

# **Chapter 1 Introduction**

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## **1 What is a District Plan?**

A District Plan is a document prepared under the Resource Management Act 1991 in conjunction with the community. It sets a framework for development and the management of resources in the district in a manner that meets the goal of sustainable management of those resources. It identifies issues and develops objectives, policies and rules to manage the environmental effects of land use activities. It defines the various zones and the rules for what activities are permitted to occur in each zone. In this way a District Plan has a very strong influence over all activities that occur in the a district.

This District Plan applies to all areas above the line of mean high water springs within the territorial boundaries of Christchurch City and to all users of land and the surface of water bodies within the district.

The Proposed District Plan replaces the city's two current operative plans, namely the Christchurch City Plan and the Banks Peninsula District Plan. However, following notification of the Proposed District Plan, the two operative plans will continue to have legal effect and will be used to determine if a resource consent is required. These plans will be fully replaced by the Proposed District Plan once decisions on the Proposed Plan are made, and any appeals settled.

## **2 Background**

In 2010 and 2011 a series of seismic events devastated Christchurch, resulting in the death of 185 people. Widespread damage and destruction was caused to thousands of homes and businesses, most of the central business district, and much of the city's infrastructure.

This District Plan addresses recovery needs following those seismic events. It also provides a focus for longer term development that will help rebuild Christchurch and make it a great place to live and work in the years ahead.

Because of the need to facilitate the recovery, the Council, in consultation with its key statutory partners, decided to prepare its new District Plan in two stages. The first stage deals with all or part of those chapters most directly related to earthquake recovery. These are:

- Strategic Directions
- Residential
- Commercial
- Industrial
- Transport
- Contaminated Land
- Subdivision, Development and Earthworks
- Natural Hazards.

The second stage deals with the remaining parts of the Plan.

Many of the wide range of issues identified in the Plan are also managed and influenced to some degree by other organisations, including through their planning documents. A collaborative partnership

approach between the City Council and those other organisations, including the Canterbury Regional Council, Canterbury Earthquake Recovery Authority, NZ Transport Agency, Te Rūnanga o Ngāi Tahu, and the adjoining Selwyn and Waimakariri District Councils, was taken to the drafting of the Plan in order to deliver a Plan that gives effect to the planning hierarchy and works with other affected organisations.

### **3 Manawhenua**

Manawhenua is the customary authority exercised by an iwi or hapū in an identified area. It represents the ability to influence and exercise control over a particular area or region and to act as its kaitiaki (guardian). Manawhenua is derived from whakapapa and is protected and secured through continued occupation of ancestral lands.

Six Papatipu Rūnanga hold manawhenua within Christchurch City. These are Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke Rūnanga (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, and Te Taumutu Rūnanga. The interests of these runanga overlap geographically within, and in some cases extend beyond, the territorial boundary of Christchurch City.

A principle of the Treaty of Waitangi require consultation between the Crown and Māori and, by virtue of Section 8 of the Resource Management Act 1991, that principle must be taken into account by the Council in its resource management decision making. The Council recognises the significance of the treaty's principles and the importance of its relationship with Ngāi Tahu.

## **4 Statutory Context**

### **4.1 The Resource Management Act 1991**

The Resource Management Act 1991 (the Act) sets out those matters which must be given effect to in the preparation of district plans. The key provisions are summarised below.

#### **Section 5**

This section establishes sustainable management of natural and physical resources as the cornerstone of the preparation and administration of plans. It provides for the right to use, protect and develop natural and physical resources, but only in a manner which ensures that the foreseeable needs of future generations can be met, that the life supporting capacity of air, water, soil and ecosystems are safeguarded, and that adverse effects of activities on the environment are avoided, mitigated or remedied.

A major role of the District Plan is to address the adverse effects that activities may have.

#### **Section 6**

This section places a duty on the Council to recognise and provide for a range of matters of national importance. These include the coastal environment, lakes, rivers, wetlands, natural features, habitats, indigenous vegetation, outstanding landscapes, historic heritage, the relationship of Māori to ancestral land, sites and features, and the protection of recognised customary activities.

#### **Section 7**

The matters in Section 7 of the Act, while not described as matters of national importance are, nevertheless, important to the Council's resource management functions. This section requires the Council to have particular regard to several matters including kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources, the maintenance and protection of amenity values, intrinsic values of ecosystems, the quality of the environment and the effects of climate change.

#### **Section 8**

This provision emphasises the importance of the Crown's (and local government's) obligation to uphold the principles of the Treaty of Waitangi in undertaking resource management functions.

#### **Section 31**

This section sets out the functions of territorial authorities under the Act and the District Plan's role in dealing with the effects of land use activities, subdivision and other matters. This in turn relates to the control of land use and subdivision activities under Sections 9 and 11 of the Act.

## **Section 32**

Section 32 requires the Council to examine all objectives, policies and rules in its District Plan to ensure they are necessary, efficient, effective and do not impose costs on the community that exceed their benefits.

The Plan has been prepared in accordance with this requirement and the costs and benefits of each provision have been assessed. The evaluations prepared under Section 32 are not part of the Plan itself, but are available on the Council's website at:

<http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/districtplanning/districtplanreview/index.asp>

## **Section 74**

Section 74 is the authority for the Council to prepare and change its District Plan. It identifies other planning instruments that the Council must have regard to when preparing its District Plan including proposed regional policy statements and plans, management plans and strategies prepared under other Acts, and the Historic Places Register. It must also take into account any relevant planning document recognised by an iwi authority.

## **Section 75**

This section identifies matters a district plan must contain. A plan must state the objectives for the district, the policies to implement the objectives and the rules to implement the policies. There are also a number of other matters that a district plan may include.

This section also requires that district plans must give effect to any national policy statement, any New Zealand coastal policy statement, and any regional policy statement. A district plan must not be inconsistent with a water conservation order or a regional plan.

## **Schedule 1**

Schedule 1 contains the procedures for the preparation of plans, changes to plans (by the Council or privately initiated), variations and amendments.

There are other sections of the Act which are important in plan preparation; readers of this document are referred to the Act itself for the details of these provisions and the sections of the Act described above.

## **4.2 The Canterbury Earthquake Recovery Act 2011**

This Act has the following purposes:

- a. to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes:
- b. to enable community participation in the planning of the recovery of affected communities without

- impeding a focused, timely, and expedited recovery:
- c. to provide for the Minister and CERA to ensure that recovery:
  - d. to enable a focused, timely, and expedited recovery:
  - e. to enable information to be gathered about any land, structure, or infrastructure affected by the Canterbury earthquakes:
  - f. to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:
  - g. to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities:
  - h. to provide adequate statutory power for the purposes stated in paragraphs (a) to (g):
  - i. to repeal and replace the Canterbury Earthquake Response and Recovery Act 2010.

The Canterbury Earthquake Recover Act requires a Recovery Strategy to be developed to provide overall direction, guidance and coordination for the reconstruction, rebuilding and recovery of greater Christchurch. A district plan must not be interpreted or applied in a way that is inconsistent with a recovery strategy. The Recovery Strategy for Greater Christchurch can be viewed at:

[cera.govt.nz/recovery-strategy](http://cera.govt.nz/recovery-strategy)

Section 24 of the Canterbury Earthquake Recover Act provides that a Recovery Plan can require a council to amend its district plan in a manner directed by the Recovery Plan. At the time of writing this chapter the following Recovery Plans had been approved by the Minister for Canterbury Earthquake Recovery:

- a. **The Christchurch Central Recovery Plan 2012** which defines the form of the central city (and amendments to it), sets out the location of key anchor projects needed to optimise recovery and outlines block plans which show what the city could look like in the future. The Christchurch Central Recovery plan contains a statutory direction to amend the Operative District Plan. This must also not be inconsistent with the Christchurch Central Recovery Plan and any amendments to it.
- b. **An Accessible City** - an addendum to the Christchurch Central Recovery Plan that addresses issues with the transport system within the central city.
- c. **The Land Use Recovery Plan 2013** which identifies critical actions required in the short and medium term to coordinate and advance decision making about land use and who is responsible for those actions, and sets a timetable for when they must be completed. The Land Use Recovery Plan contains statutory directions to amend the Operative District Plan. The District Plan must not be inconsistent with the Land Use Recovery Plan. The Land Use Recovery Plan contains a number of specific measures that are to be provided for in the review of District Plan, including that it provide for reduced consenting and notification requirements and address the efficiency and effectiveness of urban design provisions.

Under Section 27 of the Canterbury Earthquake Recover Act the Minister can suspend, amend, or revoke a number of statutory documents including district plans. The Act expires in April 2016.

### 4.3 Summit Road (Canterbury) Protection Act 2001

This local Act applies to an area of land in the vicinity of the Summit Road, broadly defined as being

the area from the summit to 30 vertical metres below the road. [The Summit Road \(Canterbury\) Protection Act](#) provides for:

- a. the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land;
- b. the preservation and protection of natural amenities associated with land within the protected area; and
- c. the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

Within this area, the development of structures, planting of trees, quarrying and subdivision are subject to the provisions of the Summit Road (Canterbury) Protection Act and consent must be sought from a Summit Road Protection Authority.

## **4.4 Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014**

The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 modifies the Resource Management Act 1991 to provide a streamlined process for the review of the existing district plans and for the preparation of a comprehensive replacement district plan for the Christchurch district.

The Order provides for a new proposed plan (in the Order it is referred to as a proposal) to be notified, for submissions to be received, and for a hearings panel to be appointed by the Minister for the Environment and the Minister for Canterbury Earthquake Recovery in consultation with the Council. This panel is charged with conducting a hearing into any submissions and deciding whether to make any changes to a proposal. The panel has the power of decision and its decision can only be appealed to the High Court on points of law. Subject to any appeals a proposal as amended by a panel must be made operative as a district plan under the Resource Management Act.



## 5 The relationship between District Plans and other Resource Management Planning Documents

District Plans forms part of a group of planning and policy documents from all levels of government that together are required to achieve integrated management of natural and physical resources.

- a. At a national level the Resource Management Act 1991 provides for:
  - i. **National Policy Statements** which set out objectives and policies for resource management matters of national significance that are relevant to achieving the purpose of the Act. Such statements guide subsequent decision-making under the Act at the national, regional and district levels.

The preparation of a [New Zealand Coastal Policy Statement](#) by the Minister of Conservation is mandatory, but other national policy statements, which must be approved by the Minister for the Environment, are optional. The District Plan must give effect to National Policy Statements.

- ii. **National Environmental Standards** which are regulations that apply nationally to the use, development and protection of natural and physical resources and which prescribe technical standards, methods or other requirements for implementing the standards in a consistent manner. National standards override existing provisions in plans that have a lower standard. Conversely, if a District Plan has a standard that is stricter than a national standard then that plan standard prevails.
- b. At a regional level the Act requires:
  - i. A **Regional Policy Statement** to be prepared by each regional council. These statements enable regional councils to provide broad direction and a framework for resource management within their regions. A regional policy statement must give effect to all national policy statements. The District Plan must give effect to the Regional Policy Statement.
  - ii. **Regional Plans** which may be prepared by a regional council. These plans focus on particular issues or areas and assist regional councils to carry out their functions under the Act. A regional council must prepare a regional coastal plan (applying below mean high water springs) but other regional plans are optional. Regional plans must give effect to national policy statements and regional policy statements. They must also not be inconsistent with water conservation orders and other regional plans for the region. The District Plan must not be inconsistent with Regional Plans.



## **6 The Relationship with Other Plans, Strategies and Policies**

Section 74 of the Act requires the Council, when developing its Plan, to have regard to management plans and strategies prepared under other Acts. Some of these are summarised below.

### **6.1 Long Term Plan, the 3 Year Plan and Annual Plan**

The Local Government Act 2002 requires councils to consult with their local communities to determine what public goods and services the community wants provided. Through this process a council will adopt community outcomes that form part of the Long Term Plan. The Long Term Plan is a 10 year strategic planning document that covers all council functions and sets out how they will be paid for.

A Long Term Plan does not override a district plan, nor is there any requirement that a district plan must comply with the requirement of a Long Term Plan. However, because the Long Term Plan records outcomes identified by the community and describes how the Council will contribute to these, there is an expectation that the Council will use this process to inform other plans and strategies.

In 2013 the Council and Government agreed to delay Christchurch City Council's Long Term Plan until 2015, so an earthquake recovery cost-sharing method could be worked out together. It was considered that the city needed a more appropriate planning mechanism with more immediate goals than the 10 year framework of a Long Term Plan. The Christchurch City Three Year Plan 2013-2016 was developed after consultation with the public. This plan sets out the community outcomes that the Council aims to achieve, the projects and services the Council will provide over the three financial years, how much they will cost and where the money will come from. The community outcomes describe what the Christchurch City Council aims to achieve.

The Annual Plan sets out what the Council will do over the next year, how much it will cost and where the money will come from.

### **6.2 Christchurch Transport Strategic Plan**

This non-statutory plan updates Christchurch's local transport policy, having regard to relevant statutory plans - in particular the Canterbury Regional Land Transport Strategy, the Canterbury Regional Policy Statement, the Greater Christchurch Urban Development Strategy and the Regional Public Transport Plan - placing a strong emphasis on travel choice by establishing strong networks for all transport options during the next 30 years.

### **6.3 Council Strategies and Policies**

The Council has developed a large number of strategies and policies to which regard must be had in preparing the Plan. These strategies can be viewed at:

[www.ccc.govt.nz/thecouncil/policiesreportsstrategies/](http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/)

## **6.4 Other Strategies**

A number of regional and other strategies are relevant to, and have been considered in, the preparation of the District Plan. They include:

- a. **Greater Christchurch Urban Development Strategy 2007** which provides the long term direction for enhancing the economic, social, environmental, and cultural conditions of the greater Christchurch area.
- b. **Canterbury Regional Land Transport Strategy 2012 -2042** which sets the strategic direction for land transport within the Canterbury region over a 30 year period. It identifies the region's transport needs and the roles of all land transport modes. It identifies how planning, engineering, education, encouragement and enforcement methods are to be utilised to provide for the future land transport system of Canterbury.
- c. **Greater Christchurch Transport Statement 2012** was prepared by key government agencies and councils together with the strategic transport agencies operating within Christchurch. It provides an overarching framework to enable a consistent, integrated approach to planning, prioritising, implementing and managing the transport network and services in the greater Christchurch area.

## 7 Iwi Management Plans

Section 74(2A) of the Act requires a territorial authority to take into account any relevant planning document recognised by an iwi authority when preparing or changing a district plan.

**Mahaanui Iwi Management Plan**, published in 2013 by six papatipu rūnanga in the Canterbury area, sets Ngāi Tahu's objectives, issues and policies for natural resource and environmental management and seeks to ensure that the taonga and resources of tangata whenua are recognised and protected in the decision-making of agencies with statutory responsibilities to tangata whenua.

## 8 Statutory Acknowledgements

### 8.1 Introduction

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that an iwi has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area that is in crown ownership. The association of an iwi with a statutory area is outlined in the schedules to a claims settlement act.

The Ngāi Tahu Claims Settlement Act 1998 records the apology given by the Crown to Ngāi Tahu in a deed of settlement executed on 21 November 1997 and gives effect to the provisions of that deed which settled the Ngāi Tahu claims. It includes statutory acknowledgements by the Crown of a statement of Ngāi Tahu's particular cultural, spiritual, historical and traditional association with specified areas.

The Council is legally obliged to have regard to statutory acknowledgements and to record them on statutory plans.

### 8.2 Purposes of statutory acknowledgements

Statutory Acknowledgements aim to improve the implementation of existing RMA processes, particularly the decision-making process in relation to notification of resource consents applications. In summary the Council is required to:

- a. forward summaries of all relevant resource consent applications to Te Rūnanga o Ngāi Tahu.
- b. have regard to a Statutory Acknowledgement in forming an opinion as to whether Te Rūnanga o Ngāi Tahu is an affected party in relation to resource consent applications for activities within, adjacent to, or impacting directly on a statutory area.
- c. enable Statutory Acknowledgements to be used in submissions as evidence of Ngāi Tahu's association with a statutory area.
- d. record all relevant Statutory Acknowledgments on plans.

### 8.3 Statutory acknowledgement within the district of Christchurch City



Within Christchurch City there is one statutory area for which the statutory acknowledgment from Schedule 71 to the Ngāi Tahu Claims Settlement Act 1998 is set out in full below. The inclusion of this statutory acknowledgement is for the purpose of public information only and the information is neither part of the district plan nor subject to the provisions of Schedule 1 of the Resource Management Act 1991.

## **“Schedule 71 Statutory Acknowledgement for Wairewa (Lake Forsyth)**

### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the lake known as Wairewa (Lake Forsyth), the location of which is shown on Allocation Plan MD 45 (SO 19839).

### **Preamble**

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Wairewa, as set out below.

### **Ngāi Tahu association with Wairewa**

Wairewa is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rakaihautu” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wairewa.

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa lies in the lee of, “Te Upoko o Tahu Mataa”. This name refers to the Ngāi Tahu ancestor Tahu Mataa who lived and fought in Hawkes Bay. Like many other lakes, Wairewa was occupied by a taniwha called Tū Te Rakiwhānoa, whose origins stem back to the creation traditions.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The local hapū of this region is Ngāti Irakehu. Irakehu was the descendant of Mako, the Ngāi Tuhaitara chief who took Banks Peninsula with his cohort, Moki. Tradition has it that both Moki and Mako are buried near Wairewa. Poutaiki and Ōtūngākau are two principal urupā associated with Wairewa. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Wairewa has been used by the descendants of Rakaihautu ever since it was formed. It is famous for the tuna (eels) that it holds and which migrate out to the sea in the autumn months. Ngāi Tahu gather

here annually to take the tuna.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Wairewa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

### **Purposes of statutory acknowledgement**

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are —

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Wairewa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of Wairewa or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Wairewa as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of statutory acknowledgement**

Except as expressly provided in sections 208 to 211, 213, and 215, —

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Wairewa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Wairewa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Wairewa."

## **9 Strategic Outcomes from the District Plan**

### **9.1 Introduction**

The land use outcomes anticipated from the implementation of the district plan, in relation to the form, function and structure of Christchurch District, are guided to varying degrees by the provisions within the range of other statutory and non-statutory documents mentioned earlier. Those documents also contain outcomes in relation to other aspects of the environment in addition to land use outcomes.

The Christchurch City District Plan is one of the main tools that will deliver the overall land use outcomes, by providing a direction for future growth and land use that responds to the diverse needs of the people who live and work here. This response will be shaped by the natural and physical environment (particularly in its “post-earthquake” form), combined with emerging technologies in transport, communications and buildings; and changes in the social and cultural dynamics of the District. Creating a plan that is responsive to both the post-earthquake environment and the short term and long term needs of the community, as well as providing a regulatory framework that facilitates development and good environmental outcomes.

### **9.2 Strategic Outcomes**

The strategic land use outcomes for the form, function and structure of the future Christchurch District need to reflect our community's desire for vibrant, lively communities where people interact easily and effortlessly, and where public and active transport link people easily to their everyday amenities and destinations. This means great design-led environmentally sustainable buildings and planning and where the human interface fits with, rather than seeks to fight, environmental constraints. The specific outcomes sought through the District Plan are as follows;

#### **Outcome 1 – Urban Extent (Christchurch Urban)**

Well defined urban edges with new urban development within or as integrated extensions to the existing urban areas that achieves the efficient provision and use of infrastructure.

Sufficient land for housing, industry, commercial and other urban activities in accordance with the Canterbury Regional Policy Statement (through to 2028).

#### **Outcome 2 – Urban Form (Christchurch Urban)**

The Central City is the principal administrative, cultural/entertainment and tourist focus for the District and wider Greater Christchurch.

A network of residential neighbourhoods focused around suburban centres to provide housing, commercial activities and recreation/community facilities within each locality.

A network of commercial and industrial areas throughout the urban area to provide for existing and emerging industries, research and education.

Recognise the needs for some temporary recovery activities in the short term.

**Outcome 3 – Urban Form (Rural and Coastal)**

Rural and coastal settlements continue to function within existing boundaries.

**Outcome 4 – Housing**

A range and sufficient supply of housing types and densities throughout the City to cater for the “all of life” needs of residents within each residential neighbourhood.

Higher density housing within and adjoining larger commercial centres, in suitable brownfield areas, and in new urban areas.

Increased housing opportunities within other lower density suburban areas.

**Outcome 5 - Accessibility**

Strategic transport infrastructure provides efficient access to the City, port and airport, and a gateway for business and tourism for the South Island, that is multi-modal and future proofed to take advantage of technological changes in transport.

An integrated transport network providing choice of transport options and promotion of active travel and public transport for people to access places of employment, education, living, green space, natural features and other needs both within and outside the built urban area of the District.

**Outcome 6 – Natural Hazards**

Risks from natural and other potential hazards are reduced to acceptable levels, including options of retreat from or limitations to development in areas where risks from flooding, tsunami, earthquakes and land movement are intolerable.

**Outcome 7 – Contaminated Land**

Land containing elevated levels of contaminants is managed to protect human health, water supplies and the environment.

**Outcome 8 – Quality Environments**

Buildings and places are designed to be people orientated and/or of a human scale, particularly in areas with higher density living environments and/or where the built development form is dominant.

**Outcome 9 – Respect for the Past and Healthy Environments**

The ecological, landscape, cultural and built heritage (tangata whenua and European) is protected, celebrated and enhanced, particularly in providing linkages between the features, places and areas.

A higher profile of indigenous flora and fauna and the relationship of Ngāi Tahu to the Christchurch area, while maintaining and enhancing European connections, in the design of places.



## **10 Guide to the District Plan**

### **10.1 Content of the District Plan**

The District Plan has two primary components:

- a. The written text which contains all of the resource management objectives, policies and rules.
- b. The planning maps which indicate in graphic form the area to which certain rules in the written text apply.

The written text should be read as a whole so that the common themes of the Plan and the relationship between the various chapters can be understood.

The District Plan is presented in chapters. These are summarised and described below.

<b>Chapters</b>	<b>Summary</b>
Plan Overview Chapters 1 and 2	General introduction and definitions.
Strategic Policy Framework Chapters 3 and 4	District-wide strategic context and direction including direction on implementing activities affecting tangata whenua.
District Wide Provisions Chapters 5 - 12	Contains rules that apply across the whole district.
Zone Provisions Chapters 13 - 21	Contains rules that apply only within the specified areas shown on the planning maps.
Planning Maps	

#### **Plan overview chapters**

These two chapters contain material to assist Plan users to understand the District Plan. The Introduction Chapter outlines the purpose of the Plan, set outs the statutory context in which it is prepared and provides guidance on how to use it.

A chapter of definitions of terms used in the Plan is included. Definitions are critical to the interpretation of the Plan. Where deemed necessary, they help the Plan achieve the purpose of the Act by enhancing its usability and providing greater certainty to the meaning of objectives, policies and rules. Definitions apply to all rules and on a case by case basis in the objectives and policies where words or phrases warrant definition.

Defined words and phrases are shown in the plan as dashed line and can be electronically accessed from the text of the plan.

## **Strategic policy framework chapters**

These chapters set out the strategic context for the District Plan and the overarching direction for other chapters, including the strategic direction for implementing activities affecting tangata whenua across the district. They provide information on the impact of the earthquake events in 2010 and 2011, set out the long term vision for the district, describe the key resource management issues and opportunities, summarise the direction provided by Council strategies and other regional and national strategic documents, and set out high level objectives and policies for the future direction of the district.

## **District-wide provisions chapters**

This part of the plan contains general rules and procedures as well as objectives, policies and rules that apply across the district. Chapters cover topics such as transport, subdivision, heritage and natural environment, utilities, noise, glare, hazardous substances, signs, financial contributions and designations.

## **Zone provisions chapters**

All land within the district is zoned. Zones are areas where common land uses and activities are anticipated. The chapters in this part of the Plan contain objectives, policies and rules relating to each of the Plan's zones.

## **Planning maps**

The planning maps of the district spatially identify the various zones in the Plan and features referred to in the text of the Plan, such as the extent of designated land; protected buildings, spaces and trees; the boundaries of airport approach slopes and noise contours; and hazard areas.

## **The Plan's chapters**

The following sets out the chapters in the Plan and give a brief description of what each chapter covers.

### **Chapter 1 Introduction**

This chapter provides information on the purpose of the District Plan, the legal requirements that apply to the District Plan and how it fits into the wider functions of the Council and Council strategies. It also describes how the Plan works.

### **Chapter 2 Definitions**

This chapter provides definitions to explain the meaning of words and terms as used in the District Plan. Additional definitions will be included for the Phase 2 Chapters.

### **Chapter 3 Strategic Directions**

This chapter provides the strategic context and overarching direction for the District Plan, which is refined in more detail in the other chapters. It describes the key issues and opportunities for the

district, summarises the direction provided by various strategies and other relevant documents - about how these issues should be addressed and the desired outcomes for the district - and sets out high-level objectives and policies for Christchurch. It does not contain any rules.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

## **Chapter 4 Tangata Whenua**

This chapter provides direction for the District Plan on issues affecting tangata whenua across the district. This chapter will be part of Phase 2 of the District Plan review.

## **Chapter 5 Natural Hazards**

This chapter identifies risks from, and areas subject to, natural hazards. It has objectives to reduce risks, increase awareness of the range and scale of natural hazards within the district and facilitate the repair of earthquake damaged residential land. A precautionary approach to new development in areas at risk from natural hazards has been adopted through policies and rules. The planning maps contain hazard overlays that identify areas of the district that are potentially subject to flooding and slope instability hazards and includes two liquefaction assessment areas.

Areas known to be subject to flooding are identified on the maps as floor level and fill management areas or flood ponding areas. Policies and rules aim to maintain flood storage capacity in ponding areas and floodplain areas and reduce flood damage by requiring floor levels of new buildings to be above predicted flood levels.

For areas of the district identified as being potentially affected by slope instability, policies and rules seek the avoidance of development where the risk to life safety is deemed to be intolerable. Liquefaction is addressed by requiring an appropriate level of assessment of the risk of this potential hazard before subdivision and development takes place.

Coastal hazards will be part of Phase 2 of the District Plan review.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

## **Chapter 6 General Rules and Procedures**

This chapter contains general information and rules that apply across the district, largely on matters of detail. For Phase 1, the general rules of the Operative City and Banks Peninsula District Plans will be relevant. These will be updated and replaced as part of Phase 2 of the District Plan review.

## **Chapter 7 Transport**

This chapter contains objectives, policies and rules to manage issues relating to all transport modes across all zones in the district. It draws on existing transport strategies and plans including the Regional Land Transport Strategy, the Christchurch Transport Strategic Plan, and the Greater Christchurch Travel Demand Strategy. Transport aspects of the central city will be part of Phase 2 of the District Plan.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be

viewed at [\[link\]](#).

### **Chapter 8 Subdivision, Development and Earthworks**

This chapter sets out the objectives, policies and rules for the subdivision of land within the district and associated matters such as property access, esplanade reserves and strips, servicing, and the provision of open spaces and recreation areas within subdivided land. It also contains provisions relating to earthworks. This chapter will be updated and amended as part of Phase 2 of the District Plan review.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

### **Chapter 9 Heritage and Natural Environment**

This chapter sets out the objectives, policies and rules for the management and protection of the district's biodiversity, outstanding natural features and landscapes, notable trees, and heritage places. This chapter will be part of Phase 2 of the District Plan review.

### **Chapter 10 Designations and Heritage Orders**

This chapter identifies land that requiring authorities seek to use for particular purposes. These include such works as proposed future roads or electricity sub-stations. The chapter identifies the purpose for which land is designated, who the requiring authority is, and any conditions applying to the designation. The normal zone rules and other District Plan provisions do not apply to works undertaken in accordance with a designation. A designation will also limit what else can happen on the designated land. Phase 1 includes designations from all requiring authorities, other than Christchurch City Council; these will be addressed in Phase 2 of the District Plan review.

The chapter also identifies the one heritage order that is included in the plan. Heritage Protection Authorities can make requirements for heritage orders for the purpose of protecting (among other things) any place of special interest, character or visual appeal. Where a heritage order is included in a district plan no person may carry out any works that would nullify the effect of the heritage order without the prior written consent of the heritage protection authority.

### **Chapter 11 Utilities, Energy and Infrastructure**

This chapter contains objectives, policies and rules relating to utilities, energy and infrastructure, such as rules for the size and location of telecommunication masts and kiosks. It contains provisions that apply to most zones in the District Plan. The provisions are influenced by relevant national policy statements and national environmental standards, Council strategies and the Canterbury Regional Policy Statement. This chapter will be part of Phase 2 of the District Plan review.

### **Chapter 12 Hazardous Substances and Contaminated Land**

This chapter includes provisions for the prevention of adverse effects on public health, and addresses the environmental issues from the development or use of contaminated land and hazardous substances. Only some of the contaminated land issues will be dealt with in Phase 1; most of this chapter will be part of Phase 2 of the District Plan review.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

### Chapter 13 Central City

This chapter contains objectives, policies and rules that will apply to the central city. Much of it is already determined by the Christchurch Central Recovery Plan, as the District Plan cannot be inconsistent with the Recovery Plan. This chapter will be part of Phase 2 of the District Plan review.

### Chapter 14 Residential

This chapter contains objectives, policies and rules relating to residential activities. It identifies areas within the district that provide for residential activities with provision for a range of residential environments and living options. These provisions manage such matters as residential density, the scale and location of buildings, other factors affecting residential amenity, and the range of residential and non-residential activities provided for in residential zones. A summary of each of the residential zones follows.

The **Residential Suburban Zone** provides for the traditional type of housing in New Zealand in the form of single or two storeyed predominantly detached or semi detached houses, with garage, ancillary buildings and provision for gardens and landscaping. The changing demographic needs, and increasing demand for housing in this zone, are provided for through a range of new housing opportunities, including better utilisation of the existing housing stock. The zone provisions enable existing houses to be converted into two residential units, and additional minor (small) residential units to be built on properties within existing neighbourhoods. A wider range of housing options will enable a typical family home to be retained but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including elderly persons).

The **Residential Suburban Density Transition Zone** covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone and areas adjoining some commercial centres. The zone provides principally for low to medium density residential accommodation. In most areas there is potential for infill and redevelopment at higher densities than those for the Residential Suburban Zone. There is already a range of residential accommodation in the zone and this is expected to continue, limited only in terms of building density and environmental effects on the neighbourhood.

The **Residential Medium Density Zone** is located close to the central city and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport. The zone provides for townhouses, terraced housing and apartment buildings, through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Smaller and shared outdoor living spaces are acceptable within this zone and are common with a more urban lifestyle. Zone standards and urban design assessments will still ensure that the quality of new residential development is attractive, and delivers safe, secure, private, useable, attractive and well landscaped buildings and settings.

The **New Neighbourhood Zone** generally includes new areas of greenfield land where large-scale residential development is planned. The zone will allow a wide range of residential house types and section sizes to provide for a wide spectrum of household sizes and affordable housing. Families will therefore be able to remain within the neighbourhood throughout their lifetime as they move to housing types that suit their life stage. These areas are intended to achieve higher overall residential densities than traditionally achieved in suburban developments.

The New Neighbourhood Zone will be developed in accordance with an Outline Development Plan to ensure a more integrated and sustainable development is achieved. Key development features and constraints are required to be recognised and provided for. Residents will have good access to local services and facilities, open space and recreational activities. New housing areas will also be well integrated with existing neighbouring areas. Where facilities and amenities are not already provided by adjoining residential neighbourhoods and suburban centres, the new neighbourhood will deliver new services and facilities of an appropriate scale.

The **Residential Banks Peninsula Zone** includes urban and suburban living, commuter accommodation and the small harbour settlements. The resource management issues for the Residential Banks Peninsula Zone relate to both the location and impact of settlements and other residential activities on the natural environment, and the effects of buildings and activities on the amenity of residential areas. Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.

The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. Lyttelton is dominated by larger-scale industrial and commercial buildings, and the activities, structures and buildings at the Port. The residential areas are characterised by small lot sizes and narrow streets. These aspects all contribute to the unique amenity and character of Lyttelton.

Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and well-treed properties. Akaroa is a focal point for visitors to the region and the district.

The character of these two settlements is highly valued and the District Plan provisions seek to retain that character. Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services and land suitability. Any additional residential areas will need to be serviced by appropriate water and effluent disposal systems in order to avoid adverse effects on the environment.

The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered.

The **Residential Conservation Zone** encompasses the inner residential areas of Lyttelton and Akaroa. These areas contain the original colonial fabric of the two settlements which represent an important element of the heritage of Banks Peninsula. These areas are also important to the district's tourist industry, being of significant interest to local visitors and overseas tourists. Houses date from the early days of European settlement and are generally wooden with steeply pitched roofs. Many sites are small, houses stand close to each other and are oriented towards the street, and in many cases there is insufficient space for on-site car parking. The narrow streets, small scale, and density of residential development give a sense of intimacy and contribute to the unique character and amenity of the area. In order to retain the unique heritage, character and amenity of the area, new



building construction (other than minor work) will require resource consent. The assessment will be focused on maintaining consistency of building set-back and architectural mass, form and proportion. Design Guidelines assist in the preparation and assessment of development proposals.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

## **Chapter 15 Commercial**

This chapter identifies areas within the district zoned for commercial activities and sets out the controls that apply to development within these areas. The following five commercial zones are included in the Plan.

### **Commercial Core Zone**

This zone provides for the major commercial development in a centre and is generally the part of a suburban centre dominated by a mall or supermarket. The rules enable a larger scale of development (e.g. greater height of buildings). The Commercial Core zone can be found in all District and Neighbourhood centres.

### **Commercial Fringe Zone**

This zone adjoins the Commercial Core zone and has an interface (boundary) with adjoining residential zones. It provides for a smaller scale of development and smaller shop sizes, reflecting the historic use and character of these areas. Given the proximity to residential areas, the rules limit the scale of development to protect adjoining residential amenity. The Commercial Fringe zone can be found in all District centres and most Neighbourhood centres.

### **Commercial Local Zone**

This zone comprises small standalone groups of shops, generally single storey, that serve the immediate area.

### **Commercial Retail Park Zone**

This zone is made up of those areas that provide for larger format commercial activities as well as trade suppliers, e.g. large scale hardware stores, and yard-based retailing, e.g. car sales yards. It provides for a larger scale of development reflecting the types of activities in these locations, and rules limit the range of activities.

### **Commercial Banks Peninsula Zone**

This zone includes the established commercial centres of Lyttelton, Akaroa, Governors Bay, Diamond Harbour, Church Bay and Little River. The zone provides for a range of commercial and community activities and supports their role in meeting the needs of surrounding communities and visitors to the area. The provisions for Lyttelton and Akaroa also recognise and protect the special character of these centres (particularly Akaroa, a registered Historic area).

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

## **Chapter 16 Industrial**

This chapter identifies areas within the district zoned for industrial activities and sets out the controls



that apply to development within these areas. The Plan provides for the following industrial zones.

### **Industrial General Zone**

This zone recognises and provides for industrial activities that can operate in close proximity to more sensitive zones, such as residential areas, due to the nature and limited effects (such as noise, odour and traffic) of activities.

### **Industrial Heavy Zone**

This zone recognises and provides for industrial activities that generate potentially significant adverse effects on the surrounding environment (such as high levels of noise, odour and heavy traffic movements), or involve significant use and storage of hazardous substances, necessitating separation from more sensitive land use activities.

The **Industrial Office Zone** recognises and enables office activities in existing office park areas at Addington and Russley. These areas have lawfully established large scale office activities which have located in less than optimal locations. The policy for this zone provide a very clear direction that the Council does not support new office parks in industrial areas.

### **Industrial Park Zone**

This zone recognises and provides for industrial activities in high technology and other similar industries that seek to locate in a high amenity environment, dominated by open space and landscaping. These activities have the potential to generate higher volumes of traffic than other industry, while having negligible effects in terms of noise, odour or the use and storage of hazardous substances.

The evaluation report for this chapter, prepared in accordance with section 32 of the Act, can be viewed at [\[link\]](#).

## **Chapter 17 Rural**

This zone identifies areas within the district zoned for rural activities and sets out the controls that apply to development within these areas. This chapter will be part of Phase 2 of the District Plan review.

## **Chapter 18 Public Open Space, Conservation and Recreation**

This chapter identifies areas within the district zoned for open space, conservation and recreation and sets out the controls that apply to development within these areas. This chapter will be part of Phase 2 of the District Plan review.

## **Chapter 19 Coastal**

This zone identifies areas within the District adjacent to the coast, the limitations on development within these areas and the reasons for those limitations. This chapter will be part of Phase 2 of the District Plan review.

## **Chapter 20 Future Urban Development Areas**

This chapter identifies and provides protection for future new urban areas, identified as greenfield priority areas in the Land Use Recovery Plan, to ensure that their future urban use is not compromised. This chapter will be part of Phase 2 of the District Plan review.

**Chapter 21 Specific Purpose Areas**

This chapter includes provisions for a number of zones within which a specific activity is undertaken. They include key transport infrastructure such as the international airport, the seaport at Lyttelton, and the road and rail links, as well as hospitals and Council operated waste management facilities. A number of these zoned areas are designated as well as being subject to the zone provisions. This chapter will be part of Phase 2 of the District Plan review.

**The Planning Maps** show the extent of zones and the location of special features (such as protected heritage features) which are subject to specific rules.

**10.2 Structure of the District Plan**

District plans must state the objectives for the district, the policies to implement the objectives and the rules (if any) to implement the policies. They may also contain a number of other matters.

Objectives are quite general and outcome-oriented (what the city is wanting to achieve) while policies are more specific and means oriented (how it is proposed to implement objectives). Together they establish a framework for the direction the Council intends to take in relation to its functions and responsibilities under the Act, and guide decision making when there is a departure from rules or where the Council has retained discretion in its decision making.

Rules and polices are the methods by which the Council achieves its objectives. In this Plan each chapter, other than chapters 1-3 inclusive, contains a set of rules which require consent for activities or prohibit activities. The term “activity” includes the use and subdivision of land and activities on the surface of water. Broadly speaking, activities are categorised in order of increasing actual or potential adverse effects.

The District Plan is divided spatially into various zones and these are shown on the planning maps. Zoning recognises that different areas of the district have different character, levels of amenity, resources and residents’ expectations about environmental outcomes. It also provides opportunities for future development to be in keeping with the character and amenity established in each zone.

The maps display features that are referred to in the text of the Plan such, as protected buildings, sites and trees; the extent of designated areas; natural hazard areas; airport noise contours and protection areas; and transmission and transport corridors.

In the Plan activities are classified as being permitted, restricted discretionary, discretionary, non-complying or prohibited. There are no controlled activities identified in the Plan.

A description of the different activity classes used in this Plan is set out below.

Permitted activities:	are allowed without the need for resource consent providing they comply with the relevant site and zone standards and all general rules.
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Restricted discretionary activities:	require resource consent and are subject to standards and provisions specified in the Plan. The Council will assess only the matters of non-compliance and may grant or refuse consent. If granting consent conditions may be imposed.
Discretionary activities:	require resource consent and are subject to standards and provisions specified in the Plan. The Council may grant or refuse consent to a discretionary activity and may impose conditions if consent is granted.
Non-complying activities:	require resource consent and are those that cannot comply with a standard in the Plan or which are specified as non-complying because the Plan has anticipated that they would normally be inappropriate.  Non-complying proposals require careful justification as to why they should be approved. Resource consent applications are likely to cost more, take longer and have a greater chance of being refused consent.
Prohibited activities:	are those which a rule in the plan expressly prohibits. No application can be made for an activity described as prohibited and resource consent cannot be granted.

Activity tables are used in the Plan to identify activities and the specific standard/s that apply to them. For ease of use activities are grouped by activity class, e.g. permitted, restricted discretionary, discretionary, non-complying or prohibited.

Each chapter of the District Plan has been structured to follow the same layout. The layout is explained in the table below.

<b>Section of Chapter</b>	<b>Purpose</b>
Objectives	set out the environmental outcomes the Council seeks to achieve.
Policies	identify the ways the objectives will be achieved.
Activity Status Tables	identify specific activities and the specific standards (rules) that apply to them.
Built Form Standards Tables	set out for each zone the bulk and location rules that apply to each activity class.
Matters of	identify the matters that the Council will assess in considering any resource

Section of Chapter	Purpose
Discretion	consent application for activities where the Council has reserved its discretion.

### 10.3 How to use the District Plan

To determine if an activity is provided for by the Plan, or is provided for in a certain area, users of the Plan should take the following steps:

**Step 1 - Check the zone that applies**

Check the planning maps to locate the property and determine its zoning.

**Step 2 - Confirm if any notation, overlay or designation applies**

Use the planning maps to confirm whether the property has any special feature or designation on it.

**Step 3 – Confirm the activity status**

- a. Go to the relevant chapters for the zone that the property is located in. Check for any special feature or designation that applies and for any general rules that apply.
- b. Check the Activity Status Table and the Built Form Standards for the activity you wish to undertake. Every activity will be indicated as being either a permitted, restricted discretionary, discretionary, non-complying or prohibited activity.
- c. Read the Activity Specific Standards and the Built Form Standards that apply to your activity.
- d. Determine the activity class.
- e. If your activity is permitted you can proceed without obtaining resource consent.

**Step 4 – Apply for resource consent**

- a. If your activity is classified as restricted discretionary, discretionary, or non-complying you will need to apply to the Council for a resource consent.
- b. If your activity is classified as restricted discretionary or discretionary the Plan provides guidance on the matters of discretion that the Council will apply in its consideration of the resource consent application. Consideration is also given to the Plan’s objectives and policies.
- c. Applications for resource consents must be made in writing to the Council. Application forms, and information brochures detailing the information that must accompany an application, are available from Council offices or online at the Council’s website. Fees are payable.

