

**OVERVIEW**

The Recreational Reserves Zone consists of a large proportion of the Council's reserve land and includes a variety of different reserves, ranging from beach and esplanade reserves, playing fields and other sports grounds and facilities to areas for passive recreation. Reserves which contain significant ecosystems and habitats are included in the Conservation Reserves Zone.

Some of the land in the Recreational Reserves Zone is controlled by reserve management plans in terms of the Reserves Act 1977. Management plans set out the use and management of the reserves in accordance with their purpose under the Reserves Act. Most reserves, however, do not have a management plan and activities are carried out under the direct control of the Council.

As well as the contribution which land in the Recreational Reserves Zone makes to the overall amenity of the Peninsula, the Council's reserves are used for a range of leisure activities. The availability of open space land on which residents of and visitors to Banks Peninsula can enjoy active and passive leisure and recreation activities also makes a contribution to public health and welfare and the amenity of the District. At the same time, activities and their generated effects, such as noise, traffic and development such as buildings, facilities and car parking areas have the potential to have an adverse effect on adjacent activities and amenity.

In addition, certain types of development and facilities may be inappropriate for some reserves. Land in the Zone which consists of particular natural amenity and value can be compromised by development and other activities which do not recognise the fragility and sensitivity of such areas.

**ISSUE 1**                      **The contribution which recreational reserve land makes to the health and welfare of residents and visitors to Banks Peninsula can be compromised by inappropriate activities and development.**

**OBJECTIVE 1**                **To ensure that activities and development on reserves do not compromise the contribution which land in the Recreational Reserves Zone makes to the health and welfare of residents and visitors.**

**POLICIES**

- 1A** Activities in the Zone should not unduly compromise the existing use, enjoyment and amenity of reserves.
- 1B** Development on recreational reserve land such as buildings, facilities and car parking areas should not be located or be of a design, size or intensity which detracts from any recognised use or amenity of the land.

**EXPLANATION AND REASONS**

Land in the Recreational Reserves-Zone is valued both for the contribution it makes to the overall amenity of the District and the health and welfare of residents and visitors in pursuit of leisure activities.

Activities and development on open space land may have an adverse effect on this contribution. It is not desirable for activities and development on land in the Recreational Reserves-Zone to have adverse effects on the contribution to health and welfare of reserves offering active and passive leisure opportunities.

<b>ISSUE 2</b>	<b>Inappropriate development and activities can detract from the contribution of land of recognised natural amenity and value within the Recreational Reserves Zone.</b>
<b>OBJECTIVE 2</b>	<b>To ensure that activities and development do not detract from the contribution which land of recognised natural amenity and value makes to the amenity of Banks Peninsula.</b>

**POLICIES**

- 2A** Activities within the Recreational Reserves Zone should not adversely affect land of recognised natural amenity and value.
- 2B** Developments such as buildings, facilities and car parking areas should only be undertaken where they do not adversely affect land with recognised natural amenity and value within the Recreational Reserves Zone.

**EXPLANATION AND REASONS**

The benefits generated by all reserve land and, in particular, by land with natural amenity and value can be adversely affected by inappropriate activities, development and facilities. Similarly, the contribution of open space land to the health and welfare of residents and visitors in pursuit of leisure can be impaired by inappropriate or over-intensive activity and development. Reserve management plans prepared under the Reserves Act 1977 provide direction and control of the use and development of certain reserves. However, much of the land in the Zone is not subject to such control.

Land of natural amenity and value, including areas of vegetation in the Zone, makes a significant contribution to the amenity of the Peninsula. However, activities and development on land can adversely impact on these natural features. Accordingly, activities and development should be undertaken in a way

or at a rate, which does not compromise the contribution these areas make to the amenity of the District.

<b>ISSUE 3</b>	<b>The effects of development and activities on land in the Zone can have a detrimental impact on land and activities in other areas.</b>
<b>OBJECTIVE 3</b>	<b>To ensure that the effects of development and activities on recreational reserve land are not detrimental to land and activities in other areas.</b>

### **POLICIES**

- 3A** The design, appearance, location, size and intensity of activities and development including buildings, facilities and car parking areas should not have an adverse effect on the amenity of surrounding land nor other activities.
- 3B** The generated effects of activities such as noise and traffic and of development such as shadowing, and visual domination by buildings should not adversely affect the amenity of surrounding land or other activities.
- 3C** To ensure that the efficient operation, use and development of Lyttelton Port is maintained or enhanced by avoiding reverse sensitivity effects arising from adjoining land use activities. (Updated April 2007)

### **EXPLANATION AND REASONS** (Updated April 2007)

The generated effects of activities and development on land in the Recreational Reserves Zone can impact adversely on the use and enjoyment of surrounding land and activities. Activities and development should be carried out in a manner and at a rate, which does not detract from the amenity of surrounding land and activities.

The efficient functioning of Lyttelton Port is a significant resource management issue. Part of the Port Environs Overlay Area covers the eastern side up to the ridgeline of the land commonly referred to as 'Reserve 68', which overlooks the Cashin Quay berths to the south and the coal operations to the east. The Council considers that it would not be prudent for activities, which are sensitive to existing and future port activities, to establish in this area. For example, dwellings, healthcare facilities and visitor facilities would be sensitive to noise, vibration, dust and visual effects associated with the port.

### METHODS TO ACHIEVE OBJECTIVES AND POLICIES

- Plan rules to protect both the amenity of the land in the Zone and surrounding land and activities.
- Preparation of reserve management plans in terms of the Reserves Act 1977 to direct the use and development of reserves land.
- Preparation and implementation of a strategic plan for reserves management to be completed within two years of the Plan being operative. The scope of the plan is to include:
  - ú A walkway network to be identified.
  - ú SRMP to consider an active policy for purchasing and developing reserves for their ecological potential, as well as their suitability for people. In particular, the plan should consider the lower slopes where there is limited habitat for some wildlife species. This approach to include the planting of native plant species that have been sourced locally.
  - ú Community involvement and participation in reserves projects, landscape plans and similar settlement enhancement and landscape programmes under the Local Government Act. (Ch 7, Muir and Heremia).

### REFERENCE TO THE SUMMIT ROAD (CANTERBURY) PROTECTION ACT

The provisions of the Summit Road (Canterbury) Protection Act apply to land within the area from the Summit to 30 vertical metres below the Summit Road between Gebbies Pass and Evans Pass (refer to the Act, and any subsequent Acts, and the gazette notice).

### RULES

#### 1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 3 (below) except where they involve the erection or replacement of any building within the Coastal Protection Area:

- a) Any activity, development or facility provided for in a reserve management plan prepared under the Reserves Act 1977, subject to any restrictions or requirements in the management plan, unless the activity, development or facility is provided for as a restricted discretionary activity (below).
- b) Farming.
- c) Outdoor recreation.
- d) Amenity tree planting.
- e) Provision of walking paths and tracks.
- f) Conservation activities.

**2. Controlled Activities**

The following are controlled activities where they meet the standards set out in Rule 3 (below):

- a) Community facilities.
- b) Provision of public car parking areas.
- c) Relocated buildings

**2.1 Matters Over Which Control May Be Exercised**

In considering an application for a controlled activity for community facilities or the provision of public car parking areas the Council may exercise its discretion over the following matters:

- The cladding, scale, form, colour and location of any building on a site.
- The location and extent of tree planting and/or landscaping.
- The location of vehicle accessways.
- The placement of reticulated services.
- The fencing of land to secure protection or enhancement of areas of indigenous vegetation.
- Disposal of stormwater.

In considering an application for a controlled activity for a relocated building the Council may exercise its discretion and impose conditions in relation to the following matters:

- The cladding, scale, form, colour and location of any building on a site building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.
- The location of vehicle accessways.
- The placement of reticulated services.
- The fencing of land to secure protection or enhancement of areas of indigenous vegetation.
- Disposal of stormwater.

**3. Conditions for Permitted Activities and Standards for Controlled Activities****3.1 Height**

Maximum height of buildings and structures – 6 metres.

**3.2 Building Height in Relation to Boundary**

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured at any point 2 metres above the nearest boundary abutting any site within a Residential Zone, Residential Conservation Zone, Small Settlement Zone or Papakaianga Zone.

### 3.3 Yards – Minimum

No building or part of a building shall be erected within the following yards:

Front	- 7.5 metres
Side/rear	- 3 metres
Yards fronting a State Highway	- 20 metres

No erection of any building or structure, earthworks, removal of indigenous vegetation, or woodlot forestry shall be permitted within 20 metres of any Surface Water Body.

### 3.4 Site Coverage

Maximum – 10% of net site area or 250m<sup>2</sup> whichever is the lesser.

### 3.5 Clearance of Indigenous Vegetation

Clearance of indigenous vegetation undertaken in any continuous period of five years shall not exceed:

- 100 m<sup>2</sup> per site where a site is 1 hectare or less in area;
- or
- 100 m<sup>2</sup> per hectare of site area where a site is greater than 1 hectare in area.

There shall be no clearance of indigenous vegetation within an Outstanding Natural Feature and Landscape Area identified on the Planning Maps.

### 3.6 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 20 m<sup>3</sup> (volume) or 100 m<sup>2</sup> (area) per site where a site is 1 hectare or less in area;
- or
- 20 m<sup>3</sup> (volume) or 100 m<sup>2</sup> (area) per hectare where a site is greater than 1 hectare in area;
- and
- shall not have a face height greater than 1.2m.

## 4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted or controlled activities which does not comply with one or more of the conditions for permitted and standards for controlled activities in Rule 3 (above).

### 4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

### **5. Non-Complying Activities**

Any activity not otherwise specified as a permitted, controlled, or restricted discretionary activity is a non-complying activity.

## **ASSESSMENT OF APPLICATIONS**

### **6. Controlled Activities**

Applications for controlled activities will be assessed against the following:

- a) The relevant objectives and policies of the Recreational Reserves Zone.
- b) The objectives and policies of any relevant Protection Area.
- c) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- d) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

### **7. Restricted Discretionary Activities**

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- a) The relevant objectives and policies of the Recreational Reserves Zone.
- b) The objectives and policies of any relevant Protection Area.
- c) Any other objectives and policies of the Plan which are relevant to consideration of the application.
- d) Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

## **ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results are anticipated from the implementation of the objectives and policies relating to the Recreational Reserves Zone:

- The maintenance and enhancement of the recreational and natural amenity values of these reserves.
- Control of development and impacts of public use in reserves, in a manner which ensures their character is enhanced or remains substantially unchanged.

- Development and activities in recreational reserves do not create significant adverse effects on the amenity values of adjoining sites in other Zones.

**REFERENCE TO OTHER PROVISIONS**

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading