

# Part 5 Conservation Zones

## 1.0 Zone descriptions

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### 1.1 General description and purpose

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Updated 14 November 2005

The conservation zones include diverse areas within the city of scenic, ecological, or heritage significance. Sites identified specifically for their ecological heritage value are listed in Part 4, Appendix 2, many of which are located in the conservation zones. A characteristic of all conservation zones is their sensitivity to modification or intensive public use, relative to land in open space zones. Notwithstanding this, some land in the conservation zones is nevertheless subject to intensive public use.

The Conservation 1 Zone comprises principally of public land of particular scenic, natural, habitat, and ecological values. The zone includes freshwater wetlands, parts of the river system, native grasslands and natural forest areas.

The Conservation 1A Zone comprises the coastal dune system and parts of the margins of the estuary and Brooklands Lagoon, including saline wetlands.

The Conservation 1B Zone comprises the Bromley sewage treatment plant and oxidation ponds situated to the north-east of the Avon-Heathcote estuary. The plant processes and treats nearly all Christchurch sewage. The zone comprises 190 hectares of farmland and approximately 300 hectares of pond, and also includes the treatment works which, although a substantial facility, occupy only a small proportion of the land area within the zone. This area is, because of its size, function and location relative to the estuary, a very important wildlife area and area of open space.

The Conservation 2 Zone comprises a small group of public parks of city-wide significance which help provide the city with its unique scenery and character. Parks with colonial heritage such as the Botanic Gardens, Mona Vale, and Risingholme Park, historic cemeteries, and other "garden city" parks are included in the zone.

The Conservation 3 Zone comprises the surface of the city's rivers, (except the Waimakariri) which have an average width of three metres or more, and most of the margins of these rivers. Parks where a river forms the dominant part of its character and composition are also included in the zone. Some stretches of the city's rivers are of such ecological importance that they have been zoned Conservation 1, and some river margins are included in other conservation zones as part of larger parks.

The Conservation 3W Zone includes the surface, bed and margins of the Waimakariri River parallel to the Waimakariri District boundary. It is of markedly different character, both in use and scale, to other city waterways. Activities in this zone are also subject to regional rules, particularly in respect to gravel extraction.

The Conservation 4 Zone comprises most of the cemeteries, which are currently operating, and crematoria.

The other cemeteries in the city, some of which are still operating, have significant historic values and have therefore been zoned in Conservation 2 in order to provide greater recognition of their historic values.

### 1.2 Conservation 1 (Natural, ecological and scenic parks) Zone

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Updated 14 November 2005

#### Zone description and purpose

Areas in the Conservation 1 Zone include habitats for birds, fish and invertebrate species. These areas also have significant scientific, educational, recreational and landscape values. In addition, a large number of these sites are important areas for tangata whenua, both in the past and present. Covering a large proportion of the zone are sites which have been specifically identified for their ecological heritage value and which are listed in Part 4, Appendix 2. As vegetation and habitat remnants of pre-human Christchurch, these areas are important resources which maintain and enhance the city's identity and character.

The importance of these areas for passive and generally informal recreation is becoming more appreciated, and management of these sites must take into account the impacts of human activities on fragile ecological systems. Some sites may contain facilities associated with education, research, ecotourism, recreation or associated uses.

The zone also includes land administered by the Department of Conservation including the extensive Godley Head Farm Park.

#### Environmental results anticipated

- (a) Control of development and impacts of public use in this zone environment, in a manner which ensures its character remains substantially unchanged.
- (b) The conservation and enhancement of ecological, scientific, landscape, botanical, cultural, heritage, and functional values of land in this zone.
- (c) The maintenance and enhancement of the City's identity and character, by providing representation of important natural and heritage values.
- (d) Protection and enhancement of ecological heritage sites identified within the zone.

### 1.3 Conservation 1A (Coastal margins) Zone

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Updated 14 November 2005

#### Zone description and purpose

The Conservation 1A (Coastal Margins) Zone extends inland from mean high water springs (the landward boundary of the coastal marine area) to provide a buffer between coastal processes and urban development. The zone includes the coastal dune system, part of the margins around the estuary and Brooklands Lagoon and the coastline from Sumner to Boulder Bay. The amount of coastal margin available is constrained by existing urban settlement. The estuary itself is within the coastal marine area and therefore activities taking place on it are the responsibility of the Canterbury Regional Council.

Some 32 baches at Taylors Mistake, Boulder and Hobson Bays situated on legal unformed road (see Appendix 1) have been recognised as part of the social and cultural history of Christchurch and character of Taylors Mistake. These baches, which are considered not to have undue detrimental impacts on visual, landscape or recreational values, have accordingly been scheduled in the Conservation 1A Zone. It is nevertheless recognised that they are located in a sensitive environment and controls are therefore needed. The remaining 14 unscheduled baches (see Appendix 1), which are considered to have unacceptable adverse effects on access and recreational values are to be removed.

Much of the land in the zone is ecologically fragile. The zone aims to recognise and protect areas of significant natural flora and fauna, and prevent these areas being subject to the adverse effects of inappropriate use or development, particularly disturbance of the land surface and of vegetation. A large proportion of the zone has been identified as an ecological heritage site and is listed in Part 4, Appendix 2.

The coastal environment is dynamic, with the seaward boundary subject to constant change. Any activities located within this area are at risk from the natural hazards associated with these

changes.

The coastal margin is also becoming increasingly appreciated for recreation, which is usually informal and passive. Management of this area must take into account the potential effects of human activities on these easily damaged areas. In addition to recreational and ecological values, many sites in the coastal margin are also important for scenic, educational and heritage reasons. Activities within the coastal area must be sympathetic with its natural character. Land in the zone is, like that in the Conservation 1 Zone, of important heritage and resource value to the tangata whenua.

#### **Environmental results anticipated**

- (a) Protection of the integrity, functioning and resilience of the coastal margin.
- (b) Conservation and enhancement of significant areas which are unique to the coastal area and in particular the protection of areas identified for their ecological heritage value.
- (c) Management of land resources in the zone to ensure the natural character of the coastal environment remains substantially unchanged.
- (d) Recognition of coastal hazards, particularly sea and wind erosion, and provision for avoiding or mitigating such effects.
- (e) Maintenance and enhancement of public access to the coast, but minimising vehicle access within the zone.
- (f) Recognition of the remaining baches in the Conservation 1A Zone at Taylors Mistake, Boulder and Hobson Bays as part of the social and cultural history of Christchurch and as part of the character at Taylors Mistake.

## **1.4 Conservation 1B (Bromley) Zone**

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**Updated 14 November 2005**

#### **Zone description and purpose**

This zone comprising the city's sewage treatment facilities covers a very large and strategically placed area adjacent to the Avon-Heathcote estuary.

The incorporation of the sewage treatment facilities in a conservation zone reflects the fact that the great majority of the land area comprises oxidation ponds and farmland having significant wildlife values, the importance of which is enhanced by its size and strategic position adjacent to the Avon-Heathcote estuary. The oxidation ponds act as an artificial wetland and extension to the ecological functions of the estuary itself.

Waste water goes through a primary and secondary treatment system before being passed through the oxidation ponds, and the water is ultimately released on the outgoing tide into the Avon-Heathcote estuary.

The ponds are of high ecological value, particularly for bird life. Black and pied cormorants, New Zealand shoveler and pied stilts are just a few of the species which use the ponds, their islands and surrounds. Many birds also use the adjacent farm land for feeding and nesting, and this area is of vital importance to the pukeko population. The water released into the pond and into the Avon-Heathcote estuary is high in nutrients for invertebrates, which in turn provides food for birds and fish, both in the ponds and in the Avon-Heathcote estuary.

#### **Environmental results anticipated**

- (a) The conservation and enhancement of the wildlife habitat within the oxidation ponds and on adjacent farmland.
- (b) To ensure the release of treated effluent into the Avon-Heathcote estuary and its margins is at a standard which does not adversely affect the environment, and in particular plant, land and aquatic life in the estuary.
- (c) To minimise any odours being released from sewage treatment operations, and its effect on living zones in the vicinity.
- (d) The retention of the greater part of land in the zone (east of Cuthberts Road) as an open space area generally free of structures.

## **1.5 Conservation 2 (Historic and garden city parks) Zone**

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**Updated 14 November 2005**

#### **Zone description and purpose**

Many of the parks in the Conservation 2 Zone contain historic structures and buildings, often used for a range of suitable commercial concessions. Most of the parks have other important scenic, educational, recreational and botanical values.

Many of these sites are very important for passive recreational activities, ranging from walking and picnicking, to large functions, weddings and outdoor theatre. These areas are also very well utilised by visitors, both domestic and international. Zone provisions acknowledge the wide range of uses undertaken in these parks as well as providing a high level of protection to the heritage and scenic values present. Also taken into account are the varied nature of these sites and their high level of public use, being reflected in the requirements for facilities.

#### **Environmental results anticipated**

- (a) The conservation and enhancement of heritage, landscape, botanical and spiritual values of land within the zone.
- (b) The conservation and enhancement of the city's identity, with particular regard to heritage and garden city character, and trees along margins of waterways.
- (c) The enhancement of recreational activities consistent with protecting the qualities of the zone.
- (d) Activities on the surface of waters which are of a low impact and non-motorised nature.

## **1.6 Conservation 3 (Waterway conservation) Zone**

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**Updated 12 September 2011**

#### **Zone description and purpose**

Land in this zone includes the surface of waterways and their margins, except the Waimakariri River, which is zoned Conservation 3W, and some minor waterways and areas within other conservation or open space zones. It is not always possible to show land zoned Conservation 3 on the planning maps because of the narrowness of some waterways and their margins.

The zone provisions take into account the protection of the natural and cultural values of the waterways and their margins, the surrounding land activities, the desirability or otherwise of public access to and along waterways and the varying levels of public use of the waterways.

Land within the zone has moderate to high ecological and/or cultural values and this contributes significantly to the identity and character of these areas. One site in particular has been

identified for its ecological heritage value and is listed in Part 4, Appendix 2. Some areas within the zone may also contain important areas of historical and contemporary significance for Maori. Within that part of the Conservation 3 Zone covered by the Outline Development Plan (Wigram) in Appendix 3U, Part 2, Volume 3, recognition is made for tangata whenua values in particular within the Green Network in Appendix 3U/3 and the Blue Network in Appendix 3U/5, Part 2, Volume 3. Recognising and incorporating these values into future development in the zone will strengthen cultural identity and wellbeing.

The zone also includes any land which is, or is subsequently vested, in the Council as esplanade reserves or esplanade strips.

#### **Environmental results anticipated**

- (a) The conservation and enhancement of the open space and landscape character of waterways and associated land margins.
- (b) The conservation and enhancement of river habitats, improvement of the quality of river banks and their surrounds, and limiting those activities which are likely to have adverse effects on the ecological and natural character of waterways.
- (c) The conservation and enhancement of the "garden city" values of the city's waterways in the central urban area.
- (d) The maintenance and enhancement of the recreation and amenity values of waterways and associated land margins, and access to and along them.
- (e) The enhancement and further development of waterway and other linkages throughout the city, thereby enhancing the city's identity and character.
- (f) Activities on the surface of waterways which have a low impact and which are non-motorised, except on the Lower Styx.
- (g) Protection and enhancement of the ecological heritage sites identified within the zone.
- (h) Within that part of the Conservation 4 Zone subject to the Outline Development Plan (Wigram), the recognition and incorporation of tangata whenua values identified in the Blue Network in Appendix 3U/5, Part 2, Volume 3 into future development on this land.

## **1.7 Conservation 3W (Waterway conservation - Waimakariri) Zone**

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Updated 14 November 2005

#### **Zone description and purpose**

This zone includes the southern half of the surface and bed of the Waimakariri River and its margins up to the line of the primary stopbank. The riverbed is shared with Waimakariri District to the north.

The Waimakariri River is much larger than other waterways in the city, and carries a high volume of water during flood periods. The upper part of the river within the city boundary, is a braided shingle riverbed which is constantly subject to change in river conditions. The river is a source of aggregates, and because of aggradation of the river bed and its potential to worsen flood risk, removal of aggregates is strongly encouraged by the Regional Council and the City Council.

Excavation from the river is however, subject to control in respect to noise generation, impacts on wildlife and impacts on recreation.

The river is also important for sports and recreation, particularly commercial jet boating, private jet boating and canoeing. Motorised craft are, for environmental or amenity reasons, restricted on other city waterways. The river also provides recreational fishing opportunities, although the lower reaches have suffered from pollution from industrial sources for many years. The Council will support the Regional Council in its endeavours to improve water quality.

The level of boating activities on the river will be monitored (in conjunction with Waimakariri and Selwyn Districts) to determine whether growth in use remains consistent with safety and the enjoyment of the river by other users.

As well as significant recreational values, the Waimakariri River margin also supports a range of regenerating indigenous vegetation, including a number of ecological heritage sites.

#### **Environmental results anticipated**

- (a) Management of the Waimakariri River in a manner which contains or reduces potential flood risk.
- (b) Extensive use of the river for recreational and commercial boating operations, consistent with safety and enjoyment of other river users.
- (c) The undertaking of adjoining land use activities in a manner which maintains or enhances water quality.
- (d) The maintenance of vegetation and trees on the banks of the river, consistent with flood management and the enhancement of visual amenities.
- (e) Avoidance of building development near the river banks and within the zone, which could be threatened by flooding.
- (f) Protection and enhancement of the ecological heritage sites identified within the zone.

## **1.8 Conservation 4 (Cemeteries) Zone**

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Updated 14 November 2005

#### **Zone description and purpose**

Cemeteries including crematoria and memorial gardens have special requirements and functions which differ from other open spaces around the city. However, their value as open spaces are also important to both the surrounding community and family and friends of the people buried within them.

It is anticipated that the zone provisions will maintain and enhance the open space and cultural values of these areas. Cemeteries are likely to have facilities and structures specific to their function. Some historic cemeteries are zoned Conservation 2. The list of facilities within the zone includes the following cemeteries:

Bromley

Memorial

Ruru

Belfast

Waimairi

Avonhead

It also includes the Linwood Avenue and Johns Road crematoria and memorial gardens.

#### **Environmental results anticipated**

- (a) The permanent recognition and protection of land within the zone for its cultural and heritage value to the city, and as peaceful and undisturbed environments for commemorating both early settlement and subsequent occupation.

- (b) The continued maintenance of cemeteries as peaceful areas of open space in and around the urban environment.
- (c) The provision of adequate land, in attractive surroundings, to meet the community's need to provide for burials.

## 2.0 Rules

### 2.0 Rules

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Updated 14 November 2005

#### Guide to using these rules

**Step 1:** Establish which zone applies to the site.

**Step 2:** Check whether the proposed activity meets all of the development standards for the zone in which the site is located.

If not, application will need to be made for a resource consent, assessed as a discretionary activity (with the exercise of the Council's discretion limited to the matter(s) subject to that standard).

**Step 3:** Check whether the proposed activity meets all of the community standards for the zone in which the site is located.

If not, application will need to be made for a resource consent assessed as a discretionary activity.

**Step 4:** Check whether the proposed activity meets all of the critical standards for the zone in which the site is located.

If not, application will need to be made for a resource consent, assessed as non-complying activity.

**Step 5:** Check any city rules that may apply to the proposed activities cross referenced in the zone rules. If any of these standards are not met, consent will be required in respect to those rules.

If the activity complies with all the zone rules and city rules, it is a permitted activity .

## 2.1 Categories of activities

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Updated 14 November 2005

### 2.1.1 All activities

Updated 14 November 2005

(a) Any activity which complies with:

- all of the development standards under Clause 2.2;
- all of the community standards under Clause 2.3; and
- all of the critical standards under Clause 2.4

shall be a permitted activity .

(b) Any activity which complies with all of the community standards and critical standards but does not comply with any one or more of the development standards under Clause 2.2 shall be a discretionary activity with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

(c) Any activity which complies with the critical standards, but does not comply with any one or more of the community standards under Clause 2.3 shall be a discretionary activity .

(d) Any activity which does not comply with any one or more of the critical standards under Clause 2.4 shall be a non-complying activity.

(e) Clarification of categories of activities

The standards may also specify that an activity is discretionary (community or development standards); or controlled (development standards). In the case of non-compliance with any development standard, the exercise of the Council's discretion shall be confined to the matter(s) subject to that standard.

### 2.1.2 Reference to city rules

Updated 14 November 2005

Attention is drawn to the provisions of the city rules (cross referenced in these zone rules) which may separately specify, or result in, an activity being

prohibited, non-complying, discretionary, controlled, or permitted, notwithstanding the provisions of these zone rules.

### 2.1.3 Ecological heritage sites

Updated 14 November 2005

To avoid duplication, the list of ecological heritage sites for all relevant zones, and referred to in these rules, is contained in Part 4, Appendix 2.

### 2.1.4 Extent of land in the Conservation 3 Zone

Updated 14 November 2005

(a) Where the surface of a waterway is not shown on the planning maps as zoned Conservation 3, but it is more than 3m wide, then it shall be deemed to be included in the Conservation 3 Zone in the following circumstances.

All those parts of waterways listed as subject to esplanade reserves or strips in Appendix 1, Part 14, and:

- the Avon River up to Clyde Road;
- the Wairarapa Stream up to the junction of the Waiiti Stream; and
- the Waimairi Stream up to Ilam Road.

(b) Where land adjoining a waterway is not shown on the planning maps as zoned, but the land has been vested in the Council as esplanade reserve, it shall be deemed to be included in the Conservation 3 Zone.

## 2.1.5 Works affecting the bed of lakes and rivers

Updated 14 November 2005

Attention is drawn to any proposed works in, on, under or over the beds of rivers as specified in Section 13 of the Resource Management Act, which are subject to any relevant rules administered by the Canterbury Regional Council.

## 2.1.6 Taylors Mistake Baches

Updated 14 November 2005

Any existing scheduled bach located in the Conservation 1A Zone identified in Part 5, Appendix 1 in the Taylors Mistake area shall be a permitted activity, subject to performance standards (refer rule 2.1.1).

Advice Note: Many of the scheduled baches, particularly in Hobsons Bay, have been identified as carrying a risk of rockfall, landslip and/or wave damage. The scheduling of these baches indicates no minimisation or assumption of that risk by the CCC. Each bach holder must accept all the risk to life and property resulting from the presence and occupation of the baches. If the baches are significantly damaged by rockfall, landslip and/or wave action they are to be removed.

Should any bach owner in Hobsons Bay wish to relocate or rebuild in the Living TMB zone because it may be unsafe for them to remain, and a site is available in the bach zone, then once the bach is removed from Hobsons Bay the relevant scheduled batch number shown in Part 5, Appendix 1 is deemed to be deleted.

## 2.2 Development standards

Updated 14 November 2005

### 2.2.1 Street scene

Updated 31 July 2012

Conservation 1, 1B, 2 and 4 Zones

The minimum building setback from a road boundary shall be 5 metres.

Conservation 5

There shall be no setback requirement

### 2.2.2 Height of buildings

#### 2.2.2 Height of buildings

Updated 31 July 2012

The maximum height of any building shall be:

(a)	Conservation 1, 2 and 5 Zones :	5m
(b)	Conservation 1B Zone :	
	for sewage treatment purposes :	8m
	for other purposes :	5m
(c)	Conservation 4 Zone :	8m

### 2.2.3 Separation from neighbours

Updated 14 November 2005

The minimum building setback from the boundary with any zone other than a road zone shall be:

(a)	Conservation 1 and 2 Zones :	6m
(b)	Conservation 1B and 4 Zones :	20m

## 2.2.4 Sunlight and outlook for neighbours

Updated 31 July 2012

Conservation 1, 1B, 2, 4 and 5 Zones

- (a) No building shall project beyond a building envelope constructed by recession planes from points 2.3 metres above the boundary with a living zone as shown in Part 2, Appendix 1.

Note : There is no recession plane requirement for sites located in the Conservation zones that adjoin only sites that are not zoned Living.

- (b) The level of site boundaries shall be measured from filled ground level except where the site on the other side of the internal boundary is at a lower level, then that lower level shall be adopted.

## Reference to other development standards

Updated 14 November 2005

Clarification of rules

(refer Part 9, Clause 2)

Excavation and filling of land

(refer Part 9, Clause 5)

Building adjacent to waterways and the coastline

(refer Part 9, Clause 5)

Financial contributions on land use activities

(refer Part 9, Clause 7)

Protected buildings, places and objects

(refer Part 10, Clause 1)

Protected trees

(refer Part 10, Clause 2)

Outdoor advertising

(refer Part 10, Clause 3)

Sale of liquor

(refer Part 10, Clause 4)

Relocated buildings

(refer Part 10, Clause 6)

Hazardous substances

(refer Part 11, Clause 3)

Transport (Parking, access and manoeuvring)

(refer Part 13)

Subdivision

(refer Part 14)

## 2.3 Community standards

Updated 14 November 2005

### 2.3.1 Site coverage

Updated 31 July 2012

- (a) Conservation 1 Zone

Any building below the 160m height contour within this zone shall be a **discretionary activity**, except that this rule shall not apply to any building of less than 40m<sup>2</sup> gross floor area (the 160m height contour is shown on the planning maps).

(Refer also to Critical Standards, Clause 2.4.1.)

- (b) Conservation 1B Zone

(i) No building shall exceed 40m<sup>2</sup> gross floor area, except buildings required for sewage treatment, Council depot, or ancillary purposes sited west of Cuthberts Road.

(ii) Any single building west of Cuthberts Road shall not exceed 500m<sup>2</sup> gross floor area.

- (c) Conservation 2 Zone

Any single building shall not exceed 40m<sup>2</sup> gross floor area, except that one residential unit that does not exceed 150m<sup>2</sup> gross floor area may be erected on any one site for management or custodial purposes.

- (d) Conservation 1A, 3 and 3W Zones

The erection of any building shall be a **discretionary activity** except that in the Conservation 1A Zone, south of Tern Street, the reconstruction or replacement of an existing residential unit, which has been damaged or destroyed by the sea or otherwise shall be permitted activity where:

- (i) The residential unit existed and was lawfully established before the 15 May 2003; and
- (ii) the residential unit is able to be contained within its separate site with a minimum net area of 450m<sup>2</sup>; and
- (iii) all of the other performance standards applying to a residential unit in the Living 1 Zone can be met.

Note 1: Where any of the above conditions cannot be met the exception shall not apply.

Note 2: Any rights conferred by Section 10 of the Resource Management Act 1991 are not affected by this rule.

Note 3: The Conservation 1A Zone of the Christchurch City Plan coincides with the Hazard 1 Zone of the Canterbury Regional Coastal Environmental Plan ("the CRCEP") at South Brighton. The CRCEP provides that, in the Hazard 1 Zone, the erection or placement of any habitable building with a floor area greater than 25m<sup>2</sup> is a prohibited activity, unless certain exceptions as stated in the plan apply.

**(e) Conservation 4**

Any single building shall not exceed a 200m<sup>2</sup> gross floor area.

**(f) Conservation 5 Zone**

***The erection of any building shall be a discretionary activity except for boardwalks, bus shelters and light poles (which are permitted activities).***

***Refer also to Development Standard 5.2.4 in Part 9 General City Rules for restrictions on work within 30m of the bank of the Avon River/Otakaro.***

### **2.3.2 Vegetation removal**

**Updated 14 November 2005**

Conservation 1, 1A, 1B (East of Cuthberts Road), 2 and 3 Zones and ecological heritage site 5.01.

The removal or loss of any native vegetation indigenous to the site shall be a discretionary activity except for:

- (i) maintenance or weed control (including the clearance of existing drains and ponds);
- (ii) the construction of permitted or approved buildings and structures;
- (iii) the construction or maintenance of tracks provided their width is no greater than 4m;
- (iv) the trimming of vegetation underneath transmission lines;
- (v) the planting of species indigenous to the site;
- (vi) in the Conservation 1A and 3 Zones, the removal of vegetation for traditional cultural purposes by the Tangata Whenua on a sustainable basis, and in accordance with a management plan approved by the appropriate runanga and the Christchurch City Council.

### **2.3.3 Activities on the surface of waters**

**Updated 31 July 2012**

- (a) Conservation 3 Zone - Styx River (between Kainga and Marshland Roads)

Motorised craft shall only use the surface of the Styx River at speeds not exceeding 5 knots.

- (b) Conservation 5 Zone, Conservation 3 Zone - Styx River (above Marshland Road) and other rivers

Motorised craft using the surface of any river in the above zones, shall only be for emergency, safety or maintenance purposes , or in association with rowing events at Kerrs Reach (Avon River).

### **2.3.4 Planting**

**Updated 14 November 2005**

Conservation 1 and 1A Zones and ecological heritage sites 15.21, and 5.01

The planting of exotic species or native plants of non local origin shall be a discretionary activity **except** :

- (i) within Victoria Park; east of Dyers Pass Road;
- (ii) where any exotic planting is established for landscaping in association with permitted or approved buildings, picnic or carparking areas;
- (iii) within the Conservation 1A Zone, where the exotic planting is for dune stabilisation purposes;
- (iv) where planting involves the reintroduction of native species no longer occurring naturally in the Christchurch area (these species are to be procured from the next most appropriate source where they still occur naturally);
- (v) where planting consists of oversowing with exotic grasses.

(Refer also to critical standards, clause 2.4.2.)

### **2.3.5 Rock removal**

**Updated 14 November 2005**

Within the Conservation 1 Zone the maximum rock size that may be removed from any site on the Port Hills shall have a dimension not exceeding 250mm in any direction and should be naturally occurring loose rock. An exception is made permitting the relocation of rocks posing a rockfall hazard to a safe location on the same site.

### **Reference to other community standards**

#### **Reference to other community standards**

**Updated 14 November 2005**

Protected buildings, places and objects

(refer Part 10, Clause 1)

Protected trees  
(refer Part 10, Clause 2)

Noise  
(refer Part 11, Clause 1)

Hazardous substances  
(refer Part 11, Clause 3)

Glare  
(refer Part 11, Clause 2)

## 2.4 Critical standards

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Updated 14 November 2005

### 2.4.1 Site coverage

Updated 14 November 2005

Conservation 1 Zone

Any building above the 160m height contour shall be a non-complying activity.

(Refer also to community standards, clause 2.3.1.)

### 2.4.2 Planting

Updated 14 November 2005

Conservation 1 and 1A Zones on the Port Hills

- East of Dyers Pass Road, excluding Victoria Park;
- West of Dyers Pass Road above the 160m height contour.

The planting of exotic species or native plants of non local origin shall be a non-complying activity except:

- (i) where any exotic planting is established for landscaping in association with permitted or approved buildings, picnic or carparking areas;
- (ii) within the Conservation 1A zone, where the exotic planting is for dune stabilisation purposes;
- (iii) where planting involves the re-introduction of native species no longer occurring naturally in the Christchurch area (these species are to be procured from the next most appropriate source where they still occur naturally);
- (iv) where planting consists of oversowing with exotic grasses.

### 2.4.3 Grazing

Updated 14 November 2005

Within the Conservation 1 and 1A Zones on any ecological heritage sites identified as native shrubland/forest or coastal dunes in Part 4, Appendix 2, there shall be no grazing of stock.

### 2.4.4 Taylors Mistake Baches

Updated 14 November 2005

- (a) No scheduled bach located in the Conservation 1A Zone identified in Part 5, Appendix 1 in the Taylors Mistake area shall be added to or altered in any way, other than for maintenance, which would diminish the historic character of the bach.
- (b) The erection of a new bach in the Conservation 1A Zone to replace any existing scheduled bach shown in Part 5, Appendix 1 (Scheduled Baches and Baches to be Removed), which has been damaged beyond repair or habitation by rockfall, landslip, storms, wave action or any other like natural event shall be a prohibited activity.
- (c) Any activity, other than temporary occupation of a bach, shall be a prohibited activity.
- (d) Any bach located in the Conservation 1A zone, which is not scheduled in Part 5, Appendix 1 is a prohibited activity.

### 2.4.5 Outline Development Plan (Wigram)

Updated 12 September 2011

Any development within the area affected by the Outline Development Plan (Wigram) in Appendix 3U/1 (Part 2 Volume 3) shall be in accordance with the following parts of that Outline Development Plan:

- (i) Appendix 3U/1: Outline Development Plan
- (ii) Appendix 3U/2: Key Structuring Elements
- (iii) Appendix 3U/3: Layer Diagram – Green Network
- (iv) Appendix 3U/4: Layer Diagram – Movement Network
- (v) Appendix 3U/5: Layer Diagram – Blue Network

## Reference to other critical standards

Updated 14 November 2005

Excavation and filling of land  
(refer Part 9, Clause 5)

Protected buildings, places and objects  
(refer Part 10, Clause 1)

Protected trees  
(refer Part 10, Clause 2)

Outdoor advertising  
(refer Part 10, Clause 3)

Fortified sites  
(refer Part 10, Clause 5)

Noise  
(refer Part 11, Clause 1)

Hazardous substances  
(refer Part 11, Clause 3)

Subdivision  
(refer Part 14)

## **3.0 Assessment matters for resource consents**

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### **3.1 General**

Updated 14 November 2005

#### **3.1.1**

##### **3.1.1**

Updated 14 November 2005

The matters contained in Sections 104 and 105 and in Part II of the Act, apply to consideration of all resource consents for land use activities.

#### **3.1.2**

Updated 14 November 2005

In addition to the matters covered in 3.1.1 above, the Council shall also apply the relevant assessment matters set out in Clause 3.2 below.

### **3.2 Assessment matters**

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Updated 14 November 2005

In considering whether or not to grant consent or impose conditions, the Council shall have regard to the following assessment matters.

#### **3.2.1 Street scene**

Updated 14 November 2005

- (a) Whether any reduction in set back would enable greater protection or retention of natural or heritage values within the site as a whole.
- (b) Any proposed landscaping of buildings or structures which may reduce the visual impact of a reduction in setback.
- (c) Any adverse visual or heritage impacts within the zone itself and its value to the public, or on its natural character.

#### **3.2.2 Height, separation from neighbours, and sunlight and outlook for neighbours**

Updated 14 November 2005

- (a) Any adverse effect of building height on adjacent residences or living zones, particularly in terms of overshadowing.
- (b) The visual impact of the scale of the structure, and its appropriateness having regard to the purpose of the zone.
- (c) Any landscaping provided to reduce the visual impact of the building as seen from the street or adjoining residences.

#### **3.2.3 Site coverage**

Updated 31 July 2012

- (a) The amount of land required to be taken for the construction or maintenance of the building and its surrounds, and any relevant impacts on natural or heritage values or the degree to which the land is able to be enjoyed by the general public.
- (b) Disturbance caused to vegetation or features on the site associated with construction of the building or access to it.
- (c) The visual impacts of the building in terms of its height and scale, and any consequent impacts on the natural values or heritage values of the area concerned.
- (d) Any necessary functional relationship between the building and its intended use, with regard to the purposes and outcomes expected for the zone concerned.
- (e) The proposed use of the building, the numbers of people or vehicles that may be generated, and the suitability of the building for the site.

- (f) The colour, style and materials proposed in the design of the building.
- (g) The quality, type and effectiveness of any landscaping proposed for screening purposes.
- (h) Where relevant, the extent to which the proposed building adds to the number and coverage of buildings already on site.
- (i) Any effects on public access to or through the area, and appreciation of its values, particularly in the Conservation 3 **and 5** Zones.
- (j) With respect to the Conservation 1 and 1A Zones and ecological heritage sites 15.21 and 5.01, the assessment matters under Part 4, 4.2.7 (a) and (d).
- (k) Any adverse effects the buildings may cause on waterway and floodplain management and functions including erosion.
- (l) The assessment matters under 3.2.1 and 3.2.2.
- (m) *In the Conservation 5 Zone, whether the proposed building or structure forms an integral part of the Avon River/Papa o Otakaro in which case regard will be had to any approved Park Master Plan.*

### **3.2.4 Vegetation removal**

Updated 14 November 2005

- (a) Whether the area of vegetation to be removed (with regard to its botanical significance) will alter habitat value significantly, or detract from the heritage value of the area concerned.
- (b) Whether the removal of the vegetation will enable necessary or approved public access to the area concerned, or enhance its enjoyment by the public.
- (c) The degree to which removal of vegetation is necessary to provide for facilities, or for the provision of walking or cycle routes or fire protection.
- (d) Whether removal of vegetation will enable replacement or enhancement of existing vegetation or natural values, or the improvement of waterway margins.
- (e) Any adverse visual impacts or potential for erosion which may be caused by the removal of the vegetation.
- (f) The significance of the area of vegetation to be removed with regard to the size of the site.
- (g) With respect to the Conservation 1 and 1A Zones, and ecological heritage sites 15.21 and 5.01, the assessment matters under Part 4, 4.2.7 (a) and (b).

### **3.2.5 Activities on the surface of waters**

Updated 14 November 2005

- (a) Any disturbance that may be caused to residents in adjoining living zones or rural zones, particularly noise impacts.
- (b) Any adverse effects on the natural values of waterways, especially banks and vegetation along the banks of rivers.
- (c) Any adverse effects that may be caused on wildlife by way of disturbance to nesting or feeding sites.
- (d) Any impacts in terms of congestion or detraction from natural values that may be caused where vessels are loaded or unloaded.
- (e) The speed and size of any vessels to be used on surface waterways, and any likelihood of bank erosion.

### **3.2.6 Planting - Conservation 1 and 1A Zones and ecological heritage sites 5.01 and 15.21**

Updated 14 November 2005

The assessment matters under Part 4, 4.2.7 (a) and (c).

### **3.2.7 Rock removal - Conservation 1 Zone only**

Updated 14 November 2005

The assessment matters under Part 4, 4.2.7 (a) and (c).

### **3.2.8 Outline Development Plan (Wigram)**

#### **3.2.8 Outline Development Plan (Wigram)**

Updated 12 September 2011

The extent to which any development accords with the documents comprising the Outline Development Plan in Appendix 3U/1 to 3U/5 Part 2, Volume 3 .

## **4.0 Reasons for rules**

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### **4.1 General**

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Updated 14 November 2005

Land within the conservation zones is mainly (but not exclusively) in public ownership and much of the potential work in these zones will be generated by the Council or its lessees. The provisions of the Reserves Act and management plans provide a further measure of control outside the City Plan. To avoid administrative duplication, rules in the Regional Coastal Environment Plan shall apply seaward of the coastal hazard line shown on the Planning Maps, and the City Plan rules on the landward side of this line.

Rules applicable to conservation zone land, or special areas (such as the sewage treatment facilities in the Conservation 1B Zone) are included to ensure council accountability for works on its own land, and to ensure protection of amenities and natural values within and adjoining conservation zones. This also applies to privately owned land zoned for conservation.

Some land within the conservation zones has potential for uses such as low impact recreation, education, research and ecotourism activities. Any activities which require the erection of buildings, tracks, planting, vegetation or rock removal to a greater extent than provided for by the rules will be subject to the resource consent process. The intention of the Plan is to ensure that anything other than very low impact developments are controlled in terms of their effect on visual, natural, habitat and ecological values.

## **4.2 Street scene**

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Updated 14 November 2005

Any buildings within conservation zones are, or are likely to be small or limited by function. A provision for building set back is only made to ensure any necessary landscaping can be provided, or that the buildings are not so close to a street boundary as to detract from the open space character of the zone or street scene.

## **4.3 Height of buildings: Separation from neighbours : Sunlight and outlook for neighbours**

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Updated 14 November 2005

Little effect is expected from the occasional construction of any buildings in the conservation zones. Firstly, provision is made in the Plan to ensure that there are no significant adverse affects of any building on adjoining residential properties, consistent with rules for other zones adjoining living zones. Secondly, the height limitation is to ensure that buildings are not of such scale as to be visually obtrusive and out of scale with the character of the zone.

## **4.4 Site coverage**

Updated 22 May 2006

The generally greater sensitivity and the natural and heritage values of conservation zones, particularly in comparison to the open space zones, has led to the need for restrictions on the scale of building activity as of right within these zones. Within the Conservation 1 and 2 Zones, limited provision is made for small buildings. For the Conservation 1 Zone the rule distinguishes between areas above and below the 160 metre contour. Non complying activity status is imposed on the more visible and sensitive upper areas of the Port Hills consistent with adjoining rural zones, and discretionary activity status on the lower, less visible spurs. The building controls in the Conservation 1B Zone reflect those for the Conservation 1 Zone, except those specifically applicable to the necessary sewage treatment facilities west of Cuthberts Road.

In the Conservation 1A, 3 and 3W Zones, which apply to the coastline, waterways, and their margins, there is no provision for buildings as of right because of their potential to obstruct public access or affect the natural values of waterways. Buildings may be appropriate, but will be subject to a resource consent procedure, to ensure their location, scale and suitability can be assessed according to local circumstances. Building activity on river margins in parts of these zones is also inappropriate because of flooding or erosion hazards, particularly in the Conservation 3W Zone adjacent to the Waimakariri River. In the Conservation 1A Zone, at South Brighton, south of Tern Street, an exception has been made to allow for the reconstruction or replacement of an existing residential unit where it is destroyed or damaged by the sea or otherwise, provided that enough of the site (at least 450m<sup>2</sup>) remains available for building. This exception is in addition to any rights that may be conferred under Section 10 of the Resource Management Act and provides for a situation where the building is not able to be located on the same footprint on which it originally stood prior to being destroyed by the sea due to erosion.

Buildings are allowed up to 200m<sup>2</sup> in the Conservation 4 Zone, in view of the specialised function of cemeteries.

## **4.5 Vegetation removal**

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Updated 14 November 2005

This provision applies to all conservation zones except the Conservation 3W and 4 Zones. This particular control is important in terms of the management of natural areas and heritage parks, because any significant removal of native vegetation indigenous to the site could have major visual and ecological impacts on these areas. Control over the area of vegetation removal (with a resource consent) is appropriate given the fragile nature of these environments. A further reason is the very limited extent of such remaining areas, especially close to a large city, particularly where any removal of native vegetation could be detrimental to the long-term viability of any of these sites.

Likewise in the Conservation 1A Zone, vegetation removal of any sort could adversely affect this sensitive environment, particularly with respect to dune stabilisation. Consequently the rule will allow the impacts of any removal of vegetation to be assessed.

An exception to the rule is made for the planting of native vegetation. The planting of native vegetation may be necessary to improve the representation of vegetation types appropriate to a site. For example the establishment of native bush species may result in the removal of native tussock species.

Clearance of drains and the provision of tracks less than 4m wide, maintenance of transmission lines, construction of permitted and approved buildings and sustainable use for cultural purposes, are also exceptions as these are seen as necessary works and are likely to involve few native species.

## **4.6 Activities on the surface of the water**

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Updated 14 November 2005

Most of the city's waterways, and their surfaces, are subject to the provisions of the Conservation 3 Zone. However, some portions of waterways and their margins can also be found in the Conservation 1 and 2 Zones, where these are part of larger areas of city parks.

The rules impose no restrictions on boating activities on the Waimakariri River, because this waterway is already serving a major role for both recreation and commercial boating activities. Although the waterway is shared with the Waimakariri and Selwyn District Councils, its continued role as a recreational tourist waterway is supported by the Council, and the policy also recognises the less sensitive nature of this part of the waterway compared by the upper reaches of the river. However, the situation will be monitored over the period of the Plan to determine whether any particular form of control needs to be exercised over the intensity of use of that waterway.

Parts of the mainly rural Lower Styx River are also suitable for motorised vessels, but these need to be suitable for operation in a narrow waterway in a manner which does not detract from bank stability, create undue noise, or detract from the natural values of the river. Accordingly rules make provision for motorised craft to travel at speeds not exceeding 5 knots.

On other waterways within the City, including the Avon and Heathcote which flow through primarily residential areas, there is no provision for the use of motorised craft on the surface of waterways. Because of potential for noise and other disturbance, as well as damage to banks, and any use of motorised craft will require a resource consent.

Non motorised craft are not restricted on any waterways in the City. An exemption is made to allow for motorised craft associated with rowing activities at Kerrs Reach, emergency, safety or maintenance purposes.

## **4.7 Planting**

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Updated 14 November 2005

The reason for the rule on planting is to help retain the genetic integrity of the areas identified as having high ecological integrity and landscape value. Generally, revegetation is restricted to original native species, but with provision for re-introduction of species previously occurring locally (but from nearby sources to avoid effects on local genetic stock). Exceptions are provided for landscaping in association with permitted or approved facilities within the zones, and for necessary exotic plantings when they provide a more appropriate species to native species. Such works include dune stabilisation work in the C1A Zone (e.g. marram grass).

The planting of exotic forestry, particularly for commercial purposes, could dramatically alter the visual and ecological character of the Port Hills. This is particularly so during the harvesting cycle. The area on the Port Hills east of Dyers Pass Road and above the 160m height contour West of Dyers Pass Road is considered to be particularly sensitive in terms of landscape values and exotic forestry above this point is a non-complying activity.

The rule has been formulated to ensure reasonable consistency with the adjoining Rural Hills Zone.

## **4.8 Rock removal**

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**Updated 14 November 2005**

The rule on rock removal is directed to prevent the removal of rock for sale in landscaping and similar activities. Some of this has taken place in an informal and unauthorised way.

Rock within some ecological heritage sites provide an important habitat for certain species; some of which are of regional importance. Indiscriminate removal of the rock can be detrimental to the species present and may disturb the surrounding area. The standard recognises that adequate monitoring will be required to ensure this does not occur.

## **4.9 Grazing**

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### **4.9 Grazing**

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**Updated 22 May 2006**

The exclusion of grazing from native shrubland/forest areas is intended to enable regeneration to occur in these fragile areas and thereby retain/restore their long term viability. It is recognised that a number of these sites are adjacent to or within pastoral areas and some payment from the Council toward the cost of fencing of such areas may be reasonable in some circumstances.

## **4.10 Living Taylors Mistake Bach Zone**

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**Updated 14 November 2005**

The provisions recognise that the baches at Taylors Mistake and the adjoining bays have a long history originating in the last decade of the 19th Century and that they are representative of a component of culture and social history which is not reflected in any other built form in Christchurch.

The 32 baches that have been retained have been identified as having a special character and heritage value. Some of the original baches have been removed because they impeded access and the recreational potential of this coastal area to a significant degree. While the objectives and policies emphasise the natural value of the coastline these baches are seen as an exception.

However it is recognised that to retain their existing character external alterations and additions should be restricted where they would impact upon the appearance, character and nature of the individual bach and those around it. Provisions have been designed to ensure that development that significantly modernises baches, creating a more standardised residential appearance and diminishing the character and natural values of the area is prevented from taking place.

Because some of the baches are located in areas subject to coastal hazards, there are rules that control the replacement of any baches destroyed through rockfall, landslip, wave action or other natural events.

Due to the reason for their retention and the circumstances of their tenure any baches, which are damaged beyond repair or habitation through natural causes shall not be replaced.

Any activity, other than the temporary occupation of a bach is prohibited to reflect the historical use of the baches as providing holiday accommodation for the community.

Where connection to the City Sewer is available, this will be carried out to avoid adverse effects on the coastal environment.

It is anticipated that further controls may be required by the Council through licensing of the baches.

## **4.11 Outline Development Plan (Wigram)**

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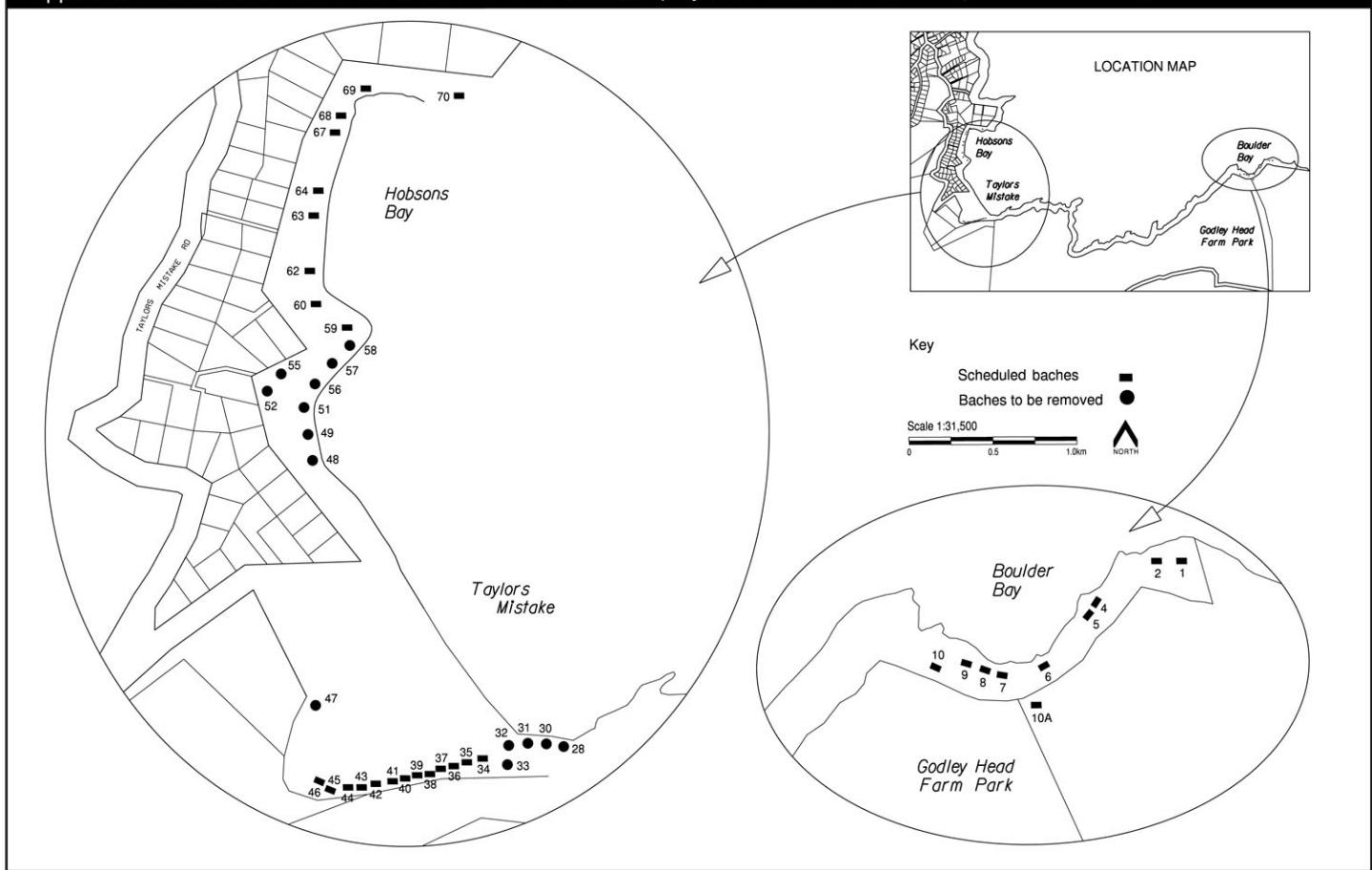
**Updated 12 September 2011**

In relation to the part of the Conservation 3 Zone subject to the Outline Development Plan (Wigram), the Outline Development Plan is intended to help achieve the integration of development within the Conservation 3 Zone with surrounding development including that within the Living G (Wigram) Zone.

## Appendix 1- Scheduled baches and baches to be removed (Taylors Mistake, Hobsons Bay and Boulder Bay)

Updated 14 November 2005

### Appendix 1. Scheduled Baches and Baches to be Removed - (Taylors Mistake, Hobsons Bay and Boulder Bay)



#### Contents of this Section:

- 1.0 Zone descriptions
  - 1.1 General description and purpose
  - 1.2 Conservation 1 (Natural, ecological and scenic parks) Zone
  - 1.3 Conservation 1A (Coastal margins) Zone
  - 1.4 Conservation 1B (Bromley) Zone
  - 1.5 Conservation 2 (Historic and garden city parks) Zone
  - 1.6 Conservation 3 (Waterway conservation) Zone
  - 1.7 Conservation 3W (Waterway conservation - Waimakariri) Zone
  - 1.8 Conservation 4 (Cemeteries) Zone
- 2.0 Rules
  - 2.1 Categories of activities
  - 2.2 Development standards
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- 4.11 Outline Development Plan (Wigram)

Appendix 1- Scheduled baches and baches to be removed (Taylors Mistake, Hobsons Bay and Boulder Bay)