

CHAPTER 8 – SUBDIVISION, DEVELOPMENT AND EARTHWORKS - STAGE 3

TABLE 1 - SUBDIVISION AND DEVELOPMENT

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Name of Provision	Operative District Plan		Proposed District Plan
	Banks Peninsula Provisions	City Plan Provisions	Proposed Review Provisions
Objectives and policies			No new objectives or policies are proposed through Stage 3.
Restricted Discretionary	No equivalent	No equivalent	8.3.1.1 RD2(5)
	No equivalent	No equivalent	8.3.7.1 RD3
	Chapter 31 Rule 1b	No equivalent	8.3.7.1 RD4
	Chapter 31 Rule 1b	No equivalent	8.3.7.1 RD5

Chapter 31 Rule 1. Controlled Activities

(...)

b) The following subdivisions are controlled activities where they meet the standards and terms for controlled activities set out in Rule 2 (below):

☑ The creation of esplanade reserves and esplanade strips (except in the Lyttelton Port Zone).

☑ Boundary adjustments, provided that:

☑ the smallest of any new sites created meets the controlled activity minimum site area standard; or

☑ any new site created is no smaller than the smallest of any of the existing sites subject of the boundary adjustment.

☑ The subdivision of a building, provided that the building lawfully exists, complies with the Building Code, and either complies with the rules of the Plan or has obtained a resource consent for any non-compliance with the rules.

☑ The subdivision of any existing site to create a new site or sites for the purpose of a reserve or wholly containing land identified in the Planning maps as a Conservation Reserves or **Heritage Item**, provided that:

- ☐ the balance lot meets the minimum site area standard for the Zone; and
- ☐ an instrument is registered on the title of the permitted site which protects the Conservation Reserves or Heritage Item in perpetuity;
- ☐ The creation of a new site by subdivision from a parent title within any area shown on the Planning Maps as a Rural Amenity Landscape where:
 - ☐ the new site which will be contained in a separate certificate of title is no less than 1ha in area and is for the purpose of erecting a dwelling and;
 - ☐ a balance area of the parent title which is legally defined and which in combination with the new site achieves a minimum area of 40ha and;
 - ☐ both the new site and the balance area of the parent title are subject to covenants preventing the erection of any further dwellings on the total land area of the parent title in perpetuity.
- ☐ The creation of a new site not located in Low-Moderate or Moderate-High instability area natural hazards, Coastal Natural Character or Outstanding Natural Landscapes, with a minimum net site area as set out in the following table: (Updated November 2010)

Zone	Minimum Net Site Area	Minimum Average Net Site Area
Rural – Rural Amenity Landscape	40 ha unless a site is located entirely above the 160m contour line in which case the minimum site area is 100ha	
Residential	400m ²	
Residential Diamond Harbour Density Overlay Area	600m ²	
Residential Conservation (Lyttelton)	250m ²	
Residential Conservation (Akaroa)	400m ²	
Boat Harbour	No minimum	
Lyttelton Port	No minimum	
Town Centre	No minimum	
Papakaianga	800m ²	
Small Settlements	1000m ²	
Small Settlement Zone at Governors Bay	1000m ²	1200m ²
Small Settlement Zone (Takamatua CDA only)	1500m ²	There is no minimum average lot net site area, however, a maximum number of lots to be created is 25 (excluding incidental lots as are required to be set aside for reserves, roads or for services catering for the entire subdivision such as telephone or water tanks)
Akaroa Hill Slopes	5000m ²	
Industrial	No minimum	

☐ Notwithstanding the above, minimum net site areas shall not apply to sites created to establish facilities for network utility operators.

TABLE 2 - EARTHWORKS

Name of Provision	Operative District Plan		Proposed District Plan
	Banks Peninsula Provisions	City Plan Provisions ¹	Proposed Review Provisions
Objectives and policies	Chapter 13: Policy 1C;	2.7.6 Policy Erosion and disturbance of land;	Objective 8.7.1 Earthworks
	No equivalent	No equivalent	Policy 8.7.1.1 Heritage
	No equivalent	2.7.6 Policy Erosion and disturbance of land;	Policy 8.7.1.2 Biodiversity and ecosystems
	Chapter 13: Policy 1C;	2.7.6 Policy Erosion and disturbance of land;	Policy 8.7.1.3 Landscape
	No equivalent	No equivalent	Policy 8.7.1.4 Trees
Permitted activities	Chapter 19 Rule 3.5	Volume 3 Part 9 Rule 5.2.4	Rule 8.8.2 P1 (9) and (10)
	Chapter 19 Rule 3.5 Chapter 15 Rule 1	Volume 3 Part 10 Rule 2.2.4 Volume 3 Part 10 Rule 2.2.5 Volume 3 Part 10 Rule 2.3.1 Volume 3 Part 10 Rule 2.3.2 Volume 3 Part 10 Rule 2.3.3	Rule 8.8.2 P3
	Chapter 19 Rule 3.5	Volume 3 Part 9 Rule 5.2.4	Table 1 Overlay volume thresholds
Restricted discretionary activities	Chapter 19 Rule 3.5 Chapter 15 Rule	Volume 3 Part 10 Rule 2.2.4 Volume 3 Part 10 Rule 2.2.5 Volume 3 Part 10 Rule 2.3.1	8.8.3 RD8

	1	Volume 3 Part 10 Rule 2.3.2 Volume 3 Part 10 Rule 2.3.3	
Discretionary activities	Chapter 19 Rule 3.5	Volume 3 Part 9 Rule 5.2.4	8.8.4 D2
Repair of land used for residential purposes damaged by earthquakes until 31 December 2018	No equivalent	Volume 3 Part 9 Rule 5.2A	8.8.7 (1)(c)(ii)

2.7.6 Policy : Erosion and disturbance of land

To ensure that activities undertaken on the Port Hills do not promote erosion or unnecessary disturbance to the land surface.

Explanation and reasons

The effect of activities on the Port Hills is of concern in terms of the functions of both the Regional Council and the City Council for resource management. Activities on the surface of the land have to be considered in terms of their potential to reduce the stability of the loess soils of the Port Hills, and their susceptibility to erosion or the visual detraction and erosion potential associated with any excavation, filling or removal of vegetation. This policy seeks to ensure that land use activities are assessed in terms of their potential to give rise to disturbance to the land surface.

5.2.4 Development standard

(a) Any filling or excavation, or the erection of buildings shall be a discretionary activity within the setbacks specified below:

Waterway category/coastline	Setback
(Refer Appendix 1 - Schedule of waterways. This schedule identifies environmental asset waterways, upstream rivers, downstream rivers, and the coastline. Utility waterways (with the exception of those utility waterways which are to be piped) are not identified in Appendix 1 but means any waterway legally defined as an open public or private drain (excluding sewerage). Hill waterways are not identified in Appendix 1, but means any waterway as defined in Part 1.)	
Utility waterway: to be piped (Refer Appendix 1, Section 1)	3m
Open utility waterway	5m
Environmental asset waterways (refer Appendix 1, Section 2)	7m

In addition to those waterways defined in Appendix 1, any new or diverted open waterway usually created subsequent to any subdivision or land use consent from the Council, except for new waterways created in the Open Space 3D (Clearwater Resort and Christchurch Golf Resort) Zone, shall be deemed to be an environmental asset waterway for the purposes of these rules.	
Upstream rivers (Rural zones)	20m
Upstream rivers (Other zones),(refer Appendix 1, Section 1)	10m
Downstream rivers, (refer Appendix 1, Section 1)	30m
Downstream River (Mona Vale)	15m
(Includes the true left bank of the Avon River from the confluence with the Wairarapa Stream extending downstream to the Carlton Mill Bridge, and also including that part of the true right bank fronting Lot 2 DP 26862 (Church Of Jesus Christ of the Latter Day Saints)	
Hill waterways	10m
Coastline (means the line of mean high water springs except in Conservation 1A Zone refer to Part 5)	20m

The Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream and downstream rivers.

(b) The Council's discretion shall be limited to the matter(s) subject to the standard, provided also that where a site adjoining a downstream river is separated by an esplanade reserve or legal road, then the Council's discretion is limited to those assessment matters relating to flood management only.

2.2.4 Definition of work covered by these rules

For the purposes of these rules, any work affecting a protected tree (whether on the site or not) shall be deemed to include:

- (a) removal of any tree or;
- (b) the construction of any building, or laying of overhead or underground services, any sealing, paving, soil compaction, or any alteration of more than 75mm to the ground level existing prior to work commencing, any depositing of chemical or other substances harmful to the tree within 10 metres of the base of any protected tree;

Note:

For the purposes of the 10 metre setback rules applicable to the lowland kahikatea forest remnant at 16 Kahu Road, which forms part of the greater Riccarton Bush and House Reserve and is defined by a 'Protected Trees Area' symbol on planning map 38B, the outer boundary of the symbol defining the protected trees area, which follows the predator proof fence surrounding the forest remnant, shall be deemed to be the 'base of the tree';

- (c) the fixing of any structure or object to any part of the tree, any operation which will wound the bark tissue of any part of the tree or;
- (d) pruning at a height greater than one-third the total height of the tree, and also including any branches greater than 50mm diameter below this level.

2.2.5 Trees subject to heritage orders

Any work affecting a tree that may be subject to a heritage order, is required to comply with the separate procedures specified in Part VIII of the Act.

Any heritage order will only be placed as circumstances may require, and cannot be incorporated as part of a review of the City Plan. Heritage orders may also be made by approved Heritage Protection Authorities other than the Council.

2.3.1 Development standards

Any work defined by Clause 2.2.4 (b), (c) or (d) affecting a notable tree identified in Appendix 4, shall be a discretionary activity , with the exercise of the Council's discretion limited to the impact of the works on the tree;

except that

for the lowland kahikatea forest remnant at 16 Kahu Road, which forms part of the greater Riccarton Bush and House Reserve, and is defined by a 'Protected Trees Area' symbol on planning map 38B, any activities associated with the maintenance and running of the forest remnant carried out by or on behalf of the Riccarton Bush Trust shall be a permitted activity;

and

in the case of the property at 48 Rata Street (legally described as Lot 375 DP 11261) the 10 metre restriction on works defined in Clause 2.2.4(b) shall only apply to the northern boundary of that property.

2.3.2 Community standard

Any work defined by Clause 2.2.4(a) affecting a notable tree identified in Appendix 4 shall be a discretionary activity;

except that

for the lowland kahikatea forest remnant at 16 Kahu Road, which forms part of the greater Riccarton Bush and House Reserve, and is defined by a 'Protected Trees Area' symbol on planning map 38B, any activities associated with the maintenance and running of the forest remnant carried out by or on behalf of the Riccarton Bush Trust shall be a permitted activity.

2.3.3 Critical standards

Any work affecting a heritage tree identified in Appendix 4, shall be a non-complying activity.

Chapter 13 Policy 1C The adverse effects of earthworks, forestry or clearance of significant indigenous vegetation on outstanding natural features, landscapes are to be avoided, remedied or mitigated.

Chapter 19 Rule 3.5 Earthworks

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

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

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

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

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

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

CHAPTER 15 TREES RULE 1. Protection of Scheduled Trees

No person shall without a resource consent:

- a) Cut, damage, alter, injure, destroy or partially destroy any scheduled tree listed in Appendix VII (including its roots); or
- b) Within the drip-line of any scheduled tree:
 - ☒ **Alter the soil levels or water table by addition or excavation;**
 - ☒ Store materials, vehicles or machinery;
 - ☒ Discharge or disperse any toxic substance or put in place any weed control membrane; or
 - ☒ Undertake any use, **excavation**, construction work or activity.

Except that this shall not preclude:

- ☒ The regular minor trimming or maintenance of any tree undertaken by hand operated secateurs or pruning shears in accordance with accepted arboricultural practice.
- ☒ The felling or destruction of any tree by the Council or a statutory authority, when this is required as an emergency work to maintain or restore power and communication links or to safeguard life or property.

In such circumstances the authority concerned shall notify the Council, in writing, within two weeks of the felling or destruction.

¹ Some of the objectives and policies and rules listed in table 2 are replaced only in part by the proposed plan.