice guidance set out by the NZ Local Government Filming Protocol.</p> <p>c. The proposed definition of commercial film or video production clarifies that the rules do not apply to news organisations or to individuals filming for their personal use.</p> <p>d. The Industrial zones are exempted from the standards for temporary filming because filming falls under the definition of industrial activity which is permitted in industrial zones without standards.</p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. <u>Assessment enabled of the impact of larger scale film productions on</u></p>

<p>b. <u>Rules requiring a consent for productions lasting longer than three days or involving more than 200 people in a Site of Ecological Significance or Coastal Environment.</u></p> <p>Definition: Commercial film or video production means activities associated with the creation of a film or video product where undertaken by a professional production company. Commercial film or video production excludes filming by news organisations, students or private individuals.</p>	<p><u>sensitive ecological areas.</u></p> <p><i>Economic</i></p> <p>ii. Production companies have more certainty around what is permitted and what standards need to be met.</p> <p>iii. Smaller-scale commercial film shoots are enabled and should not have difficulties meeting the standards.</p> <p><i>Social/Cultural</i></p> <p>iv. Non-profit, student and individual filming is enabled with no restrictions.</p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>i. Some risk of loss of amenity from daytime noise and glare from film shoots but these would generally only last for a few days. Most significantly noisy sound effects are currently added in post-production so it is not anticipated that film shoots would cause significant adverse noise effects. Monitoring of noise complaints associated with filming in Queenstown did not identify any noise issues arising from temporary filming.</p> <p><i>Economic</i></p> <p>ii. <u>Risk that requirement to get consent to film in sites of ecological significance or coastal areas will discourage filmmakers from choosing locations in the District.</u></p> <p><i>Social/Cultural</i></p> <p>iii. NIL</p>
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>The operative Plan permits “film shoots” in the Central City for up to one month with an additional four weeks pack-in/pack-out time.</p>	<p>Appropriateness</p> <p>1. Option 2 is a less appropriate way to achieve the objective because it does not clarify the status of filming outside the Central City or the status of other Plan rules such as noise, glare or alteration of a heritage site.</p>

<p>Filming is otherwise only controlled through Council permits for road closures or use of reserves.</p>	<p>2. <u>Permits for filming only control activities on Council-owned or managed land and would not control any adverse effects of large-scale film shoots on privately owned sites of ecological significance or areas in the coastal environment.</u></p>
<p>Risk of Acting or Not Acting</p>	
<p>1. <u>There is some uncertainty about the threshold of film shoot sizes for creating adverse effects on sensitive environments. The 200 person threshold is based on a review undertaken for the Queenstown Lakes District Plan but monitoring should be undertaken to ascertain the appropriateness of this threshold in the Christchurch context. The risk of not acting is that film shoots are permitted in areas such as sites of ecological significance or the coastal environment and their effects are not assessed or managed appropriately.</u></p>	

[...]

3.4.6 Temporary markets

<p>PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</p>	
<p>Relevant objectives and policies:</p> <p><i>6.2.1.1 Objective 1 - Temporary activities and events</i></p> <p><i>a. A diverse range of temporary activities and events provide opportunities for artistic, social and cultural expression; contribute to the economic recovery and resilience of the District; and reinforce or promote a positive sense of place and community, having regard to the natural, historic and cultural values and expected amenity levels of the areas in which they are located.</i></p>	
<p>Provision(s) most appropriate</p>	<p>Effectiveness and Efficiency</p>
<p>1. Option 1</p> <p><i>6.2.1.1.1 Policy 1 – Temporary activities and events</i></p> <p><i>a. Enable temporary activities, buildings and events provided:</i></p> <p><i>i the frequency, scale and effects of these activities are not incompatible 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;</i></p> <p><i>ii parking and traffic generation are managed so that:</i></p> <p><i>A. road safety and network efficiency are not compromised; and</i></p> <p><i>B. accessibility within and to local commercial centres</i></p>	<p>1. Effectiveness</p> <p>a. The proposed rules will enable markets in appropriate zones where their impacts on parking and the transport network can be better managed and where they will create spill-over trade for permanent commercial activities.</p> <p>b. <u>Requiring consents for markets seeking to establish in sensitive ecological or cultural areas will allow for their effects on those areas to be appropriately assessed.</u></p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. <u>Provides for the assessment of effects of larger temporary markets</u></p>

<p style="text-align: center;"><i>and businesses is not adversely effected;</i></p> <ul style="list-style-type: none"> <i>iii public access to public open space is maintained as far as practicable, given the nature of the activity or event in question;</i> <i>iv natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and</i> <i>v waste and litter are effectively managed and minimised;</i> <p>Methods:</p> <ul style="list-style-type: none"> a. Rules permitting markets and fund-raising events while restricting the number of days per year they can operate in certain zones b. <u>Rules requiring consent for markets in Sites of Ecological Significance, Silent File Areas or the Coastal Environment outside of Permitted Temporary Activities Areas.</u> 	<p><u>on Sites of Ecological Significance or the Coastal Environment.</u></p> <ul style="list-style-type: none"> ii. Reduced impacts on the transport network and residential amenity from markets in centres rather than distributed in Residential or Rural areas. iii. Considers the cumulative effects of temporary markets on the transport network and residential amenity. <p><i>Economic</i></p> <ul style="list-style-type: none"> iv. Directs temporary markets to commercial centres supporting their recovery <p><i>Social/Cultural</i></p> <ul style="list-style-type: none"> v. Allows community groups to organise fund-raisers on school sites or community facilities in Residential or Rural areas for a limited number of days per years. <p>b. Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> i. NIL <p><i>Economic</i></p> <ul style="list-style-type: none"> ii. <u>Larger markets seeking to establish in sensitive ecological or cultural areas would be required to apply for a consent.</u> iii. Markets on Residential-zoned land using community facilities, such as spiritual facilities or community centres, would require consent to operate more often than once a month. <p><i>Social/Cultural</i></p> <ul style="list-style-type: none"> iv. NIL
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>“Bazaars” permitted for one month outside the Central City.</p> <p>“Temporary Events” permitted for one month inside the Central City.</p>	<p>Appropriateness</p> <ul style="list-style-type: none"> 1. Option 2 is less appropriate because it uses antiquated language, not intuitively applicably to temporary markets and does not consider the cumulative effects of markets on residential amenity, <u>sensitive sites</u> or the transport network.

Risk of Acting or Not Acting
There is currently insufficient information about the number of temporary markets or fundraisers using Residential or Rural-zoned sites that would potentially need to seek consent or find an alternative venue. This should be monitored and the policy revisited if a significant number of temporary markets or fundraisers are requiring consent.

3.4.7 Training

PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
Relevant objectives and policies:	
<p><i>6.2.1.1 Objective 1 - Temporary activities and events</i> <i>A diverse range of temporary activities and events provide opportunities for artistic, social and cultural expression; contribute to the economic recovery and resilience of the District; and reinforce or promote a positive sense of place and community, having regard to the natural, historic and cultural values and expected amenity levels of the areas in which they are located.</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1</p> <p><i>6.2.1.1.1 Policy 1 – Temporary activities and events</i></p> <p><i>a. Enable temporary activities, buildings and events provided:</i></p> <p><i>i the frequency, scale and effects of these activities are not incompatible 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;</i></p> <p><i>ii parking and traffic generation are managed so that:</i></p> <p><i>A. road safety and network efficiency are not compromised; and</i></p> <p><i>B. accessibility within and to local commercial centres and businesses is not adversely effected;</i></p> <p><i>iii public access to public open space is maintained as far as practicable, given the nature of the activity or event in question;</i></p> <p><i>iv natural, historic or cultural values of sites are not permanently modified, damaged or destroyed; and</i></p> <p><i>v waste and litter are effectively managed and minimised;</i></p>	<p>1. Effectiveness</p> <p>a. The provisions clarify that temporary military exercises are permitted where their noise impacts can be managed <u>and where they will not create adverse ecological or cultural effects.</u></p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. <u>Provides for the assessment of the appropriateness of these activities in sensitive ecological areas.</u></p> <p><i>Economic</i></p> <p>ii. Provides greater certainty for applicants around which Plan rules apply to these activities.</p> <p><i>Social/Cultural</i></p> <p>iii. Provides for training for national defence purposes</p> <p>iv. <u>Allows the assessment of the appropriateness of these activities in sensitive cultural environments such as adjacent to urupa.</u></p> <p>b. Costs</p> <p><i>Environmental</i></p>

<p>Methods:</p> <p>a. Rules that enable temporary military training exercises that comply with noise standards <u>and are not located in a Site of Ecological Significance, Coastal Environment or Silent File area</u></p>	<p>i. NIL</p> <p><i>Economic</i></p> <p>ii. <u>Potentially additional consenting costs for exercises that must be located in the Coastal Environment or near a Site of Ecological Significance or Silent File area.</u></p> <p><i>Social/Cultural</i></p> <p>iii. NIL</p>
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>No specific provisions for temporary military training exercises</p>	<p>Appropriateness</p> <p>1. Option 2 is less appropriate because the Noise provisions, at the suggestion of NZDF, include standards for these exercises.</p>
<p>Risk of Acting or Not Acting</p>	
<p>It is considered that sufficient information exists about the proposed provisions without the need to take account of the risk of acting or not acting (RMA s32(4)(b)).</p>	

[...]

4.0 OUTDOOR LIGHTING AND GLARE

[...]

4.2.0 RESOURCE MANAGEMENT ISSUES

- a. Several related resource management issues have emerged from a range of sources including:
 - i. the administration of the operative District Plan;
 - ii. a comparison of the provisions with other New Zealand District Plans.

4.2.1 Resource Management Issue 1: Providing for artificial lighting while managing its effects

OUTDOOR LIGHTING AND GLARE RESOURCE MANAGEMENT ISSUE 1
<p>1. SUMMARY OF ISSUE</p> <ul style="list-style-type: none"> a. Outdoor artificial lighting plays an important economic and social role in the District by enabling night time work, construction, entertainment and recreation. Adequate lighting also promotes a sense of public safety and security. b. There is a need to balance those benefits, however, with the potential adverse effects of light spill and glare. c. Light spill and glare can create a nuisance in residential, rural and open space areas resulting in sleep disturbance or distraction from work or recreational activities. Inappropriately designed outdoor lighting can also detract from the amenity values of sensitive ecological, landscape, heritage or cultural sites. d. Excessive light spill into the night sky can reduce opportunities for stargazing and can have an adverse effect on nocturnal species. e. Glare can also compromise the safe and efficient operation of the transport networks where it distracts drivers or pilots. f. There is also an opportunity to encourage the use of energy efficient lighting designs (such as solar-powered lighting) to reduce depletion of non-renewable energy sources. <p>2. GENERAL DIRECTIONS</p> <ul style="list-style-type: none"> a. The general policy direction from the Canterbury Regional Policy Statement, Land Use Recovery Plan and other replacement District Plan chapters (Strategic Directions) has been to enable the recovery of businesses, entertainment and recreation facilities and to protect the operation of infrastructure while continuing to provide for the amenity and health and safety of residents. <p>3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE</p> <ul style="list-style-type: none"> a. Having regard to the strategic policy direction, the recommended policy approach is to continue enabling use of outdoor artificial lighting but to control its direction, location and intensity to protect amenity

values and the safe and efficient operation of the transport network. It is also proposed to add consideration of the energy efficiency of outdoor lighting designs to the policy framework and Matters of Discretion.

4. SCALE AND SIGNIFICANCE

- a. Proposed changes to the existing provisions are considered to be minor and to have a minor effect on applicants.

4.3.0 EVALUATION OF OBJECTIVES AND POLICIES

Section 32(1)(a) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose (section 5) of the Act.

4.3.1 EVALUATION OF PROPOSED OBJECTIVE 1

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective 1	Summary of Evaluation
<p>Objective 1 Option 1 – Comprehensive</p> <p>An approach that comprehensively sets out expectations for artificial lighting.</p> <p><i>Objective 6.3.1.1: Artificial Lighting</i></p> <p><i>Appropriate artificial lighting enables night-time work, recreation, sport, entertainment, transportation and public health and safety while:</i></p> <ul style="list-style-type: none"> <i>i protecting residential, commercial, open space and rural amenity; <u>and areas of natural, historic or cultural significance;</u></i> <i>ii avoiding interference with the safe operation of transport and infrastructure;</i> <i>iii making efficient use of energy;</i> <i>iv preserving or enhancing night sky viewing opportunities.</i> 	<ol style="list-style-type: none"> 1. The intent of Objective 1 is both to recognise the social, economic and cultural benefits of artificial lighting and to clarify the areas of specific concern in terms of adverse effects. This is more consistent with the requirements of the Statement of Expectations 4(b) and Strategic Directions Objective 3.3.2, to clearly state the outcomes intended for the District, than Option 2, retaining the operative plan objectives and policies. 2. The proposed objective is a more appropriate way to achieve the purpose of the RMA because it recognises additional s7 matters including s7(ba) the efficiency of the end use of energy; s7(c) the maintenance and enhancement of amenity values; s7(f) maintenance and enhancement of the quality of the environment; and s7(j) the benefits to be derived from the use and development of renewable energy.
<p>Objective 1 Option 2 – Status Quo</p> <p><i>Operative Plan Objective 4.2 Amenity</i></p>	<ol style="list-style-type: none"> 1. The operative District Plan includes only very general objectives with respect to Outdoor Lighting and Glare. The policy to avoid the adverse effects of glare sits under a very broad objective to create a pleasant and attractive city.

<p><i>A pleasant and attractive City.</i></p>	<p>2. Option 2 is considered to be a less appropriate way to achieve the purpose of the RMA because it is not specific about the kinds of amenities it is seeking to protect or the effects it is seeking to manage with respect to lighting and glare.</p>
<p>Objective 1 Option 3 – No specific District Plan objectives for outdoor lighting and glare</p>	<p>1. The effects from outdoor lighting and glare could potentially be addressed through zone objectives and policies around, for example, maintaining residential amenity or reliance on the Strategic Direction objective 3.3.14(b) to avoid incompatible activities where there may be significant adverse effects on the health, safety and amenity of people and communities.</p> <p>2. Zone-based objectives and policies around maintaining amenity are considered to be a less appropriate way to achieve the purpose of the RMA because they would either:</p> <ul style="list-style-type: none"> a. result in significant repetition and would increase the complexity of the plan if plan users were required to find objectives and policies for lighting in both the zone and transport chapters, for example; or b. result in more general expression of the objectives and policies for lighting. This would potentially not be specific enough to signal the need for full consideration of the issues and would not be consistent with Strategic Directions objective 3.3.2(b) to set objectives and policies that clearly state the outcomes intended.

4.4.0 EVALUATION OF PROPOSED RULES AND METHODS

- a. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

4.4.1 Policy 1 - Enabling night-time activity while managing effects of artificial lighting

PROVISIONS (RULE, METHOD) <u>MOST APPROPRIATE WAY</u> TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives and policies:</p> <p><i>Strategic Directions Objective 3.3.12: Infrastructure</i> <i>(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.</i></p> <p><i>Strategic Directions Objective 3.3.14: Incompatible activities</i> <i>(a) The location of activities is controlled, primarily by zoning, to minimise conflicts between incompatible activities; and</i> <i>(b) Conflicts between incompatible activities are avoided where there may be significant adverse effects on the health, safety and amenity of people and communities.</i></p> <p><i>Objective 6.3.1.1: Artificial Lighting</i></p> <p><i>Appropriate artificial lighting enables night-time work, recreation, sport, entertainment, transportation and public health and safety while:</i></p> <ul style="list-style-type: none"> <i>i protecting residential, commercial, open space and rural amenity; <u>and areas of natural, historic or cultural significance;</u></i> <i>ii avoiding interference with the safe operation of transport and infrastructure;</i> <i>iii making efficient use of energy;</i> <i>iv preserving or enhancing night sky viewing opportunities.</i> 	
Provision(s) most appropriate	Effectiveness and Efficiency
Policy 1 - Option 1	1. Effectiveness

<p>a. Recognise and provide for artificial outdoor lighting for night-time activities and safety while managing the scale, timing, duration, design and direction of artificial lighting in a way that:</p> <ul style="list-style-type: none"> i. minimises disturbance to the rest or relaxation of residents; <u>or any areas of natural, historic or cultural significance;</u> ii. does not interfere with the safe operation of the transport network or aircraft; iii. is energy efficient; iv. minimises unnecessary light spill into the night sky. <p>Methods</p> <p>a. Rules requiring:</p> <ul style="list-style-type: none"> i. compliance with zone standards for lighting scaled to reflect the sensitivity of the receiving environment; ii. lighting to be directed away from roads and adjacent properties; iii. management of light spilling above the horizontal in areas near airport runways; iv. assessment of energy efficiency and light spill impacts on the night sky for proposals that exceed the standards. 	<p>a. The proposed policy and rules are appropriate in achieving the objective because they enable outdoor artificial lighting to a level that balances the requirements of zones generating light with the amenity needs of more sensitive zones.</p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> i. Controls light spill into adjacent properties and the night sky improving amenity values and protecting the rest and relaxation of residents; ii. <u>Provides for consideration of the impact of lighting on areas of natural significance;</u> iii. Encourages energy-efficient and renewable-energy-based lighting designs for larger scale developments where they trigger consents. <p><i>Economic</i></p> <ul style="list-style-type: none"> iv. Provisions are largely carried over providing for efficiency in Plan administration. v. Reducing the activity status for proposals not meeting the standard from Discretionary to Restricted Discretionary and specifying the Matters of Discretion will provide additional certainty to applicants and reduce consenting costs. vi. Recognises benefits of outdoor artificial lighting for night time work, entertainment, recreation and construction activities. vii. Protects the safe operation of the transport network and key
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	<p>infrastructure including the port and airport.</p> <p>viii. Protects property values for landowners where glare and light spill effects from activities like stadium lighting or port activities are appropriately managed.</p> <p><i>Social/Cultural</i></p> <p>ix. Recognises benefits of outdoor artificial lighting for night time entertainment and recreation activities.</p> <p>x. <u>Provides for consideration of the impact of lighting on areas of historic or cultural significance</u> and on night sky viewing.</p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>1. Very minor adjustment to the measurement method could result in slightly more light spill allowed at residential boundaries but would make the Plan easier to interpret and less costly to administer.</p> <p><i>Economic</i></p> <p>2. Some potential additional consenting costs for applicants unable to meet stricter standards for Banks Peninsula residential zones, some light industrial zones and some scheduled activities.</p> <p>3. Additional administrative costs to consider Matters of Discretion relating to energy efficiency and cumulative effects.</p> <p><i>Social/Cultural</i></p> <p>4. NIL</p>
Options less or not as appropriate to achieve the Objectives and Policies:	
Option 2 – Status quo	Appropriateness

<p>Operative Plan Policy 4.2.14 Glare</p> <p>To address the adverse effects of glare caused by lighting, or where practicable reflection, on the amenities of the surrounding environment.</p>	<ol style="list-style-type: none"> 1. The operative plan policy is in an effects-based format that does not adequately recognise the benefits of artificial lighting and is not specific about the kinds of adverse effects it is seeking to control. 2. Option 2 conflates the issues of light spill and glare and does not adequately support the use of maximum lux standards to control light spill. 3. Option 2 is also not consistent with the exemption for reflected glare from structures or vehicles.
<p>Option 3 – Adjustments to the lighting standards in the operative Plan</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. Issues have not been raised with the current standards in either the s35 monitoring reports prepared in 2011 or in discussions with plan administrators or compliance officers. The consensus has been that the current standards are appropriate and are achieving the objectives. They generate very few complaints (averaging 7 a year) and have triggered only 22 consents in the last 10 years, the majority of which also required consent under other plan rules. 2. More permissive standards are considered to be less appropriate because the current standards are generally more permissive than other District Plans in New Zealand and very few consent applications are triggered under the current regime. More permissive standards would result in more light spill into the night sky and would not be as effective in achieving the objective. 3. Less permissive standards are considered to be less appropriate because they would increase consenting requirements and would not be consistent with the Statement of Expectations. 4. The exceptions are:

	<ul style="list-style-type: none"> a. the standards for Banks Peninsula residential zones which have been reduced to be consistent with City residential and rural zone standards; b. the standards for the former B3, B4P, and B8 zones which have been reduced as a result of zone amalgamation in the Industrial chapter; c. the standards for some scheduled activities (excepting clubs, taverns, fire stations and service stations) have been reduced to better recognise the residential and rural environments in which they sit and the lighting needs of the specific activities.
<p>Option 4 – Standards only need to be met at boundary with sensitive zones</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. Only requiring lighting standards to be met at the boundaries with residential, open space or other sensitive zones would reduce costs for applicants in some instances but would result in a greater net light spill for the District. As very few activities are unable to meet the current standards, it is not considered appropriate to relax them further. This approach would not achieve the objective of encouraging the efficient use of energy or reducing light spill into the night sky.
<p>Option 5 – A maximum standard for lux spill</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. The proposed standards for light spill control the permitted increase over background levels at the boundary of adjacent properties but is not as effective at controlling light spill effects within larger sites (such as within a multi-unit residential complex) where light spill from one activity can affect other buildings on the same site. Some plans address this issue by having a maximum

	<p>standard for illuminance measured at the ground or at the window of any building on the site.</p> <p>2. This is considered to be a less appropriate approach than Option 1 because issues with light spill or glare within a single site can be addressed by the property owner. Controlling lux spill at the window of existing buildings does not provide certainty for developers because buildings within the site could be added or demolished, changing the standards they would be required to meet.</p>
<p>Option 6 – Restricting lighting types and designs that result in light spill above the horizontal</p>	<p>Appropriateness</p> <p>1. Provisions that require all fixed outdoor lighting to be directed below the horizontal would be an effective way to reduce light spill into the night sky. Several other district plans also restrict searchlights and laser light shows.</p> <p>2. Provisions of this type would significantly restrict design options for pathway lighting and monument lighting and increase costs for applicants, however. While they are appropriate in areas like the Mackenzie District to protect the Dark Sky Reserve, they are potentially not sufficiently efficient in the Christchurch area to justify the additional costs.</p> <p>3. Additional work could be done in this area, however, to find an appropriate level of control. Council is considering the development of a Lighting Strategy which could provide additional guidance on this issue and other potential approaches.</p>
<p>Option 7 – Controls on reflective glare</p>	<p>Appropriateness</p> <p>1. Controls on reflective glare from buildings could help to reduce the nuisance effects of glare on residences and the safety effects on</p>

	<p>transport, however, managing reflective glare is complex and expensive for applicants and difficult to enforce. Apart from retaining the operative plan controls on reflective surfaces near airport runways, it is not considered appropriate within the context of the recovery to introduce additional plan controls on reflective glare.</p>
<p>Risk of Acting or Not Acting</p>	
<ol style="list-style-type: none"> 1. There is currently insufficient information about the net impacts of light spill on night sky viewing in the District <u>and on certain sensitive natural environments</u> but it is considered that the provisions as currently drafted will allow for a reasonably robust assessment of site specific conditions with respect to those issues at the time a consent application is made. 2. The risk of acting in the absence of this information is minor. 	

[...]

7.0 WATER BODY SETBACKS

7.1.0 CONTEXT

[...]

7.1.3 Strategic Planning Documents

1. Those strategic matters and provisions specifically given effect or had regard to in this section are summarised in the table below. These documents broadly identify the resource management issues for the district and provide the higher level policy direction to resolve these issues.
2. The Strategic Directions Chapter also contains higher order objectives and policies to reflect the outcomes sought in a number of strategic planning documents. An assessment of these objectives and policies is contained within the s 32 report for the Strategic Directions chapter. Those objectives and policies within the Strategic Directions Chapter that are relied on in this chapter are discussed in Section 7.3 (Evaluation of Objectives) below.

Table 1: Strategic Planning Documents

	Document	Relevant provisions	Relevant directions given effect/taken account of in the Water Body Setbacks section
a	Resource Management Act 1991 (RMA)	s6(a); s6(d); s6(e); s7(c); s7(d); s7(f); s7(h)	The RMA requires Council as a matter of national importance to provide for the preservation of the natural character of wetlands, lakes, rivers and their margins and to protect them from inappropriate use and development. Section 6 also requires Council to maintain and enhance public access to and along lakes and rivers and to provide for the relationship of Māori and their culture and traditions with water and other taonga. Council must also have regard to the maintenance and enhancement of amenity values, the intrinsic values of ecosystems and the protection of the habitat of trout and salmon.

b	National Policy Statement for Freshwater Management 2014 (NPSFM)	Objective A1; Objective A2; Objective B4; Objective C1; Objective D1; Policy D1; Appendix 1	The review must give effect to the NPSFM which sets out compulsory national values and bottom lines for freshwater including te hauora o te wai (the health and mauri of water). Additional national values include the protection of the natural form and character of waterways, mahinga kai values, wahi tapu, clean drinking water, and economic opportunities for people, businesses and industries.
c	New Zealand Coastal Policy Statement 2010 (NZCPS)	Policy 23	The review must give effect to the NZCPS which contains objectives and policies relevant to the management of freshwater resources including the need to reduce contaminant and sediment loadings in stormwater at source by controls on land use activities.
d	Canterbury Regional Policy Statement 2013 (CRPS)	Objective 6.2.1(6); Objective 7.2.1; Objective 7.2.3; Objective 7.2.4; Policy 7.2.3; Policy 7.3.3; Policy 7.3.5; Policy 7.3.6; Policy 7.3.7; Policy 9.3.5; Objective 10.2.1; Objective 10.2.2; Objective 10.2.4; Policy 10.3.1; Policy 10.3.2; Policy 10.3.3; Policy 10.3.4; Policy 10.3.5.	The review must give effect to the CRPS. In order to give effect to the CRPS, the District Plan must include objectives and policies, and may include methods, to: <ul style="list-style-type: none"> a. control the effects of inappropriate use or development of land on the values of the riparian zones of rivers and lakes; b. control the use of land for the purpose of avoiding or mitigating flood hazard; c. control the effects of development in riparian zones for protecting indigenous biodiversity and preserving natural character
e	Land Use Recovery Plan (LURP)	Action 42	The review cannot be inconsistent with the Land Use Recovery Plan which includes an action for Christchurch City Council in its District Plan review to provide for protection of people from natural hazards including flooding, liquefaction and sea level rise.
h	Proposed Land and Water Regional Plan (pLWRP) -	Objective 3.1; Objective 3.2; Objective 3.7; Objective 3.8;	The review must have regard to the pLWRP, as it covers matters for which Environment Canterbury has primary responsibility under the Resource

	effective 18 January 2014	Objective 3.14; Objective 3.17; Objective 3.18; Objective 3.19; Objective 3.22; Objective 3.24; Policy 4.81; Policy 4.82; Policy 4.84; Policy 4.85; Policy 4.86; Policy 4.89; Policy 4.91	Management Act. Relevant objectives and policies concern earthworks, structures and riparian planting in the beds of rivers and lakes.
i	Canterbury Water Management Strategy (CWMS) and Zone Implementation Programmes (ZIPs)	Banks Peninsula ZIP Recommendations 1.1, 1.2, 1.4, 1.8, 2.6, 2.11, 2.12, 4.13, 6.7, 8.2, 8.3, 8.7 Christchurch ZIP Recommendations RR2 2.1; SW2 2.1; SW4 4.1; SW4 4.3; SW5 5.1; EB1 1.1; EB4 4.1	<p>The Regional Policy Statement directs Council to have regard to the recommendations of the Canterbury Water Management Strategy. The Zone Implementation Programmes developed by the Banks Peninsula and Christchurch-West Melton Zone Committees include zone-specific recommendations for water management.</p> <p>The Banks Peninsula ZIP includes recommendations for:</p> <ol style="list-style-type: none"> restoration and maintenance of mauri in all waterways to be of the highest priority; catchment-based planning to be integrated into all planning documents; District Plan rules be reviewed to ensure support for biodiversity. <p>The Christchurch West Melton ZIP includes recommendations for:</p> <ol style="list-style-type: none"> reviewing the effectiveness of the current setback provisions; reviewing provisions to safeguard mahinga kai values; reducing stormwater impacts on surface water quality; ensuring plans manage activities that negatively impact on the ecological health of waterways; protecting and rehabilitating all remaining naturally occurring wetlands.

j	Christchurch City Council Surface Water Strategy 2009-2039	Objective 1.3; Objective 1.4; Objective 1.5; Objective 2.1; Objective 2.2; Objective 2.3; Objective 2.4; Objective 3.1; Objective 3.2; Objective 3.3; Objective 3.4; Objective 4.1; Objective 4.2; Objective 4.3; Objective 4.4; Objective 5.1; Objective 5.2; Objective 7.1; Objective 7.2	The review must have regard to the Surface Water Strategy which sets out Council's management goals for water bodies. The Surface Water Strategy includes a list of preferred surface water management mechanisms. In each area, riparian planting and buffer zones rank at or near the top as "most preferred" approaches.
k	Mahaanui Iwi Management Plan 2013	Objective 5.3.3; Objective 5.3.4; Objective 5.3.6; Objective 5.3.7; Objective 5.3.8; Policy WM4.1; Policy WM6.1; Policy WM6.2; Policy WM6.6; Policy WM6.15; Policy WM6.16; Policy WM6.17; Policy WM6.19; Policy WM6.22; Policy WM6.23; Policy WM12.1; Policy WM12.2; Policy WM12.3; Policy WM12.4; Policy WM12.5; Policy WM12.6; Policy WM12.8; Policy WM12.9; Policy WM12.14; Policy WM12.15; Policy WM12.16; Policy WM12.17; Policy WM13.1; Policy WM13.2; Policy WM13.3; Policy WM13.7; Policy WM14.1	<p>The review must take into account the Mahaanui Iwi Management Plan (IMP). A central concern of the IMP is the management of activities in the margins of lakes and rivers.</p> <p>The IMP focuses on maintaining and enhancing riparian margins, including through the control of land uses and activities, management of planting, and maintenance of access. It also includes objectives concerning the elimination of direct discharges of contaminants into water bodies including from stormwater runoff.</p> <p>In particular, the IMP seeks to have the following activities provided for as permitted activities:</p> <ol style="list-style-type: none"> a. Ngāi Tahu cultural use as an activity that occurs in riparian zones; b. protection and restoration of native riparian planting. <p>The IMP also includes policies that the District Plan consider:</p> <ol style="list-style-type: none"> a. the need to protect sites of cultural significance when considering public access to water bodies;

			b. the need to protect and maintain Ngāi Tahu access to sites associated with wahi tapu, wahi taonga, mahinga kai and other cultural resources.
l	Te Rūnanga o Ngāi Tahu Freshwater Policy 1999	Objective 6.2; Objective 6.3	Te Rūnanga o Ngāi Tahu's Freshwater Policy identifies the need for a catchment management approach and encouragement of the restoration of riparian margins because of their pollutant abatement functions.
m	Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 – Statement of Expectations	Schedule 4(a); 4(b); 4(h)	The Statement of Expectations requires the replacement District Plan to: <ul style="list-style-type: none"> a. contain objectives and policies that clearly state the outcomes intended for the district; b. reduce reliance on resource consent processes, the number, extent and prescriptiveness of development controls and requirements for notification and written approval; and c. set a clear direction on the use and development of land for the purpose of avoiding or mitigating natural hazards.

Division of Statutory Responsibilities for the Management of Water Bodies

3. Sections 30 and 31 of the RMA establish the resource management functions of regional and local authorities. The control of water quality and quantity and the maintenance and enhancement of ecosystems in water bodies is largely a regional council function. The control of the effects of land-use activities on water bodies and the effects of activities on the surface of water are largely Christchurch City Council functions.
4. There is some overlap of responsibilities, particularly with respect to natural hazards, the maintenance of indigenous biodiversity and land uses that affect water quality.
5. The strategic direction for water management largely sits at the regional council level, as it relates to direct management of water quality and water quantity.

7.1.4 Independent Hearings Panel Decisions on Stage 1 Proposals

1. Decisions were released on 26 February 2015 on several Stage 1 proposals including the Strategic Directions proposal.

2. The decision on the Strategic Directions proposal revised a number of objectives and introduced Objective 3.3.1 Enabling recovery and facilitating the future enhancement of the district and Objective 3.3.2 Clarity of language and efficiency. All other plan objectives and policies are required to be expressed and achieved in a manner consistent with Objectives 3.3.1 and 3.3.2.
3. The proposed provisions achieve Objective 3.3.1 and 3.3.2 by sustaining the important qualities and values of the natural environment, by increasing natural hazard resilience and meeting the community's longer term needs for stormwater infrastructure by preserving the natural capacity of water body margins to serve this function rather than requiring expensive future engineered network upgrades.
4. While in the majority of cases, the proposed provision are likely to increase consenting requirements, proposed changes to the objectives and policies clarify the outcomes sought for the different types of water bodies in the District and simplify the consent process by more clearly linking assessment matters to those outcomes (e.g. removing public access and amenity and character assessment matters for utility waterways).
5. This approach is consistent with Strategic Directions objective 3.3.6 to avoid or mitigate the risks of natural hazards to people, property and infrastructure.
6. Objective 3.3.1 also directs that the important qualities and values of the natural environment be sustained. It is considered that more restrictive provisions for water body setbacks are required in order to achieve this.

7.1.5 Scale and Significance

1. Section 32(1)(c) of the Act requires that this evaluation report contains a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
2. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions and in making this assessment regard has been had to the following, namely whether the provision:
 - a. is of a regional or city-wide significance;
 - b. relate to matters that have been considered implicitly or explicitly by higher order documents;
 - c. is important to resolve an issue or problem particularly to protect life and property;
 - d. has a wide range of policy options or only variations of a theme;
 - e. the policy direction will radically change from current provisions;
 - f. will affect reasonable use of land;
 - g. adversely impact those most directly affected or those with particular interests including Māori;
 - h. limits options for future generations to remedy effects;
 - i. will directly assist in the District's recovery.
3. The level of evaluation able to be undertaken through this Section 32 has been influenced by the truncated process and the timeframe for the District Plan Review.

The Section 32 evaluation will continue to be updated in response to submissions from the community and stakeholders.

4. The District's land drainage network includes 79 kilometres of rivers, 160 kilometres of tributaries and 130 kilometres of utility drainage channels. Significant lengths of this network include settled areas and, as a result, changes to the provisions for water body margins have the potential to affect a large number of people and properties.
5. The changes proposed are addressing significant issues for the District including flood hazard management and the ecological and cultural health of a large number of surface water bodies. While the primary methods for addressing hazard risk are outlined in the Natural Hazards chapter, the water body setbacks also play an important role in addressing flood and geotechnical risk.
6. Protecting the natural character of water body margins is identified as a matter of national significance in the RMA and is considered a matter of regional significance by Ngai Tahu.
7. The scale of the proposed changes is moderate. Most water bodies in the District already have setbacks controlling buildings and earthworks. New setbacks would apply to Banks Peninsula settlements and to lakes and ponds, although these are primarily in reserves where the setbacks would not be likely to have a significant impact on private property owners.
8. Changes to the sizes of the setbacks are minor and are generally a result of rationalising setback distances in the two legacy Plans. Changes to the activities controlled in the setbacks are moderate, removing several exemptions, [making it more difficult to build in setbacks of Sites of Ecological Significance or Silent File areas](#) and introducing new controls on fences and impervious surfacing. Flexibility is retained for achieving these controls, however.
9. Because of existing use rights, once inappropriate development is established in water body margins it is very difficult and expensive to either remove it or to provide engineered interventions that mitigate its effects.

7.2.0 RESOURCE MANAGEMENT ISSUES

- a. A number of resource management issues with respect to water body margins have emerged from a range of sources including issues that have arisen from:
 - i. ongoing internal discussions with the Resource Consents Unit, Greenspace, the Asset Management Waste & Water team, the Storm Water & Land Drainage Rebuild Unit, the Assets and Network Unit, the City Water and Waste Unit, the Stronger Christchurch Infrastructure Rebuild Team (SCIRT) and the Flood Task Force;
 - ii. discussions with key stakeholders including the Rūnanga Focus Working Group and the Collaborative Advisory Group including representatives from the Ministry for the Environment, the Department of Conservation, the Canterbury Earthquake Recovery Authority, Environment Canterbury,

- Waimakariri District Council, Selwyn District Council, the New Zealand Transport Agency and Mahaanui Kurataiao Ltd.;
- iii. the 2011 monitoring reports on the City Plan and Banks Peninsula District Plan;
- iv. recommendations of the Canterbury Water Management Strategy Zone Implementation Programmes;
- v. the administration of the operative District Plan.

7.2.1 Resource Management Issue 1: Managing risk from natural hazards in water body margins

WATER BODY MARGINS RESOURCE MANAGEMENT ISSUE 1
<p>1. SUMMARY OF ISSUE</p> <ul style="list-style-type: none"> a. The primary natural hazards risks in water body margins are flooding; liquefaction including lateral spread; and erosion. <p style="margin-left: 40px;"><i>Flooding</i></p> <ul style="list-style-type: none"> b. Much of the District is located on low-lying land with extensive settlement close to water bodies. As a result, many parts of Christchurch are vulnerable to flooding. The earthquakes increased flood risk in some parts of the city by changing the topography and damaging land drainage infrastructure. Predicted sea level rise will also increase this risk and reduce the capacity of the existing stormwater network. The Ministry for the Environment recommends local authorities expect a 0.5m sea level rise and plan for a 0.8m rise by 2100¹. c. Setbacks were introduced in the operative plans to protect the flood storage and carrying capacities of water bodies, reduce obstacles to land drainage, allow maintenance of water bodies (i.e. to remove blockages or trim vegetation) and to reduce the risk to property and life in flood events. d. Developments in the margins of water bodies can have a significant impact on the function and health of those water bodies both individually and cumulatively. When land is developed, the vegetation that intercepts and slows rainfall run-off is often removed. Grading flattens the terrain and fills in natural depressions that would normally provide temporary storage for rainfall and slow run-off. Large areas of filling, such as for building foundations, can have a significant impact on land drainage performance for the site and can transfer flood hazard to adjacent sites. e. The operative Plan rules do not control fences under 2m high in water body setbacks. As a result, many sites have built solid fences up to the edge of the water body. This causes a number of issues including transferring flood risk to other properties, poor amenity outcomes, difficulties and additional costs in maintaining water bodies and reduced visibility into waterway corridors. In ephemeral drains, this can lead to poor crime prevention through environmental design (CPTED) outcomes. f. Fences are also often built across waterways where they collect debris and can cause obstructions. There are also amenity and maintenance access issues caused by fences built across waterways.

¹ Ministry for the Environment *Coastal Hazards and Climate Change: a guidance manual for local government in New Zealand* (2008)

- g. The operative plans control earthworks and buildings in setbacks, including decks, but do not control hardstand areas. As such, it is possible under the current rules to pave the entire setback to provide vehicle access or carparking.
- h. Large areas of impervious surfaces can speed up the flow of stormwater into waterways and the opportunity for ground re-absorption is lost. Runoff from large areas of impervious surfacing, such as carparks, can also carry pollutants from motor vehicles into adjacent waterways.
- i. Meeting the objectives for greenfield development in Chapter 6 of the Regional Policy Statement could potentially result in a significant increase in impervious areas driving a need for capacity upgrades in the stormwater system. The effect of ongoing property renovation such as additions and alternations, patios and paving, new driveways, etc. could create additional demands on stormwater infrastructure capacity outside of Greenfield developments and urban intensification areas.
- j. The Council's current approach to stormwater management, set out in the Surface Water Strategy 2009-2039, emphasises multi-value approaches such as swales, detention and retention basins and naturalisation of waterways rather than piping. Water bodies and their margins provide for the treatment, processing, attenuation and removal of some contaminants from stormwater at little direct cost to the community compared with engineered interventions.
- k. The Waterways and Wetlands Drainage Guide (Christchurch City Council 2003) contains guidance for developers on how stormwater should be managed and follows the principles similar to those of low impact urban design and development (LIUDD). The Guide encourages the use of stormwater mechanisms that support a number of values, such as constructed wetlands, which provide stormwater quality treatment, enhance local biodiversity and landscape values. However, these mechanisms require more land than mechanisms which support only one value.
- l. There is also a need to enable the construction and maintenance of defences against water by appropriate authorities and to ensure that the effects of those defences are managed.
- m. Retrofitting fully developed areas to improve stormwater management and land drainage is extremely costly, particularly where this requires land purchase to remove structures built too close to waterbodies. Long-term options to reduce flooding for Dudley Creek alone are estimated at \$50-\$53 million.

Earthquakes

- n. Many of the parts of Christchurch most severely damaged by the earthquakes were adjacent to water bodies. Liquefaction and lateral spread risk, land slumping and settlement are associated with the saturated soils in proximity to waterbodies.

Erosion

- o. Erosion is a natural process that can reduce the stability of water body banks, particularly where vegetation in the margins of water bodies has been cleared and roots no longer bind the soil.

- p. Setbacks also allow access to water bodies for maintenance including repair of channels and removal of debris, tree roots or other obstructions that could exacerbate flooding.
2. GENERAL DIRECTIONS
- a. The Canterbury Regional Policy Statement directs the Council to “set out objectives and policies and may include methods in district plans to control the subdivision, use, development or protection of land outside of river and lake beds, for the purpose of avoiding or mitigating flood hazards”.
 - b. Action 42 in the Land Use Recovery Plan directs Council through the District Plan Review to provide for the protection of people from risks including flood and liquefaction hazards.
 - c. The Statement of Expectations requires Council to “set a clear direction on the use and development of land for the purpose of avoiding or mitigating natural hazards”.
 - d. The Stage 1 Strategic Direction Chapter includes Objective 3.3.6: “new subdivision, use and development shall be avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable; and otherwise be undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated”.
3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE
- a. The primary objectives, policies and methods for addressing natural hazard risk are contained in the Natural Hazards Chapter but the water body setbacks continue to play an important role in limiting inappropriate use or development in areas at risk of flooding.
 - b. The proposed direction is to retain the setbacks but to remove several exemptions, including exemptions for proposals with building consent for foundations, and to introduce new controls on fencing and impervious surfacing in setbacks.

7.2.2 Resource Management Issue 2: Maintaining and enhancing biodiversity and ecosystems in water body margins

WATER BODY MARGINS RESOURCE MANAGEMENT ISSUE 2

1. SUMMARY OF ISSUE

- a. Inappropriate buildings, earthworks and vegetation clearance in water body margins can have a significant adverse effect on water quality and biodiversity.
- b. The surface water resources of Christchurch are internationally important ecological assets, characterised by high numbers of wetland bird species many occurring in nationally and internationally significant numbers. Habitat restoration efforts have resulted in significant gains in native bird species. Indigenous waterfowl such as the Paradise Duck and Scaup have returned to the City in large numbers since riparian plantings of native species have increased.
- c. Insect, fish and bird biodiversity have been under pressure from changing stormwater runoff patterns, excessive sediment inputs, invasive species and riparian management where bank maintenance affects river functioning.

- d. The current water body setbacks help to protect aquatic and riparian habitat by encouraging planting adjacent to water bodies and managing the velocity and adulteration of stormwater runoff. These habitats are important for water quality and for the survival of a number of indigenous plants and animals.
- e. Cumulative development pressures within the setback, particularly increasing amounts of buildings, impervious surfacing, and vegetation clearance can have significant impacts on ecological values in water bodies.
- f. Riparian vegetation is a significant factor in the health and function of stream ecosystems. Vegetation reduces water temperatures and provides food, shade and nesting or breeding areas for a number of species. Elevated water temperatures from lack of shade and runoff from impervious surfaces are a major stressor for species in urban streams. Native New Zealand species have been found to be particularly sensitive to elevated water temperatures.
- g. Loss of shading riparian vegetation promotes the growth of nuisance aquatic plants, such as algae, that reduce oxygen levels necessary to sustain healthy and diverse aquatic communities.
- h. The setbacks encourage naturalisation of water body margins and the creation of ecological corridors. Stream functions are enhanced significantly by connectivity across the catchment. Many native aquatic species require access to the sea to complete their life cycles and significant modification of urban streams can disrupt fish passage.
- i. Stormwater runoff can affect the clarity of water, cause adverse effects on stream biota, create human health risks for contact recreation and cause proliferation of aquatic plants and algae². In a 2015 analysis of the water quality of Christchurch's waterways, many sites recorded contaminants outside guideline levels, particularly for nitrogen, copper, zinc, sediment, nitrogen, phosphorus and *Escherichia coli*³.
- j. The impact of stormwater runoff on the ecological health of waterways is proportional to the area of adjacent urban land use. The percentage of the catchment with impervious cover has been linked to stream health. Generally at 10% impervious cover, stream health begins to be impacted⁴ and at 25% is likely to be significantly degraded⁵.

2. GENERAL DIRECTIONS

- a. Section 6(a) of the Resource Management Act requires Council as a matter of national importance to preserve the natural character of lakes and rivers and their margins and to protect them from inappropriate subdivision use and development. These directions are carried through the Regional Policy Statement and the Stage 1 Strategic Directions Chapter.
- b. Policy 5.3.12 in the Regional Policy Statement directs Council to specify appropriate controls on rural land use including water body setbacks to manage effects on water quality.

² Margetts, B. (2014). Surface water quality monitoring report for Christchurch waterways: January – December 2014. Christchurch City Council, Christchurch.

³ Margetts, B. (2014). Surface water quality monitoring report for Christchurch waterways: January – December 2014. Christchurch City Council, Christchurch.

⁴ Stark, J. (2006) Review of the assessment and management framework of Auckland's urban streams. Prepared by Cawthron for Auckland Regional Council. Cawthron Report No. 1204. Auckland Regional Council Working Report WR119. 2006.

⁵ Collier, et al. (2009) Ecological values of Hamilton urban streams (North Island, New Zealand): constraints and opportunities for restoration. *New Zealand Journal of Ecology* 33(2): 177–189. 2009.

- c. Objective 7.2.3 in the Regional Policy Statement directs that “the overall quality of freshwater in the region is maintained or improved”. Objective 7.2.4 directs that freshwater be sustainably managed in an integrated way within and across catchments.
 - d. The New Zealand Coastal Policy Statement includes a policy to reduce contaminant loads in stormwater at source through controls on land use activities.
 - e. The Mahaanui Iwi Management Plan includes a number of objectives and policies related to enhancement of water quality including Policy WM12.4 that “all waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins” and Policy WM6.9 “to require that local authorities work to eliminate existing discharges of contaminants to waterways, wetlands and springs in the takiwa, including treated sewage, stormwater and industrial waste, as a matter of priority.”
3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE
- a. Having regard to the strategic policy direction, which is to maintain or enhance water quality through the management of land uses, the recommended policy approach is to:
 - i. retain water body setbacks at their current distances and extend the classification system to Banks Peninsula;
 - ii. add setbacks for lakes and ponds in reserves;
 - iii. increase the activity status for buildings or earthworks in setbacks for Sites of Ecological Significance from Restricted Discretionary to Discretionary;
 - iv. limit impervious surfacing in setbacks;
 - v. manage vegetation clearance in setbacks through controls on earthworks and provisions in the Natural and Cultural Heritage proposal on indigenous biodiversity.

7.2.3 Resource Management Issue 3: Amenity and character

WATER BODY MARGINS RESOURCE MANAGEMENT ISSUE 3
<p>1. SUMMARY OF ISSUE</p> <ul style="list-style-type: none"> a. Christchurch’s many water bodies contribute to its Garden City character and are integral parts of many of its significant and outstanding natural landscapes. Christchurch and the Banks Peninsula include a number of iconic water bodies including the Avon and Heathcote Rivers and a number of significant lakes including Te Waihora / Lake Ellesmere and Te Wairewa / Lake Forsyth. b. Smaller streams and ponds contribute to the open, spacious and natural character of locations across the District. c. The amenity and character of water bodies and their margins provide a variety of economic benefits including tourism, commercial recreation and increased property values as well as intrinsic values. d. This amenity and character can be lost with excessive or inappropriate development. As a result, controls are needed to maintain and enhance the existing amenity and character of water body margins. <p>2. GENERAL DIRECTIONS</p>

- a. Section 7(c) directs Council to have particular regard to the maintenance and enhancement of amenity values.
3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE
- a. The proposed direction is to maintain the amenity and character values of water bodies through setbacks allowing space for riparian planting and through matters of discretion relating to most buildings and earthworks in setbacks that would evaluate their impact on any significant landscape features or areas of Outstanding, Very High or High Natural Character.

7.2.4 Resource Management Issue 4: Cultural values and practices

WATER BODY MARGINS RESOURCE MANAGEMENT ISSUE 5
<p>1. SUMMARY OF ISSUE</p> <ul style="list-style-type: none"> a. The surface water of Christchurch and Banks Peninsula is of primary importance to Ngāi Tahu, the tangata whenua of Christchurch. It is considered to be a taonga left by tūpuna to provide and sustain all life. The present generation, as tangata tiaki, has a responsibility to ensure this taonga is available to future generations in as good, if not better, quality than that in which it was inherited. b. Water remains of prime importance to the iwi. Puna on the plains and Banks Peninsula hold special significance to Ngāi Tahu. The occurrence and wellbeing of puna is a matter of particular significance to Ngāi Tahu. Continued access to, and the health of, mahinga kai is also highly important and enables Ngāi Tahu to participate in the practices of its tūpuna. c. A 2007 assessment⁶ of the cultural health of the Avon-Heathcote Estuary and its catchment rated the catchment as in a state of poor to very poor cultural health based on suitability for mahinga kai, physical and legal access, degree of water body modification and identification of valued and pest species. d. Threats to the cultural health of the waterbodies were identified as the impacts of untreated stormwater drainage, loss of native vegetation, decline of water quantity in the catchment and <i>E coli</i> contamination from human and agricultural sources. e. The report recommended: <ul style="list-style-type: none"> i. all waterways including drains be treated with the same standards and managed to promote mahinga kai values; ii. 20m buffer zones be established for waterways in the catchment; iii. District Plan requirements for native riparian buffer zones and on-site stormwater treatment systems when any land adjacent to any waterway (including drains) is subdivided f. The Mahaanui Iwi Management Plan 2013 includes a policy to recognise that protection, establishment and enhancement of riparian areas along waterways and lakes is a matter of regional importance, and a priority for Ngāi Tahu. <p>2. GENERAL DIRECTIONS</p>

⁶ Te Rūnanga o Ngāi Tahu, *State of the Takiwa - Te Āhuetanga o Te Ihutai: Cultural Health Assessment of the Avon-Heathcote Estuary and its Catchment*; 2007

- a. Section 6 of the RMA requires Council to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga and to protect customary rights. This is carried through in the Regional Policy Statement (Objective 10.2.4) and the Stage 1 Strategic Directions Chapter (Objective 3.3.3).
3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE
- a. The recommended policy approach is to:
 - a. retain the current water body setbacks;
 - b. introduce controls on impervious surfacing in setbacks;
 - c. require a Discretionary consent for buildings or earthworks in Silent File areas;
 - d. retain the operative Plan requirements to consult with tangata whenua upon receipt of applications for certain activities, particularly with respect to larger water bodies;
 - e. include Matters of Discretion relating to the impacts of proposals on cultural values for proposals in the setbacks of larger water bodies.

7.2.5 Resource Management Issue 5: Public access

WATER BODY MARGINS RESOURCE MANAGEMENT ISSUE 6
<p>1. SUMMARY OF ISSUE</p> <ul style="list-style-type: none"> a. Public access to and along river and lake margins allows for the use and enjoyment of their amenity, landscape and recreational values and for customary use by tangata whenua. b. Public access is often provided by esplanade reserves, esplanade strips or access strips. Where land is in private ownership, access is through agreement with the landowner. c. The appropriateness and demand for public access to and along rivers and lakes varies depending on the location and the particular values associated with it. It may be more appropriate to provide access for water bodies of high landscape character but to restrict it for sensitive ecological sites. d. Providing for public access along some water bodies, particularly smaller rural water bodies, needs to be balanced against the needs of landowners to contain grazing stock or to provide privacy and residential amenity in developed urban areas. <p>2. GENERAL DIRECTIONS</p> <ul style="list-style-type: none"> a. Section 6(d) of the RMA requires Council to maintain and enhance public access to and along lakes and rivers. This is carried through in the Regional Policy Statement (Objective 10.2.4). <p>3. PROPOSED DIRECTION IN ADDRESSING THE ISSUE</p> <ul style="list-style-type: none"> a. The recommended policy approach is to retain water body setbacks at their current distances but to clarify in the assignment of Matters of Discretion which classifications and environments prioritise public access provision. For example, in the proposed rules development in the margins of rural drains would not be assessed against its effects on public access.

[...]

7.4.0 EVALUATION OF PROPOSED RULES AND METHODS

- a. Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

[...]

7.4.2 Recognising different functions of the setbacks for different classifications of water bodies and managing activities in a way that is consistent with those functions

PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives and policies:</p> <p>6.6.1.1 <i>Objective 1 – Protection of water body margins from inappropriate use.</i></p> <p>a. <i>Water body margins are protected from activities that have adverse effects on flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access for recreation or maintenance; and where possible these values or functions are enhanced.</i></p> <p><u>Canterbury Regional Policy Statement</u></p> <p><i>Policy 7.3.1 – Adverse effects of activities on the natural character of fresh water</i> <i>To identify the natural character values of fresh water bodies and their margins in the region and to:</i> <i>(1) preserve natural character values where there is a high state of natural character;</i> <i>(2) maintain natural character values where they are modified but highly valued; and</i> <i>(3) improve natural character values where they have been degraded to unacceptable levels.</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1 – Policy level explanation of the classification system for water bodies</p> <p>6.6.1.1.2 <i>Policy 2 –Setbacks from water bodies</i></p> <p>a. <i>Avoid, remedy or mitigate adverse effects of activities on water bodies and their margins within setbacks consistent with the classification of water body.</i></p>	<p>1. Effectiveness</p> <p>a. Option 1 allows for a clear articulation of the purpose of the water body setback for each classification of water body, provides justification for the setback widths and informs the selection of Matters of Discretion that apply to each activity for each type of water body (see Appendix 7.2).</p>

<p>Table explaining the function of the setback for each classification of water body</p> <p>Appendix explaining the criteria for the different water body classifications.</p> <p>Methods:</p> <p>a. Assessment matters for the activities are based on the functions of the setback for that water body type</p> <p>and</p> <p>6.6.1.1.3 <i>Policy 3 - Management of activities in water body setbacks</i></p> <p>a. <i>Where buildings, earthworks or other activities are permitted within a water body setback, manage the activity so that:</i></p> <ul style="list-style-type: none"> <i>i any cultural significance of the water body to tangata whenua is appropriately recognised and provided for.</i> <i>ii water quality, biodiversity, and mahinga kai values are maintained or enhanced;</i> <i>iii connectivity between land, natural freshwater systems and the coast are retain or enhanced;</i> <i>iv the stability of water body banks and adjacent land is maintained and sedimentation and erosion minimised;</i> <i>v maintenance access is enabled;</i> <i>vi the ability of water body margins, channels, or ponding areas to store and/or convey surface water safely and efficiently is not impeded;</i> <i>vii flood events are not exacerbated;</i> <i>viii adverse effects are not transferred to another site;</i> <i>ix amenity and landscape values, including riparian planting, are retained or enhanced;</i> <i>x <u>activities do not disturb or visually detract from:</u></i> <ul style="list-style-type: none"> <i>A. <u>Sites of Ecological Significance;</u></i> <i>B. <u>Outstanding Natural Features and Landscapes;</u></i> <i>C. <u>Significant Features and Landscapes;</u></i> <i>D. <u>Areas of Outstanding, Very High or High Natural Character;</u></i> <i>E. <u>Important Ridgelines;</u></i> <i>F. <u>Heritage Items or Settings;</u></i> 	<p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <i>i. Matters of discretion can be more directive because they are targeted at specific types of water bodies where the relevant issues are of most concern.</i> <i>ii. <u>Developments with the potential to disturb sensitive ecological, heritage or landscape areas are appropriately assessed.</u></i> <p><i>Economic</i></p> <ul style="list-style-type: none"> <i>iii. Improved efficiency of plan administration and decreased costs for applicants where the outcomes anticipated for each type of water body are more clearly articulated and assessment matters are targeted to those outcomes.</i> <p><i>Social/Cultural</i></p> <ul style="list-style-type: none"> <i>iv. NIL</i> <p>b. Costs</p> <p><i>Environmental</i></p> <ul style="list-style-type: none"> <i>i. Network waterways are no longer assessed against amenity and character.</i> <p><i>Economic</i></p> <ul style="list-style-type: none"> <i>ii. NIL</i> <p><i>Social/Cultural</i></p> <ul style="list-style-type: none"> <i>iii. Network waterways are no longer assessed against public access or cultural values <u>(unless they are in a Silent File Area).</u></i> <i>iv. Consideration of public access in rural and city and settlement environments is generally confined to lakes and rivers.</i>
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<p><i>G. <u>Significant Trees or Groups of Trees;</u></i> <i>H. <u>Silent File areas;</u></i> <i>I. <u>significant indigenous vegetation;</u></i> <i>xi <u>provision is made for public access appropriate to the classification and location of the water body and having regard to:</u></i></p> <p><i>A. <u>the relationship of tangata whenua with their ancestral lands, water and sites;</u></i> <i>B. <u>protection of Sites of Ecological Significance;</u></i> <i>C. <u>residential amenity;</u></i> <i>D. <u>Outstanding Natural Features and Landscapes;</u></i> <i>E. <u>bank and land stability;</u></i> <i>F. <u>public safety;</u></i> <i>G. <u>the operational or security requirements of infrastructure, including Lyttelton Port.</u></i></p>	
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>No objective or policy level support for the classification of water bodies</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. The operative Plan includes some brief descriptions of the types of waterways in the Reasons for the Rules but the justification for the different setback widths for the different water bodies is in the technical report that informed their development (see attached Appendix 7.6). 2. The s35 monitoring report highlighted the need for better integration of the objectives and policies with the rules. Discussions with Council officers suggested that the Plan did not clearly define the purpose or criteria for the different water body classifications and that this would be useful in the administration and interpretation of the Plan. 3. Currently the same 20 assessment matters apply to every application that triggers a consent. It would be more efficient for both applicants and plan administrators to target the assessment matters to the justification for the setback for the specific type of water body in the specific environment.
<p>3. Option 3 – All values are considered for all water bodies</p> <p>Consent applications for all water bodies are assessed for their effect on natural hazards, natural</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. This would be a more effective way to achieve the objective because it would allow for the consideration of all values for all water bodies, including drains..

<p>values, amenity and character, cultural values, maintenance access and public access</p>	<p>2. However, it would be less efficient than Option 1 because it would require consideration of a large number of assessment matters in situations where they are not always appropriate or not consistent with zone objectives (e.g. assessing provision of public access and impacts on amenity and character for an open drain in an Industrial zone).</p>
<p>Risk of Acting or Not Acting</p>	
<p>1. There is sufficient information about the proposed provisions without the need to take account of the risk of acting or not acting (RMA s32(4)(b)).</p>	

7.4.3 Setback distances

PROVISIONS (RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives and policies:</p> <p>6.6.1.1 <i>Objective 1 – Protection of water body margins from inappropriate use.</i></p> <p>a. <i>Water body margins are protected from activities that have adverse effects on flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access for recreation or maintenance; and where possible these values or functions are enhanced.</i></p> <p>6.6.1.1.2 <i>Policy 2 –Setbacks from water bodies</i></p> <p>a. <i>Avoid, remedy or mitigate adverse effects of activities on water bodies and their margins within setbacks consistent with the classification of water body.</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1 – Rationalise setback distances for Christchurch and Banks Peninsula</p> <p>Methods:</p> <p>a. Extend City Plan water body classification system to Banks Peninsula</p> <p>b. Generally retain current Banks Peninsula setback distances where these differ from City Plan distances and apply the Banks Peninsula distances to Rural zones in the City</p> <p>c. Add new setbacks for lakes and ponds in the City where these are in public ownership (i.e. in reserves)</p> <p>Note: Method a. will result in setbacks applying for the first time to non-rural or conservation zones in Banks Peninsula</p>	<p>1. Effectiveness</p> <p>a. Option 1 extends the City Plan classification system, which was developed based on an assessment of the requirements for the multiple values in water body margins including land drainage, ecology, landscape, and maintenance. See Appendix 7.6 for the technical report used to develop the classification system and distances for the City Plan waterway setbacks.</p> <p>b. The operative Banks Peninsula water body setbacks are more piecemeal and zone-dependant. They generally do not apply to settlements or to smaller waterways.</p> <p>c. Option 1 would provide a more comprehensive, consistent and catchment-wide approach to managing activities in water body margins. For example, the City Plan currently requires a 30m setback for downstream rivers, such as at the tidal reaches of the Avon and Heathcote Rivers. A similar river on Banks Peninsula would only have a 20m setback if the operative Plan setback distances were retained even though potentially fewer development pressures would mean there was space to provide for larger setbacks.</p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. Takes a more integrated and catchment-wide approach to water body margins in Banks Peninsula. Previously setbacks were only provided in some zones and for some types of water bodies.</p> <p>ii. Existing natural lakes and ponds in the City will have setbacks for the first time. Formerly only Banks Peninsula lakes and newly constructed ponds in the City had setbacks.</p>

	<p>iii. Particularly in Rural zones, some waterways will have larger setbacks (downstream rivers in Banks Peninsula; environmental asset waterways in Rural zoned areas formerly in the City Plan area).</p> <p><i>Economic</i></p> <p>iv. Plan is simpler and easier to administer.</p> <p>v. Potentially decreased risk of flood damage in settled areas in Banks Peninsula.</p> <p><i>Social/Cultural</i></p> <p>vi. Improved provision for public access to rivers in settled areas of Banks Peninsula.</p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>i. Some setbacks would be smaller (environmental asset waterways in former Recreation Reserve Zones; network waterways in former Conservation Reserve Zones).</p> <p><i>Economic</i></p> <p>ii. Properties affected by new or larger setbacks would now require a consent to build or undertake earthworks in those setbacks. In some cases, they would need consent for earthworks from both the City and Regional Councils.</p> <p><i>Social/Cultural</i></p> <p>iii. NIL</p>
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Options less or not as appropriate to achieve the Objectives and Policies:

<p>2. Option 2 – Status quo</p> <p>Retain current setback distances. Do not introduce new setbacks.</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. Option 2 would be a less appropriate way to achieve the objectives and policies because it would create an inconsistent approach to setback distances and would not provide for assessment of proposals for buildings or earthworks in the margins of waterways in settled parts of the Banks Peninsula or for smaller Banks Peninsula streams or drains. 2. Setbacks on Banks Peninsula also generally only apply to permanent, natural surface water bodies, not to constructed drains or ponds. 3. If the current distances were retained, lakes in Banks Peninsula would have a 20m setback but rural area lakes in the former City Plan would not have a setback. 4. In the operative Plan, any newly created pond is deemed to be an environmental asset waterway requiring a 7m setback, whereas no setback is specified for existing lakes and ponds. This creates a situation where older natural lakes and ponds in the City have no setback while newly constructed ponds have a 7m setback. For this reason, lakes and environmental asset ponds in reserves have been added to the maps and are proposed to have setbacks in city and settlement areas.
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	<p>5. The operative City Plan also includes a setback for “utility waterways to be piped”. These have been dropped from the proposed provisions because these waterways have all now been piped.</p>
<p>3. Option 3 – Rely on Regional Council setbacks</p> <p>Drop District Council setbacks and rely on Regional Council setbacks</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. Dropping all District Plan water body setbacks and relying on Regional Plan setbacks would not be effective in achieving the objective because the Regional Plan setbacks do not apply to buildings in setbacks or provide setbacks for artificial waterways. The Regional Plan rules focus on water quality and quantity, in-stream ecological values, erosion control and the carrying capacity of the waterway during flood events. They do not fully consider the effects of flooding on land, <u>Sites of Ecological Significance identified in the District Plan apart from spawning sites, amenity values apart from outstanding natural landscapes or features, impacts on smaller, constructed or ephemeral waterways or setbacks rules in the urban context.</u> 2. Therefore, Option 3 would not control inappropriate use and development in water body margins to the extent that Option 1 would. 3. See discussion of specific activities below for further consideration of reliance on Regional Consents alone for those activities.
<p>Risk of Acting or Not Acting</p>	
<ol style="list-style-type: none"> 1. There is currently insufficient information about the number of properties that would be affected by adjustments to the setback distances or the creation of new setbacks, the extent of the effect for those properties or the appropriateness of the setback distance at a site-specific level. 2. The risk of acting is that some properties would require consent for buildings or earthworks in water body setbacks larger than what might be applied by a more granular assessment of the flood risk, ecological values, etc. for that site. 3. The risk of not acting is that development or earthworks could be allowed in the setback area that would: <ol style="list-style-type: none"> a. be at risk of or exacerbate flooding or other natural hazards; b. disrupt ecological, cultural or heritage values; c. impede future public access. 	

7.4.4 Appropriate activity status for buildings and earthworks in setbacks

PROVISIONS (RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u>
<p>Relevant objectives and policies:</p> <p>6.6.1.1 <i>Objective 1 – Protection of water body margins from inappropriate use.</i></p> <p>b. <i>Water body margins are protected from activities that have adverse effects on flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access for recreation or maintenance; and where possible these values or functions are enhanced.</i></p> <p>6.6.1.1.3 <i>Policy 3 - Management of activities in water body setbacks</i></p> <p>a. <i>Where buildings, earthworks or other activities are permitted within a water body setback, manage the activity so that:</i></p> <ul style="list-style-type: none"> i <i>any cultural significance of the water body to tangata whenua is appropriately recognised and provided for.</i> ii <i>water quality, biodiversity, and mahinga kai values are maintained or enhanced;</i> iii <i>connectivity between land, natural freshwater systems and the coast are retained or enhanced;</i> iv <i>the stability of water body banks and adjacent land is maintained and sedimentation and erosion minimised;</i> v <i>maintenance access is enabled;</i> vi <i>the ability of water body margins, channels, or ponding areas to store and/or convey surface water safely and efficiently is not impeded;</i> vii <i>flood events are not exacerbated;</i> viii <i>adverse effects are not transferred to another site;</i> ix <i>amenity and landscape values, including riparian planting, are retained or enhanced;</i> x <u><i>activities do not disturb or visually detract from:</i></u> <ul style="list-style-type: none"> A. <u><i>Sites of Ecological Significance;</i></u> B. <u><i>Outstanding Natural Features and Landscapes;</i></u> C. <u><i>Significant Features and Landscapes;</i></u> D. <u><i>Areas of Outstanding, Very High or High Natural Character;</i></u> E. <u><i>Important Ridgelines;</i></u> F. <u><i>Heritage Items or Settings;</i></u> G. <u><i>Significant Trees or Groups of Trees;</i></u> H. <u><i>Silent File areas;</i></u> I. <u><i>significant indigenous vegetation;</i></u> xi <u><i>provision is made for public access appropriate to the classification and location of the water body and having regard to:</i></u> <ul style="list-style-type: none"> A. <i>the relationship of tangata whenua with their ancestral lands, water and sites;</i> B. <u><i>protection of Sites of Ecological Significance;</i></u> C. <i>residential amenity;</i> D. <u><i>Outstanding Natural Features and Landscapes;</i></u> E. <i>bank and land stability;</i> F. <i>public safety;</i> G. <i>the operational or security requirements of infrastructure, including Lyttelton Port.</i>

Canterbury Regional Policy Statement	
<p><i>Policy 7.3.1 – Adverse effects of activities on the natural character of fresh water</i> <i>To identify the natural character values of fresh water bodies and their margins in the region and to:</i> <i>(1) preserve natural character values where there is a high state of natural character;</i></p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1 – Sensitive environments have a more restrictive activity status</p> <p>Retain current Restricted Discretionary activity status for earthworks and buildings within water body margins <u>but require a Discretionary consent for activities in Sites of Ecological Significance and Silent File areas.</u></p>	<p>1. Effectiveness</p> <p>a. For the majority of sites in water body setbacks the adverse effects of limited and appropriate use or development can generally be remedied or mitigated through site-specific assessment and negotiation at the time of application for consent.</p> <p>b. <u>For sites with identified sensitivities, including Sites of Ecological Significance and Silent File areas, it would be more appropriate to signal through the activity status that unnecessary use and development in the setbacks should generally be avoided or approached with caution.</u></p> <p>c. <u>A discretionary activity status for these areas would be a more effective way to protect them and is more consistent with statutory directions including Policy 7.3.3 in the Regional Policy Statement to “identify and protect areas of significant indigenous vegetation and significant habitats, sites of significant cultural value, wetlands, lakes and lagoons/hapua and other outstanding water bodies” and Policy 7.3.1 to “preserve natural character values where there is a high state of natural character”.</u></p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. <u>Buildings and earthworks in water body margins are further discouraged in more sensitive environments including spawning sites and areas of significant indigenous vegetation.</u></p> <p>ii. <u>A broader range of matters can be used in assessing effects of development or earthworks on sensitive ecological sites.</u></p> <p><i>Economic</i></p> <p>iii. <u>Potentially fewer applications received and needing assessment if the activity status</u></p>

	<p><u>discourages applications for these areas.</u></p> <p><i>Social/Cultural</i></p> <p>iv. <u>Inappropriate use and development in Silent File areas is further discouraged and additional protection given to sensitive cultural sites in water body margins including potential burial or archaeological sites.</u></p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>i. NIL</p> <p><i>Economic</i></p> <p>ii. <u>May constrain development options in water body setbacks in these areas.</u></p> <p>iii. <u>Potentially additional consenting costs for applicants as discretionary activity status allows for assessment of a broader range of matters.</u></p> <p>iv. <u>Reliance on Silent File areas may require some applications for consents on sites that are not the primary focus of concern</u></p> <p><i>Social/Cultural</i></p> <p>v. NIL</p>
Options less or not as appropriate to achieve the Objectives and Policies:	
<p>2. Option 2 – Status quo</p> <p>Restricted discretionary as the default activity status for buildings or earthworks in water body setbacks</p>	<p>Appropriateness</p> <p>1. <u>Option 2 would be a less appropriate way to achieve the objectives because it would not recognise the additional degree of sensitivity for certain sites.</u></p> <p>2. <u>Option 2 would also not be consistent with the activity status of buildings in Sites of Ecological Significance in the remainder of the District which is proposed by the Natural and Cultural Heritage chapter to be Discretionary.</u></p>
<p>3. Option 3 – More permitted activities to reduce consents</p> <p>Additional exemptions or permitted activities to reduce the number of consents triggered by the operative Plan rules.</p>	<p>Appropriateness</p> <p>1. Adding additional exemptions or permitted activities is considered to be a less appropriate way to achieve the objectives and policies because, as a general rules, the purpose of the provisions is to act as a deterrent to unnecessary development in the setbacks and to provide for the appropriate assessment of effects where development is necessary.</p> <p>2. A 2011 monitoring report evaluating the effectiveness and efficiency of the Christchurch City Plan recommended that the setback provisions in</p>

	<p>relation to utility and environment asset waterways be reviewed for the purpose of reducing the number of resource consents approved on a non-notified basis.</p> <ol style="list-style-type: none"> 3. Consent records for the past 10 years found 1159 consents triggered by the City Plan waterway setback provisions some of which are multiple breaches in the same application. 1074 of those (93%) were granted non-notified. The majority of these were in the L1 zone and were triggered by environmental asset waterway setbacks (112), utility waterway setbacks (68) and upstream/downstream river setbacks (128). 4. Review of a selection of these consents and workshops with Council staff found that in the majority of cases, the consent process was adding value in that proposals were modified either at the pre-application or application stage to improve outcomes for the site. Because the issues relating to water body setbacks depend on a large number of site-specific variables and values, it is difficult to write an effective permitted standard or exemption for buildings or earthworks in setbacks. 5. One exception is that under the operative Plan rules, larger non-ground floor extensions require consent. 6. A review of consents triggered by the existing provisions identified several applications for non-ground floor extensions or alterations in the setbacks which required consent. Alterations of this type that do not impact land drainage or the flood storage capacity of the setback are not considered to require control although very large extensions could reduce amenity for neighbours by blocking views of the water body. 7. The proposed provisions address the number of consents granted on a non-notified basis by clarifying the objectives and policies for the setbacks and providing a stronger framework for declining consent applications for inappropriate use or development.
<p>4. Option 4 – More restrictive default activity status</p> <p>Default of discretionary or non-complying activity status for buildings or earthworks in water body margins</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. A number of strategic policy documents include directions for development in water body margins that would suggest consideration of the appropriateness of a default discretionary or non-complying activity status. 2. For example, section 6(a) of the Resource Management Act directs Council to “preserve the natural character of river and lakes beds and their

	<p>margins and protect them from inappropriate subdivision, use and development”.</p> <ol style="list-style-type: none"> 3. Policy 10.3.1 of the Regional Policy Statement requires Council “to provide for activities in river and lake beds and their riparian zones... ensuring that significant bed and riparian zone values are maintained and enhanced and avoiding significant adverse effects on the values of those beds and their riparian zones, unless they are necessary for the maintenance, operation, upgrade, and repair of essential structures, or for the prevention of losses from floods, in which case significant adverse effects should be mitigated or remedied.” 4. The District Plan addresses these directions through several mechanisms including esplanade reserves and strips, provisions in the Open Space Water and Margins Zone and setback requirements. 5. Feedback from plan administrators has been that the restricted discretionary activity status and proposed Matters of Discretion give sufficient scope to assess the appropriateness of buildings and earthworks for the majority of applications. In more sensitive areas, a Discretionary activity status would be more appropriate, as proposed by Option
<p>5. Option 5 – More restrictive activity status for higher geotechnical risk areas</p> <p>Discretionary activity status in Liquefaction Assessment Area 1 where, based on a high level assessment of soil composition, risk for liquefaction in a future earthquake is considered to be higher</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. The earthquakes have demonstrated the vulnerability of certain soil types commonly found near water bodies to liquefaction and associated lateral spread or slumping. 2. Consideration was therefore given to the appropriateness of a more restrictive activity status for water body setbacks in areas identified as being at higher risk of liquefaction in future earthquakes. 3. The advice received was that the earthquakes had also demonstrated which parts of the District were most vulnerable to liquefaction and that that risk could be addressed through the identification of areas most at risk through the decision-making process for the Specific Purpose (Flat Land Recovery) Zone. Because that process has not yet been completed, the Specific Purpose (Flat Land Recovery) Zone is proposed to be exempted from the water body setback rules for the remainder of the District as part of Stage 3 of the Review. 4. The proposed rules include a Matter of Discretion addressing “the risk of damage to buildings and property posed by natural hazards including flooding, liquefaction (including lateral spread) and

	<p>slumping and the scale and likelihood of that potential damage.”</p> <p>5. This will allow for site specific assessment of geotechnical risk in appropriate locations without requiring a more restrictive activity status.</p>
<p>Risk of Acting or Not Acting</p>	
<p>1. There is sufficient information about the proposed provisions without the need to take account of the risk of acting or not acting (RMA s32(4)(b)).</p>	

[...]

7.4.7 Activities with Building or Regional Consent

<p>PROVISIONS (RULE, METHOD) <u>MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES</u></p>
<p>Relevant objectives and policies:</p> <p>6.6.1.1 <i>Objective 1 – Protection of water body margins from inappropriate use.</i></p> <p>a. <i>Water body margins are protected from activities that have adverse effects on flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access for recreation or maintenance; and where possible these values or functions are enhanced.</i></p> <p>6.6.1.1.3 <i>Policy 3 - Management of activities in water body setbacks</i></p> <p>a. <i>Where buildings, earthworks or other activities are permitted within a water body setback, manage the activity so that:</i></p> <ul style="list-style-type: none"> <i>i any cultural significance of the water body to tangata whenua is appropriately recognised and provided for.</i> <i>ii water quality, biodiversity, and mahinga kai values are maintained or enhanced;</i> <i>iii connectivity between land, natural freshwater systems and the coast are retained or enhanced;</i> <i>iv the stability of water body banks and adjacent land is maintained and sedimentation and erosion minimised;</i> <i>v maintenance access is enabled;</i> <i>vi the ability of water body margins, channels, or ponding areas to store and/or convey surface water safely and efficiently is not impeded;</i> <i>vii flood events are not exacerbated;</i> <i>viii adverse effects are not transferred to another site;</i> <i>ix amenity and landscape values, including riparian planting, are retained or enhanced;</i> <i>x <u>activities do not disturb or visually detract from:</u></i> <ul style="list-style-type: none"> <i>A. <u>Sites of Ecological Significance;</u></i> <i>B. <u>Outstanding Natural Features and Landscapes;</u></i> <i>C. <u>Significant Features and Landscapes;</u></i> <i>D. <u>Areas of Outstanding, Very High or High Natural Character;</u></i> <i>E. <u>Important Ridgelines;</u></i> <i>F. <u>Heritage Items or Settings;</u></i> <i>G. <u>Significant Trees or Groups of Trees;</u></i> <i>H. <u>Silent File areas;</u></i>

- I. significant indigenous vegetation:
- 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;
 - C. *residential amenity;*
 - D. Outstanding Natural Features and Landscapes;
 - E. *bank and land stability;*
 - F. *public safety;*
 - G. *the operational or security requirements of infrastructure, including Lyttelton Port.*

Stage 2 Subdivision, Development and Earthworks

Objective 8.5.1 – Protecting the environment from earthworks

a. Outstanding natural features and landscapes, significant indigenous biodiversity and ecosystem functioning, water quality, significant trees, and heritage items and settings are not adversely affected by earthworks of associated structures, while recognising the benefits of some activities involving earthworks.

Provision(s) most appropriate	Effectiveness and Efficiency
<p>1. Option 1 – Remove exemption for activities with a building consent or regional consent</p> <p>Remove the blanket exemption for proposals that have already been granted consent by the Regional Council or which already have a building consent (for building foundations only).</p> <p>Revise rules to avoid overlaps between the provisions that require both Regional Council and City Council consents for the same activity and for the same purpose.</p> <p><u>Add activities to allow councils and network utility operators to undertake necessary works in water body margins. Consider and set appropriate standards for those activities. These include installation and maintenance of defences against water and water body bank maintenance and enhancement works and vegetation management activities.</u></p>	<p>1. Effectiveness</p> <p>a. Regional Policy Statement Policy 7.3.3 requires Council to include standards in the District Plan that remove the requirement for resource consent from the City Council if resource consent is granted by the Regional Council for the same purpose.</p> <p>b. The Regional Plans also include water body setback rules; however the function and extent of these rules are strongly focused on the management of water quality and quantity and the prevention of erosion. The Regional Plan setbacks are generally smaller than what was provided for in the City Plan and Banks Peninsula District Plan, in some cases significantly so, and do not cover:</p> <ul style="list-style-type: none"> i. artificial water bodies; ii. structures or buildings on banks and margins; iii. maintenance access; iv. effects of flooding on the land; v. Sites of Ecological Significance identified by the District Plan; vi. broader terrestrial ecological values; or vii. landscape and amenity values. <p>c. Removing the blanket exemption for proposals with regional consent would allow for a more effective assessment of the impacts of that</p>

	<p>proposal on matters not considered by the Regional Plan.</p> <p>d. Removing the exemption for proposals with building consents for building foundations would be more effective in achieving the objective because it would allow for the assessment of impacts of larger filling and excavation proposals on environmental values, implications for renewal, maintenance and naturalisation.</p> <p>e. This approach would permit works for servicing developments (i.e. wastewater or stormwater pipes) but would require a consent for building foundations which have the potential to have a larger and more permanent impact on values for the site.</p> <p>2. Efficiency</p> <p>a. Benefits</p> <p><i>Environmental</i></p> <p>i. Maintenance and enhancement of ecological and amenity values in the margins of water bodies, particularly terrestrial values;</p> <p>ii. Improvement in water quality;</p> <p>iii. Protection of significant ecological values identified at the district level (i.e. Sites of Ecological Significance other than spawning sites identified by the Regional Plan);</p> <p>iv. Protection for constructed streams and ponds.</p> <p><i>Economic</i></p> <p>v. Ensures maintenance and management of waterways can be undertaken in an effective and efficient manner;</p> <p>vi. Mitigates the potential costs of flooding;</p> <p>vii. Mitigates the costs of a reduction in water quality.</p> <p><i>Social/Cultural</i></p> <p>viii. Maintains and enhances amenity values;</p> <p>ix. Maintains and enhances cultural and heritage values.</p> <p>b. Costs</p> <p><i>Environmental</i></p> <p>a. NIL</p> <p><i>Economic</i></p>
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	<p>b. Removal of the exemption may require landowners in some situations to apply for consents from both councils. Some activities that did not require City Council consent under the operative Plan rules would now require consent.</p> <p>c. Requires the Plan to anticipate the types of works that may be required in water body margins and to provide for them. Where works are not anticipated, potentially a more restrictive default activity status would be applied to those activities than would otherwise be considered appropriate.</p> <p>d. Christchurch City Council currently relies on its global consent from the Regional Council to undertake many of its works along waterways. Deleting the exemption for proposals with Regional Council consent would require the City Council to go for individual consents for these works, apply for a global consent from itself or include additional rules within the District Plan that enable these works to be undertaken with appropriate standards and assessment. <u>The proposed rules, however, include the majority of the activities permitted by the global consent as permitted activities under the definition of "water body bank maintenance and enhancement works".</u></p> <p><i>Social/Cultural</i></p> <p>e. NIL</p>
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>2. Option 2 – Status quo</p> <p>Proposal with consent from the Regional Council or with a building consent do not require consent from Christchurch City Council</p>	<p>Appropriateness</p> <ol style="list-style-type: none"> 1. Option 2 would be a less effective way to achieve the objectives and policies because it would not allow for assessment of the full range of values for water body margins. 2. The building consent process looks at hazard risk and effects on erosion but not at amenity, access, ecological values, cumulative effects or wider hazard risk. 3. In some cases, the building consent exemption is used by developers to avoid the need to apply for resource consent in anticipation of the grant of a building consent. Building consent is not issued until resource consent for an activity has been approved. This creates an issue with the relative timing of the two processes. In practice, the need for a resource consent is often waived to allow

	the building consent process to progress.
Risk of Acting or Not Acting	
<ol style="list-style-type: none"> 1. Insufficient information exists about the range and effects of activities previously exempted from the need for resource consent. 2. The risk of acting is that consent is required for activities not previously assessed including some works that may be necessary for infrastructure, park management, bank maintenance or flood mitigation works. These have been exempted in general terms but monitoring and additional assessment are necessary to ensure that consents are not being required for essential activities where the consent process is not adding value. 3. The risk of not acting is that inappropriate development continues in the water body setbacks where the exemption for activities with regional or building consent does not allow for adequate assessment of the ecological, amenity or access implications of the proposal. 	

[...]

APPENDIX 7.1 Comparison of provisions for water body setbacks in selected District Plans

Plan	Waterway types	Activities controlled	Setbacks and standards
Auckland Unitary Plan	Lakes, rivers, streams, wetlands	Use, maintenance, repair, demolition of existing structures a P activity; replacement or extension of existing structures in management areas is a D activity; Vegetation management in riparian margins is generally RD	5-10m setbacks in urban areas; 20m setback in rural zones Most buildings required to obtain a resource consent 5m ² earthworks permitted as of right; more is an RD activity
Central Otago District Plan	Any water body	Earthworks; vegetation clearance; structures	10m earthworks setback 10m vegetation clearance Buildings non-complying within Water Surface and Margin Resource Area
Clutha District Plan	Rivers over 3m; wetlands over 2ha; scheduled water bodies	Buildings	20m building setback in urban areas 50m building setback in rural or coastal areas
Grey District Plan	Lakes, wetlands over 2ha, rivers, streams over 3m	Buildings; forestry; vegetation clearance; earthworks	25m building, forestry and indigenous vegetation clearance setback from wetlands 20m setback from lakes 10m setback from rivers and streams
Hauraki District Plan	Rivers, streams, lakes, drains	Buildings, vegetation clearance, earthworks, fencing	15m vegetation clearance 12m building setback 15m earthworks 15m setback for any structure
Manawatu District Plan	Watercourses; wetlands	Forestry; buildings	50m setback for plantation forestry in the coastal areas and significant wetlands 10m building setback from drains and watercourses
Selwyn District Plan	Rivers, lakes, streams, ponds, wetlands	Buildings; earthworks	Town 20m building and earthworks setback from scheduled water bodies 10m building and earthworks setback from other water bodies

Plan	Waterway types	Activities controlled	Setbacks and standards
			Rural 20m earthworks setback 100m building setbacks from lakes or wetlands 20m building setback from scheduled water bodies 10m building setback from other water bodies
Tararua District Plan	Lakes, rivers, wetlands	Forestry; buildings	5-10m setbacks from watercourses for forestry 20m building setback from open drains 20m building setback from rivers, streams, lakes, watercourses
Upper Hutt District Plan	Water bodies wider than 3m	Buildings, earthworks, vegetation clearance	20m building setbacks 10m earthworks setbacks 10m indigenous vegetation clearance
Waikato District Plan	Lakes over 8ha, rivers wider than 3m, wetlands over 1ha	Buildings	32-50m building setback for most zones 10m building setback for artificial watercourses (from Regional Plan)
Waikato Regional Plan	Artificial water courses	Buildings, planting trees or shrubs, fences perpendicular to the watercourse without a gate; fences over 0.75-1.2m parallel to the watercourse	10-15m building setbacks
Waimakariri District Plan	Lakes, rivers (excludes drains), wetlands	Earthworks; vegetation clearance; buildings	20m earthworks setbacks from rivers or lakes; 50m earthworks setbacks from wetlands 20m vegetation clearance setbacks from rivers and lakes; 50m vegetation clearance setbacks from wetlands
Waipa District Plan	Lakes, river, stream, pond, wetland	Building, earthworks, vegetation clearance, feed pads, forestry	23m building and earthworks setbacks from lakes and water bodies 5m forestry setbacks
Whangarei District Plan	Lakes over 8ha; rivers wider than 3m	Building	5-27m building setbacks depending on bank slope

APPENDIX 7.2 Comparison of proposed rules in different environments

	City and settlement	Rural	Natural
Activities controlled	Earthworks, buildings, maintenance	As for City but: plantation forestry setbacks for some classifications of water body	As for City

APPENDIX 7.3 Mapping of provisions for waterway setbacks in the Regional and District Plans

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7.3.3 Provisions for other activities in water body setbacks

Activity	Land and Water Regional Plan (General)	LWRP (Christchurch; Selwyn)	LWRP (Banks Peninsula)	Operative City Plan	Operative Banks Peninsula District Plan	Proposed Replacement Plan
Defences against water / flood protection works	Permitted subject to standards (does not prevent access, not in a high naturalness water body or spawning site, undertaken by a local authority or network utility operator in accordance with a plan certified by the CRC, works or structures do not prevent fish passage)	NIL	NIL	Filling, excavation or structures associated with the maintenance of flood protection and bank erosion protection works exempted from setback requirements	NIL	Exempted from the District Plan rules when having regional consent.
Planting	Permitted subject to standards (maintenance access retained, not a pest species, must be indigenous in high naturalness water bodies)	NIL	NIL	Planting holes exempted from the setback requirements	NIL	Planting holes exempted from the setback requirements

Activity	Land and Water Regional Plan (General)	LWRP (Christchurch; Selwyn)	LWRP (Banks Peninsula)	Operative City Plan	Operative Banks Peninsula District Plan	Proposed Replacement Plan
Removing vegetation	Permitted subject to standards (not vegetation used for flood control or bank stabilisation; not indigenous species, not in a spawning site); Permitted within 10m setback from lakes, rivers and wetlands in High Soil Erosion Risk areas; 5m setback from other lakes, rivers or wetlands if less than 10% of area and undertaken in accordance with a Farm Environment Plan or the Environmental Code of Practice for Plantation Forestry, not adjacent to a spawning sites, logs and trees are not dragged through or across the beds of lakes, rivers or wetlands.	Permitted until 31 December 2018 (subject to standards) within 10m of a river, lake or wetland if for the purposes of repairing earthquake damaged land	NIL	Some zone specific controls, particularly rural, but not specific to the water body setbacks	NIL	Maintenance of vegetation adjacent to water bodies and park management activities are exempted.
<u>Removing indigenous vegetation and significant indigenous vegetation</u>	<u>Restricted discretionary</u>	<u>NIL</u>	<u>NIL</u>	<u>Some zone specific controls, particularly rural, but not specific to the water body setbacks</u>	<u>No clearance of indigenous vegetation in the Conservation Reserve zone. Permitted subject to standards in the Lakes Zone but not within 20m of a river, 50m of a wetland, 50m of Lake Forsyth or 100m of Lake Ellesmere; Indigenous vegetation clearance must be set back 20m from lakes, wetlands, creeks, streams or rivers in the: Recreation Reserve Zone and Akaroa Hill Slopes Zone; In Rural zones,</u>	<u>Vegetation clearance is managed through assessment matters on earthworks in setbacks, provisions for Sites of Ecological Significance in the Natural and Cultural Heritage proposal and the provisions in the LWRP.</u>

Activity	Land and Water Regional Plan (General)	LWRP (Christchurch; Selwyn)	LWRP (Banks Peninsula)	Operative City Plan	Operative Banks Peninsula District Plan	Proposed Replacement Plan
					<p><u>indigenous vegetation clearance must be set back 10m from streams or rivers and 20m from lakes or wetlands. no plantation forestry in Rural zones within 20m of a stream or river with a channel width over 3m.</u> <u>No clearance of indigenous vegetation in Outstanding Natural Feature and Landscape areas</u></p>	

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