

**OVERVIEW** (Updated November 2010)

The Rural Zone covers most of the peninsula. It extends from the elevated and deeply dissected inland parts of the District to the coastline. Much of it is also part of the coastal environment. The natural resources of soils, landform, climate, drainage and vegetation have largely provided the basis for the land uses carried out in the Rural Zone. Although some 1000 years ago forests covered the whole peninsula, much of it had disappeared by the mid 1800s. Timber extraction and land clearance played an early part in determining the rural landscape but now agriculture is the dominant land use and with some exceptions, it is one of the most significant determinants of the current rural landscape. Remnant areas of native forest had diminished to less than 1% of the original cover by 1920. Since then however, there has been significant regeneration to bolster the small original cover remaining. The importance of pastoral farming is reflected in the fact that over 70% of the zone is in pasture and pastoral farming is a valued part of the rural landscape character in many areas. Remnants of the indigenous forest and scrubland are scattered throughout the area and are largely confined to gullies and more inaccessible terrain. These provide shelter for stock, habitats for native species and also contribute to the landscape and biological diversity of the area. Agricultural productive land has more recently become the most visually dominant aesthetic component of the Banks Peninsula landscape, and is a key element of the landscape as we know it today. This is a major contributor to its outstanding character. As such, it is a significant resource which must be managed sustainably.

While pastoral farming remains the dominant land use, economic, social and technological changes have encouraged diversification into other activities. From the earliest days of human occupation the landscape has reflected the changing use of the Peninsula's natural resources. The current pattern of pastoral sheep and beef farming and intensive horticulture is part of this continuing evolution. In time these activities may be succeeded by others. A variety of horticultural activities are carried out where climatic and other natural factors are favourable. Land use is not static and will fluctuate as management techniques and economic conditions change. It is essential that such changes are accommodated and facilitated so that the agricultural resource can be managed sustainably. The Council will undertake plan changes to facilitate such change if necessary.

Forestry has increased in the last 10 years, mostly as an adjunct to pastoral farming but also as a stand-alone land use investment in suitable areas. As with any vegetation, particularly larger more deep-rooted species, exotic forests bring a number of benefits including economic opportunity, generally improved water quality, CO<sup>2</sup> absorption, soil stability, shelter and visual buffering, and help provide ecological corridors. Forestry can also have adverse effects on indigenous vegetation (if clearance or over-planting is involved), naturalness, views from roads, and the availability of water in the catchment. During and after harvesting there can be adverse effects on soil conservation, water quality, traffic, roads and bridges. Large trees can also shade roads and properties. The Council supports the use of forestry industry approved practices.

There is also increasing pressure from non-farming activities to locate within the Rural Zone. Provision of visitor facilities is increasingly seen as a means of supplementing rural income. In addition, there is a demand for low-density residential opportunities within the Rural Zone. The intensification of residential development in rural areas has the potential to degrade the low density character and landscape values of the rural environment, create pressure on infrastructure services and lead to conflict with other rural uses. Such impacts inhibit the efficient use and development of the rural land resource. Limited provision has been made for the residential use of rural land through the provisions of the Rural-Residential Zone. Because demand for such use can never be fully met in a manner consistent with the sustainable management of the rural land resource, control through the District Plan is necessary. The Council does not wish to discourage people from living in the Rural Zone, provided the sustainable management of the natural land resource is not compromised.

Other non-farming activities that are becoming increasingly reliant on the rural resource include passive recreation and eco-tourism activities, as well as conservation activities. Such uses need to be managed in a way to ensure any adverse effects on the character and quality of the Rural Zone are no more than minor.

The range of resources and activities occurring in the Rural Zone raises a number of resource management issues. Part III of the Plan outlines the significant resource management issues confronting the District. Most of those are applicable to the Rural Zone. This part of the Plan focuses on those resource management issues which are particular to the Rural Zone. It seeks to minimise any adverse effects that may arise.

In addition, the Plan seeks to foster the protection of the landscape character and amenity values of the Rural Zone by promoting sustainable management and positive conservation actions through both regulatory and non-regulatory means.

In 2007 the Council completed a Landscape Study of the Rural Zone. The purpose of this study was to identify Outstanding Natural, Coastal, Natural Character and Visual Amenity Landscapes within the Rural Zone of Banks Peninsula (Coastal Natural Character Landscapes and Outstanding Natural Landscapes area referred to in Chapters 12 and 13 respectively). The Study was based on a comprehensive description of the existing landscape and described the landscape at three scales – peninsula-wide, by landscape character areas and by landscape features and elements. The study considered legibility, natural science, aesthetic, transient, shared and recognised, cultural and heritage values.

The Study concluded that the legibility of the Akaroa and Lyttelton Crater Rims was exceptional along with volcanic layering of the summits and upper slopes of Mt Bradley, Mt Herbert and Mt Evans and the volcanic dip slope of Diamond Harbour, Kaitorete Spit is also an important landform. Along with landform and sites of geological interest the Study considered the relevance of marine reserves. Recommended Areas of Protection, QEII covenants, Department of

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Conservation Protected Areas and other areas of significant natural value and their contribution to the landscape.

Key features contributing to landscape quality were found to include prominent ridgelines, areas free of development, rugged and exposed coastlines, areas of openness, natural vegetation patterns and historic settlement. Much of the Peninsula is considered within a working environment. Natural landscapes were those displaying a strong predominance of natural features, patterns and processes with lesser evidence of human activity.

Tangata Whenua has identified the whole of the Peninsula as outstanding with native flora, fauna and waterways all contributing to cultural appreciation of the landscape.

The Outstanding Natural, Coastal Natural Character and Visual Amenity Landscapes identified by the Study have been incorporated into the District Plan, although the latter was renamed the Rural Amenity Landscape.

As a result of early settlement patterns and the continued use of the land today some development including homesteads, accessory buildings and structures are established within the Outstanding natural and Coastal Natural Character Landscapes.

Users of the Rural Zone need to be able to respond to future opportunities for a range of land uses, which may include different forms of development. These types of activities can be complementary to farming activities and in the case of tourist, ecologically based or accommodation activities of a scale consistent with objectives and policies. These can have the added benefit of enabling the community and visitors access to the coast and outstanding landscapes.

The Landscape Study which has identified the Outstanding Natural and Coastal Natural Character Landscapes and Main Ridgelines has been undertaken at a district wide level, in identifying these landscapes it is recognised that there is the potential for areas to exist within sites which have the potential to absorb some change. The nature of that change must be appropriate having regard to the landscape values identified and relevant objectives and policies.

The Rural Amenity Landscape applies to the balance of the Rural Zone which are not included within the Outstanding Natural Landscapes or the Coastal Natural Character Landscapes. The Rural Amenity Landscape is considered to be of high aesthetic quality where there is a general absence of large scale or concentrated development. A reduced level of control is anticipated in the Rural Amenity Landscape compared with the Outstanding Natural and Coastal Natural Character Landscapes. It is predominantly a working landscape reflecting the domination of agricultural and pastoral activities on the Peninsula.

Within the Rural Amenity Landscape ridgelines that make a significant contribution are to be identified on the Planning Maps as Main Ridgelines. Ridgelines that are currently free of built development are subject to a rule that seeks to maintain that environment.

(Updated November 2010)

<b>ISSUE 1</b>	<b>Structures, development and activities can adversely affect the landscape character and amenity values of the Rural Zone.</b>
<b>OBJECTIVE 1</b>	<b>To maintain the landscape values, natural character and amenity values of each of the Landscape Categories identified within the Rural Zone.</b>

## **POLICIES**

- 1A** The following qualities or elements contribute to the landscape character and amenity values of the rural environment and are to be maintained and enhanced:
- A generally small scale low density of buildings and residential development in those areas of the District where landscape character and amenity values are vulnerable to degradation. (See also Chapters 12, 13 and 31.)
  - Absence of highly visible structures and development on prominent ridges and skylines. (See also Chapters 12, 13 and 31.)
  - Prominent rocky outcrops.
  - Areas of indigenous vegetation and habitat.
  - The quality and clarity of water in rivers and streams.
  - Indigenous streamside (riparian) and coastal vegetation.
  - The ability to sustainably provide for the evolving nature of land based activities.
- 1B** Sustainable management and positive conservation is to be encouraged through non-regulatory means, including a Banks Peninsula Conservation Trust or other independent organisations.

## **EXPLANATION AND REASONS**

The landscape qualities of the Rural Zone of the District are highly valued by the community of Banks Peninsula and visitors. These landscape qualities have resulted from a variety of natural and human events and processes. Important components of the landscape include the distinctive landforms of the area resulting from the natural processes of volcanic activity, erosion and deposition, and the vegetative pattern of open grasslands interspersed with stands of exotic plantings, remnant and regenerating indigenous forest and secondary growth. These landforms patterns of vegetation and agricultural activities help define the landscape character of the Rural Zone.

Typically buildings and structures are relatively minor elements of the rural landscape. However, when located on prominent high points and ridgelines, or parts of the coastline, or when large or in a dense pattern, they can visually

detract from the existing landscape character, resulting in adverse effects on rural amenity and landscape values. Similarly, when poorly sited or designed, exotic tree planting and other development can result in adverse effects on the landscape regardless of scale. Adverse visual effects on the landscape character of the Rural Zone are to be avoided or mitigated. The outstanding natural features in the landscape are also afforded protection from inappropriate development through the provisions of Chapters 12 The Coastal Environment and 13 Outstanding Natural Features and Landscapes.

These policies therefore seek to recognise and provide for the relevant section 6 and 7 matters, while at the same time remaining consistent with section 5 of the Act in that people and communities will still be able to provide for their social, economic and cultural wellbeing. The policies are intended to ensure that future development in the Rural Zone is carried out in a sustainable manner that respects the existing landscape character and amenity values which are highly valued by the community and visitors to the area. The density, siting and appearance of buildings and other structures shall be managed in a way that ensures the landscape character of the rural area is not compromised. While it is considered important to allow for a range of living and working opportunities in the Rural Zone, it is commonly recognised that a valued element of the landscape is its open and uncluttered character. If this landscape character is to be maintained and enhanced, it is necessary to respect those highly visible and sensitive features such as ridgelines, the most significant parts of the coastal environment and areas of significant indigenous vegetation. It must also be recognised that the most significant ridgelines, peaks and coastal landscape features are highly visible and it may not be appropriate for buildings to be established in such locations.

Forestry plantings in the Rural Zone are to be sympathetic towards maintaining rural landscape values through the application of sound siting and design principles. It is envisaged that there could be some sites or areas within sites that will be unsuitable for exotic plantings. Where planting is appropriate steps will generally be needed to deal with the spread of wilding trees.

(Updated January 2008)

<b>ISSUE 2</b>	<b>Land use activities involving the removal or modification of indigenous vegetation and habitats of indigenous fauna can lead to adverse effects on the ecosystems, habitat functions and cultural values.</b>
<b>OBJECTIVE 2</b>	<b>To identify, protect and enhance significant indigenous vegetation and significant habitats of indigenous fauna, wetlands and ecosystems; and encourage the retention and enhancement of indigenous vegetation and habitats of indigenous fauna.</b>

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### **POLICIES** (Updated January 2008)

- 2A** Areas of significant indigenous vegetation and significant habitats of indigenous fauna referred to in Method 1, Chapter 19 are to be protected and adverse effects on such areas are to be avoided.
- 2B** Where land use activities, buildings or earthworks result in the removal of significant indigenous vegetation, new areas of equivalent environmental value are to be established or other areas enlarged in compensation.
- 2C** Plantings of exotic forestry are to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 2D** The control of pests and weeds, which can damage indigenous vegetation, or habitats of indigenous fauna, is to be encouraged in line with the Canterbury Regional Pest Management Strategy.
- 2E** The Council, in the consideration of any resource consent application is to be able to take into account whether or not the community benefits by the applicant taking effective and appropriate steps to preserve indigenous vegetation and habitats of indigenous fauna closely related to the application site.
- 2F** Exotic tree plantings shall be sited, designed, of a species and managed to prevent wilding tree spread.
- 2G** The planting of indigenous tree species is to be encouraged.
- 2H** To encourage the retention and enhancement of remaining areas of indigenous vegetation and habitats of indigenous fauna.

### **EXPLANATION AND REASONS** (Updated January 2008)

The Rural Zone contains some areas of significant remnant and regenerating indigenous vegetation and significant habitats of indigenous fauna. These have an important ecological function supporting populations of native plants and wildlife and are also important as living reminders of the original natural heritage of the District. It is the Council's intention to protect and enhance these areas through a combination of regulatory and non-regulatory measures.

It is acknowledged that significant habitats of indigenous fauna have not been specifically addressed in the methods of this Plan. However, it is recognised that the interim definition of significant indigenous vegetation encompasses some significant habitats of indigenous fauna, and Appendix XX lists threatened animal species. The effects on these shall be assessed where activities require resource consent under this plan.

The removal or modification of indigenous vegetation and habitats of indigenous fauna can have adverse effects on ecosystems, habitat functioning, cultural values, and soil erosion. The areas are fragmented and at risk from invasion of pests and weeds. The current land occupiers in most cases have shown that with appropriate land management practices these areas can be increased in extent and their quality enhanced. The Council wishes to support and encourage this trend.

Significant areas of indigenous vegetation make an important contribution to the landscape and habitat values of the District. In particular the Council recognises that there are areas within the District which could contain unique, special or rare natural features or are representative examples of biological or geological features that were once more common or extensive within the District.

<b>ISSUE 3</b>	<b>Some activities can adversely affect the amenity values and health and safety in the rural environment.</b>
<b>OBJECTIVE 3</b>	<b>To maintain and enhance the amenity values and conditions required for health and safety within the Rural Zone.</b>

### **POLICIES**

- 3A** Activities must not generate continuous or persistent nuisance, sufficient to have more than minor adverse effects on the amenity values and the health and safety of adjoining land users.
- 3B** Levels, duration and character of noise and odour are to be consistent with those normally generated by rural activities.
- 3C** Any adverse effects on amenity values, health and safety from increased density of development, vehicle movements or changes to the level of intensity or character of road usage on district roads, are to be avoided remedied or mitigated.
- 3D** Adverse effects from any activity affecting the rural outlook and privacy of adjoining properties are to be avoided, remedied or mitigated.

### **EXPLANATION AND REASONS**

The Rural Zone is valued for its landscape character, amenity values and productive land use activities. Important amenity values include the open and uncluttered character of the landscape, tranquillity, the rural outlook and privacy. However, it is to be noted that the land tenure is characterised by a pattern of subdivision with a number of small sites of less than four hectares scattered throughout the District. If it were permissible to establish a dwelling on each of

those sites as-of-right, this intensification of residential activity has the potential to lead to adverse effects on the character and rural amenity values of the rural zones that are highly regarded by the community and visitors to the area. It may also generate adverse effects such as contamination and human health problems associated with on-site disposal of effluent.

Increases in the scale and intensity of development in the Rural Zone can result in increases in noise and vehicle movements associated with some new activities. There may also be visual impacts from an increase in the number, density and scale of buildings. Changes in the type of land use activity (to factory farming for instance) can also result in adverse effects caused by odour. Although increased development in rural zones can bring economic and social benefits to the community, such as improved infrastructural services and maintaining schools and community facilities, these must be balanced against the actual and potential adverse effects on the environment.

The scale and location of activities must be such that they do not cause more than minor adverse effects on the existing amenity values and landscape character of the Rural Zone. Careful design and siting of buildings and amenity planting can assist in mitigating any adverse effects and maintaining the visual amenity of the Rural Zone. This is of particular importance in visually prominent parts of the Zone. Other valued characteristics of the amenity of the Rural Zone can include privacy, a spacious rural outlook, peacefulness, clean air and low traffic volumes. It is acknowledged that the operation of some activities associated with farming and forestry sometimes generates severe levels of noise, dust and odour by urban standards, and those who live in rural zones must expect these. However activities are to be managed so that these effects do not exceed levels which are normally expected in rural zones and do not endanger the health and safety of the community.

<b>ISSUE 4</b>	<b>Land use activities can have adverse effects on water quality and quantity and the natural character of streams and water bodies.</b>
<b>OBJECTIVE 4</b>	<b>To maintain and enhance the quality and quantity of natural water bodies and potable water sources and protect their natural character.</b>

### **POLICIES**

- 4A** Buildings are to be sited and other activities carried out so as to allow retention and establishment of riparian and wetland vegetation and ensure the water quality and quantity of water bodies and potable water sources is maintained or enhanced.
- 4B** Stormwater is to be disposed of so that it does not create erosion, inundation, and siltation or reduce the water quality of any water body.



- 4C** Effluent and stormwater from any new development is to be safely and effectively disposed of to avoid any adverse effects on ground or surface water quality.
- 4D** Riparian areas are to be managed to maintain and enhance their vegetation and natural character while, at the same time not unduly restricting the capacity of the channel to convey maximum flows.

**EXPLANATION AND REASONS**

This is an area where the Council’s responsibilities complement those of the Regional Council. The Canterbury Regional Council has a central role but it is recognised that policies relating to land use activities, which can affect such issues, are not inconsistent with regional policies.

Some activities and buildings, if inappropriately located, have the potential to adversely affect water quality. This can occur through run-off of pesticides and nutrients into water bodies and sedimentation resulting from earthworks and erosion. Water flows and quality can also be altered through drainage, removal of riparian vegetation and through livestock entering waterways. An increase in the density of dwellings and other activities which rely on the disposal of effluent to the ground can also cause potential adverse effects on human health and has the potential to degrade water quality and reduce available sources of potable ground water.

Water is an essential resource in the Rural Zone. The location of riparian vegetation can act as a buffer and reduce the amount of sediments and other contaminants entering streams and other bodies of water. Similarly, locating buildings and activities at a distance from water bodies will reduce the risk of contaminants entering the water. There are no reticulated waste disposal systems within the Rural Zone. On-site methods of effluent disposal are used with septic tanks being most common. Other waste and storm water is generally disposed of to the ground. It is important that on-site methods of disposal do not compromise ground or surface water quality. Some activities, such as large-scale forestry throughout a catchment, although generally having a beneficial effect on water quality, can have the potential to deplete ground and surface water resources. It will be necessary for those activities not to reduce the water resource to the extent that there will be adverse effects on the natural environment or on existing activities and indigenous vegetation.

<b>ISSUE 5</b>	<b>Some activities and land uses can have adverse effects on the life-supporting capacity of soils.</b>
<b>OBJECTIVE 5</b>	<b>To safeguard and maintain the life-supporting capacity of the soil resource.</b>

**POLICIES**

- 5A** Activities are to avoid contamination of soils.
- 5B** Land management practices are to include measures to avoid loss of soils through erosion, the long-term depletion of soil organic matter, soil nutrients or natural fertility and degradation of water quality.
- 5C** Earthworks are not to lead to erosion or the siltation of any water body including coastal water and are to be protected by appropriate stabilisation planting and drainage.

**EXPLANATION AND REASONS**

Again, this is an area that complements the role of the Canterbury Regional Council. To the extent that the District Council's role is required to be not inconsistent with the regional role these policies are appropriate.

While the implementation of soil conservation measures is the primary responsibility of the Regional Council, the District Plan may also include measures to ensure the life-supporting capacity of soil is not compromised.

The soil's life-supporting capacity can be sustained by ensuring that as far as practicable land use activities do not result in erosion, breakdown of soil structure or contamination of soils.

<b>ISSUE 6</b>	<b>New occupiers and land-use activities can bring expectations of standards of amenity infrastructure and services which are not realistic alongside established activities and existing conditions in the rural working environment.</b>
<b>OBJECTIVE 6</b>	<b>To ensure new use activities are compatible with existing standards of amenity, infrastructure and services.</b>

**POLICY**

- 6A** Existing lawfully established rural activities are expected to improve their environmental performance but generally are not to be required to modify their lawfully established current operations and associated environmental effects to satisfy the needs of new land-use activities.

**EXPLANATION AND REASONS**

The concept of reverse sensitivity has been recognised by the Environment Court as a legitimate concern for district plans. The concept relates to the effects of the existence of sensitive activities on other existing activities in their vicinity, particularly by leading to restraints in the carrying out of those existing activities.

Existing lawfully established activities, and the effects that they create, are component parts of the natural and physical environment. It is reasonable to restrict or refuse consent for proposed activities in close proximity to an existing activity on the grounds that the existing activity, although legitimately established, may give rise to adverse effects likely to be detrimental to the operation of the proposed activity.

Rural activities that have been lawfully established are still under an obligation to avoid, remedy or mitigate adverse effects. The reverse sensitivity principle does not enable activities to offend against the overriding duties expressed in sections 16 and 17 of the RMA.

<b>ISSUE 7</b>	<b>New land-use activities can raise expectations of, or require, levels of service which realistically cannot be achieved by existing infrastructure and services in the rural environment unless the appropriate levels of financial and physical resources are available.</b>
<b>OBJECTIVE 7</b>	<b>To ensure that future development does not exceed available servicing and infrastructure capacities at the cost of the community.</b>

**POLICIES** (Updated 2 July 2011)

- 7A** Where any new activity requires a significant extension of public reserves, network infrastructure or community infrastructure it is to generally be provided by the person carrying out the activity or an appropriate financial contribution may be required. The level of financial contribution required is to take into account the impacts of the proposed activity and whether other contributions are being made, including rates, development contributions or road user charges or other indirect forms of contributions.
- 7B** Any traffic generated by a proposal is not to compromise road safety or efficiency.
- 7C** Activities located within the Rural Zone are to dispose of all wastes generated, including chemical waste, sewage and stormwater, to ensure any adverse effects are avoided, remedied or mitigated.

### EXPLANATION AND REASONS

Increasing development in the Rural Zone also may generate demand for additional infrastructure and services. Existing facilities are developed to a level which is sufficient to service an economy largely centred on extensive farming and dispersed rural settlement. There are no reticulated systems of effluent or waste disposal and all activities must rely on site specific systems. To ensure the efficient use of the resources of the District, future development may sometimes be better concentrated in areas of existing facilities. Most activities located in the Rural Zone are directly dependent on the resources of the land and soil. Others provide services and social and cultural facilities to the rural community or process the resources of the zone.

Further development within the Rural Zone may result in a need to expand or upgrade elements of the existing infrastructure. One example would be an activity generating increased vehicle movements therefore making it necessary to widen or upgrade roads. The road network is a significant physical resource in the Rural Zone, providing for access throughout the District. It is important that the traffic generated by land-use activities does not compromise the level of service of the roading network and that any adverse effects on traffic safety are avoided, remedied or mitigated. In addition to the methods contained in this chapter, Chapter 35 "Access, Parking and Loading" of the Plan includes methods to achieve the safe and efficient functioning of the road network. Where roads are expected to serve other users to the Rural Zone, costs must not necessarily fall upon existing rural dwellers. Other activities may generate effluent or other wastes which require specialised disposal systems to be installed. It is expected that these costs will be met or shared to a commensurate level by the developer so that unsustainable demands are not placed upon existing rural infrastructure.

It is also important to ensure that the provision of any necessary additional infrastructure in the Rural Zone avoids, remedies or mitigates any potential adverse effects on the environment including any potential adverse effects on amenity values. All activities located within the Rural Zone must be capable of adequately disposing of wastes so that any adverse effects are contained within the site.

<b>ISSUE 8</b>	<b>Conservation and environmental enhancement may in some cases be effectively achieved by non-regulatory methods.</b>
<b>OBJECTIVE 8</b>	<b>To encourage the development of non-regulatory methods of achieving the conservation and enhancement of the valued landscapes, vegetation and wildlife of the Banks Peninsula.</b>

### **POLICIES** (Updated November 2010)

**8A** The Council is to foster the development of non-regulatory measures including education, advocacy and assistance, which involve land managers and the community in the conservation of the valued qualities of the rural environment.

**EXPLANATION AND REASONS**

It is unusual to have objectives and policies relating to types of methods but in this case the successful outcome of this Plan is dependent on the methods adopted.

For the most part, the rural landowners of Banks Peninsula have managed the rural resource responsibly. This has been achieved cooperatively with most rural dwellers sharing similar environmental values. It is important to maintain and nurture this spirit. The Council recognises the wealth of knowledge that is held by rural dwellers and landowners and it does not seek to impose its methods where this would damage the cooperative spirit.

The Council must administer its District Plan over a relatively large and quite complex Rural Zone. It has limited resources with which to do so and it is aware that it could not administer rural policies successfully without the very full support and involvement of the rural community, particularly the landowners who are the first line managers of the resources. For this reason the Council's intention is to concentrate on methods designed to cultivate a climate of cooperation where there is a high degree of local involvement and "ownership". The Council intends to give every opportunity for such non-regulatory methods to work and undertakes to support them throughout the life of the plan. In taking this path the Council is aware there is a need to engender the support of the community and that this is more likely with the adoption of cooperative methods. Having said that, the Council will be monitoring the success of the methods and, if necessary, will undertake changes to the Plan to introduce new methods including possible rules. Rules are the method chosen to deal with elements requiring controls where the Council believes non-regulatory methods would be unlikely to be effective. Some rules have been selected and put in place to control adverse effects until non-regulatory methods can be put in place. The methods to implement the objectives and policies are set out below.

<b>ISSUE 9</b>	<b>The efficient functioning of Lyttelton Port may be compromised by nearby sensitive activities being established in that part of the Rural zone identified as Port Environs Overlay Area on Planning Maps S0 and S1.</b>
<b>OBJECTIVE 9</b>	<b>To enable the efficient operation, use and development of the Port of Lyttelton as a major sea link for New Zealand.</b>

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### **POLICIES** (Updated April 2007)

- 9A** 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.
- 9B** To recognise that any future landward expansion of the Port would involve land in the coastal environment between Te Awaparahi Bay and Gollans Bay.

### **EXPLANATION AND REASONS** (Updated November 2010)

The efficient functioning of Lyttelton Port is a significant resource management issue. To this end a Port Environs Overlay Area has been identified within the Rural zone and the Council considers that it would not be prudent for activities, that are sensitive to existing or 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 Cashin Quay berths, the existing coal stockpile or the Gollans Bay Quarry, or would be sensitive to the future development of the Lyttelton Port into Te Awaparahi Bay and Gollans Bay.

Extension of the Port into Gollans Bay would result in substantial changes to the rural character and rural amenity of this area. However, the area is part of the coastal environment and is therefore included under Chapter 12 (The Coastal Environment). The land is also identified as a 'Rural Amenity Landscape' under this Chapter (the Rural Zone). This means there is a potential tension between Objective 9 and Policy 9B and these more general provisions. Objective 9 and Policy 9B must have priority however because:

- The Port cannot expand westwards due to existing residential settlement; and
- Gollans Bay is contiguous with the existing Port and has been subject to long established, periodic quarrying.

### **METHODS TO ACHIEVE OBJECTIVES AND POLICIES**

#### **Method 1: Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna** (Updated January 2008)

##### **Part A**

To use the definition of significant indigenous vegetation and associated rule as an interim regulatory method for addressing the significant indigenous vegetation and significant habitats of indigenous fauna requirements of the Resource Management Act.

(Updated January 2008)

### Part B:

**To identify (in consultation with landowners and other interested parties) sites** of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with a set of criteria below.

Council is committed to undertaking a study to identify significant indigenous vegetation and significant habitats of indigenous fauna. The details of the process by which the sites of significance will be identified will involve:

- Establishment of a broad based community steering group to oversee the study and assist the Council with input and advice. This is intended to ensure, among other things, that the process of identification is well understood and has wide community acceptance.
- Identification of potential sites with S6c values using the criteria included below;
- On the ground assessment of the values of these sites;
- Discussions with landowners on appropriate management mechanisms;
- Evaluation and review of the application of the criteria listed below;

Council intends to complete the study and carry out a section 32 analysis to determine whether any of the areas should be included in the Plan within 5 years of this provision being approved by the Environment Court.

Before deciding on whether any identified area should be included in the District Plan, Council will have regard to all of the following matters as part of its s32 of the RMA analysis:

- Threats or risks to the identified values;
- Other options for ensuring the identified values and their needs are recognised and protected;
- Economic effects on the landowner (e.g. management costs, lost development potential);
- Resources required to implement effective protection;
- Ecological functioning<sup>13</sup>
- The potential benefits of including the site in the Plan (including ecological benefits and benefits for the landowner, such as its use for environmental merit)
- Any other relevant factor;

The criteria will be applied at the Ecological District scale in a way that recognises that the majority of ecosystems on the Banks Peninsula are secondary and/or induced. The importance of the 'commonplace' is central to recognising the full range of biodiversity values.<sup>14</sup>

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<sup>13</sup> This matter provides for consideration of the long-term ecological management needs for any site that might be included in the Plan, including the need for a buffer zone.

<sup>14</sup> The focus of the District Plan is on "typical" and not necessarily "original" or "best" vegetation cover or habitats, recognizing that the common/ widespread secondary ecosystems on the Banks Peninsula have ecological values. The commonplace (synonym for common) is a key concept within the criterion of representativeness. The character of an Ecological District is broadly defined by the presence of common ecological features, e.g. second growth forest remnants, silver tussock grasslands and volcanic rock outcrops. The inclusion of common communities and features within

The criteria should include but not necessarily be limited to:

1. The ecological values of an area or group of areas- the values of the places themselves
  - Representativeness - Supporting indigenous vegetation, habitats, physical features<sup>15</sup> or ecological processes which are typical of their ecological district, including the commonplace.
  - Rarity. - Supporting, or important for the recovery of, an indigenous species, habitat, physical feature, or community of species which is threatened nationally or is rare at a local level (i.e. within the Ecological District).
  - Distinctiveness<sup>16</sup>. - The type and range of unusual features of the area itself including:
    - presence of indigenous species at their distribution limit
    - levels of endemism (eg the presence of endemic species)
    - the type locality for a plant or animal
    - the occurrence of relict distributions
    - physical features (which provide atypical habitat)
2. The ecological context of the area or a group of areas including the relationship with their surroundings. This recognises that ecological processes affecting indigenous ecosystems extend beyond their obvious physical boundaries, e.g. hydrology, pollination and dispersal.
  - Size, shape, buffering connectivity and linkages. The extent to which an area has ecological value due to its configuration, location and ecological functioning in relation to its surroundings.<sup>17</sup>

**Note:** The application of some ecological criteria such as representativeness, rarity and connectivity may not be able to be confirmed until a number of properties have been surveyed in a particular locality and the overall pattern of remnant indigenous vegetation and habitats can be assessed.

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significant areas is the main way in which most biodiversity is recognised. This approach is important as it caters for the needs of smaller and inconspicuous biota that are not normally seen. To complement the commonplace, unusual or rare features are catered for by other criteria to ensure that the full range of ecosystems and ecological features are recognised.

<sup>15</sup> "Physical features" provide habitat structure for a number of plants and animals.

<sup>16</sup> Distinctiveness focuses on truly "unusual" features rather than things that are rare or representative.

<sup>17</sup> The combination of size, shape, buffering, and connections to its surroundings all contribute to the ecological value of an area of vegetation or habitat (sometimes called a "patch"). The ecological functioning of an area may be adversely affected by activities in its surroundings (sometimes called the "matrix"). Examples include:

- Large areas often have greater natural diversity, but small areas collectively can have increased value or may be important for invertebrates.
- Compact areas are normally less affected by edge effects.
- Buffers help to reduce external influences such as wind effects on a forest edge, weed invasion, grazing impacts and nutrient pollution.
- Isolated remnants can act as stepping stones between larger remnants.



### **Method 2: Non-Regulatory Methods** (Updated January 2008)

It is not intended that these tasks be the exclusive preserve of any individual or group. However, it is the Council's intention to assist local organisations, including the Banks Peninsula Conservation Trust, in achieving the objectives and policies of this Plan.

In performing the following tasks, Council will consult with people, associations or trusts having objectives which include the following activities:

- Encouraging landholders to adopt good management practices, Land Management Plans, property agreements, QEII covenants, and the like.
- Furthering conservation by raising funds to facilitate the independent purchase of land and promoting other techniques such as private agreements and seeking sources of public funding.
- Recommending examples of good practice worthy of awards.
- Initiating and facilitating community projects relevant to good resource management.
- Recommending new areas for environmental protection.
- Developing land use management practices and encouraging landowners to abide by these practices.
- Recommending changes to the Landscape Plan to include new areas for protection.
- Serving as a source of goods and services whereby land managers can access resources for environmental enhancement.
- Providing positive incentives, where appropriate, as a means of encouraging conservation and environmental enhancement.

### **Method 3: Guidelines**

- The Council is committed to continuing education and advocacy and will play a pro-active role in initiating consultation with landowners and organisations concerned with land and environment.

- Work with the Banks Peninsula Conservation Trust and the local community to develop guidelines, within or outside the Plan for buildings, earthworks and forestry. Such guidelines are also to be continuously available in pamphlet form and distributed to applicants for building consent with correspondence answering enquiries PIMs and LIMs and with Council newsletters.
- Work with the Banks Peninsula Conservation Trust and the local community to develop guidelines and advice on the management of areas of significant indigenous vegetation.
- The Council is committed to support Landcare Groups and may extend such support to other similar groups, including Coastcare groups.

### **Method 4: Taking Into Account Environmental Merit When Considering Resource Consents** (Updated November 2010)

This is achieved by including in the assessment matters for any application for resource consent whether, and to what extent, the community benefits by landowners taking effective steps to preserve in perpetuity significant indigenous vegetation, outstanding natural features and landscapes, coastal natural character landscapes or sites of natural, scientific or cultural significance. The Council would take that benefit into account and whether or not such preservation took place on the land subject to the application or other closely related land under the control of the applicant at that time.

### **Method 5: 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).

### **Method 6: Rules**

The provision of rules to control activities in the Rural Zone, and the provision of controls and performance standards including assessment matters for resource consents, regarding the actual or potential effects of activities on the landscape character and amenity values of the rural environment.

### **Method 7: Inclusion of areas identified in the Landscape Study (2007)** (Updated November 2010)

The Council intends to carry out a section 32 analysis to determine whether to include areas identified in the Landscape Study as Outstanding Natural Landscapes and Coastal Natural Landscapes which have not been included within the provisions of the Plan.

### **RULES** (Updated November 2010)

#### **Non-Notification of Applications**

Any application for a resource consent for a controlled activity may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

#### **1. Permitted Activities** (Updated November 2010)

The following are permitted activities where they meet the standards set out in Rule 2 and 3 (below), unless otherwise specified as a controlled, restricted discretionary, discretionary or non-complying activity.

- a) Farming.
- b) Farm accessory buildings and structures.
- c) Creation and maintenance of Reserves.
- d) Outdoor recreation, which does not involve the commercial use of, motorised vehicles.
- e) Conservation activities.
- f) Home enterprises.
- g) The creation of dwellings and accessory buildings within those areas shown as Rural Amenity Landscape on the Planning Maps.
- h) Forestry not exceeding an area of 1ha per site or at a ratio of 1ha for every 20ha contained in a site, within those areas shown as Rural Amenity Landscape on the Planning Maps (for the purpose of administering this rule no such contiguous area of planting shall exceed 1ha).
- i) Existing Forestry.
- j) Earthworks undertaken within those areas shown as Rural Amenity Landscape on the Planning Maps.
- k) The maintenance and repair of roading infrastructure.

#### **2. Standards for Permitted Activities** (Updated November 2010)

##### **2.1 Dwelling Density**

Dwellings within those areas shown as Rural Amenity Landscape on the Planning Maps shall not exceed a density of:

- For dwellings located below the 160m contour line, 1 dwelling per 40 hectares of contiguous land area within a site;
- For dwellings located above the 160m contour line, 1 dwelling per 100 hectares of contiguous land area located fully above the 160m contour line within a site;

The maximum number of dwellings per site shall be two.

### 3. Standards for Permitted, Controlled, Restricted Discretionary and Discretionary Activities (Updated January 2008)

#### 3.1 Height

Maximum height of buildings and structures 7.5 metres

#### 3.2 Yards – Minimum

3.2.1 All buildings or part of a building are to be setback the following minimum distances from boundaries: (Updated November 2010)

Front boundary	7.5 metres
Side/Rear boundary	7.5 metres
Boundary fronting a state highway	20 metres
For sites within those areas shown as Rural Amenity Landscapes on the Planning Maps - Boundary fronting the coast (MHWS)	40 metres

3.2.2 In relation to any permanent natural surface water body: (Updated May 2009)

- (i) no erection of any building or structure; earthworks; dwellings; removal of indigenous vegetation; or planting of forestry or woodlot forestry shall be undertaken within 10m of any stream or river; or within 20m of a wetland or lake, except for those wetlands or lakes identified in the Lakes Zone;
- (ii) no forestry or woodlot forestry; dwellings and accessory buildings; removal of indigenous vegetation; or any activity set out in rule 6.2.d-I shall be undertaken within 20m of a stream or river with an average channel width over 3m.

The following are exemptions from rules 3.2.2(i)-(ii):

- the maintenance, refurbishment or replacement of existing lawfully established buildings and structures;
- roofing of existing stockyards;
- minor bridges or culverts which are permitted by the Regional Council;
- the maintenance of existing tracks;
- fencing;
- water storage tanks up to 30,000 litres, water troughs, pumps, pump sheds (under 10m<sup>2</sup>), power poles (associated with a pump or pump shed) and pipes;
- earthworks required for the above exemptions subject to compliance with Rule 3.5 and where permitted by the Canterbury Regional Council.

3.2.3 The nearest trees in any area of forestry or woodlot forestry shall be situated at least:

- 50m from any dwelling or a dwelling site approved by the Council on an adjoining property, or land zoned Rural-Residential, Akaroa Hillslopes, Papakaianga, Residential, Small Settlement or Town Centre where it adjoins the Rural Zone.
- 10m from the boundary of any adjoining property under separate ownership unless the adjoining owner provides written agreement to a lesser distance and such consent is entered on the Council's property file for PIM and LIM purposes.

### 3.2.4 Location of planting (Updated November 2010)

No vegetation such as trees, shelter-belts, vegetation or forestry shall be planted in any position which will result in shading of the State Highway carriageway between 10:00am and 2:00pm on the shortest day of any calendar year.

### 3.3 Site Coverage

Maximum – 10% of net site area or 2000m<sup>2</sup> whichever is the lesser with the maximum size of any separate building being 300m<sup>2</sup>.

### 3.4 Building Platforms

Any building located on sites created by subdivision occurring after 30 January 1997 must be located on a building platform identified on an approved plan of subdivision. For the purpose of this rule 'building' excludes those less than 50m<sup>2</sup> in area and 6m in height provided the structure is not used for sleeping accommodation.

### 3.5 Earthworks (Updated November 2010)

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

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

The maximum volume of earth moved shall not exceed 100m<sup>3</sup> per site within any one consecutive 12 month period except that for farm access tracks, the following standards apply:

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

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

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

### 3.6 Forestry (Updated November 2010)

3.6.1 No forestry is to be planted within:

- an area of significant indigenous vegetation,
- within 100m of MHWS.

### 3.7 Access

Any dwellings are to have legal access to a formed public road (note that the formation of any unformed legal road on the coast is not acceptable for this purpose).

### 3.8 Location Below Ridgeline – Rural Amenity Landscape (Updated November 2010)

Where new buildings are not to be located on a main ridgeline as identified on the planning maps but not within 100m of an existing building cluster in a Rural Amenity Landscape, they shall have a building platform at an elevation at least 20 vertical metres below that of the adjacent main ridgeline.

### 3.9 Reflectivity (Updated November 2010)

The reflectivity of buildings and structure shall be no greater than 40% except for building located within an Existing Building Cluster.

## 4. Controlled Activities (Updated November 2010)

The following are controlled activities:

### 4.1 Buildings

- a) All buildings within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape, or on a Main Ridgeline within the Rural Amenity Landscape, which do not exceed a floor area of 75m<sup>2</sup> and are located within 100m of an Existing Building Cluster.
- b) Any permitted building located within a Landscape Buffer shall be a Controlled Activity. For the purpose of this rule, the Landscape Buffer is an area within a Rural Amenity Landscape measured from the boundary of either an Outstanding Natural Landscape or a Coastal Natural Character Landscape as shown on the Planning Maps for a distance of 150m horizontal distance or 50m vertical distance from the boundary, whichever is the lesser.
- c) Dwellings within an area shown on the Planning Maps as Rural Amenity Landscape where the following criteria are met:
  - The dwelling is located on a separate certificate of title no less than 1ha in area and;
  - A balance which in combination with the title created for the dwelling complies with the dwelling density standard 2.1, has been legally defined and is subject to a covenant preventing the erection of any further dwelling on the total land area in perpetuity.

- d) The creation of one dwelling on Lot 1 DP 12401.  
In granting a resource consent for a controlled activity, the Council shall restrict the exercise of its discretion to conditions on the following:
- Scale and design of buildings and additions to buildings.
  - External colour of buildings and structures.
  - The location of buildings, structures and earthworks on a site specifically in relation to their impact on:
    - ú Any natural landform features, including ridgelines and skylines;
    - ú Maintaining a backdrop of landform or vegetation behind the building;
    - ú Proximity to other building and structures in the rural environment.
  - Landscaping of the site.
  - The location of site access and vehicle parking spaces.
  - The effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
  - Land stability.
  - Impact on water quality and quantity.

Where a resource consent is required for a controlled activity under Rule 4(1a) above, the additional matters to which Council's control is limited to include:

- Height, size, scale, and reflectivity of buildings
- Site coverage
- External finish, design and colour of buildings
- Visibility from publicly accessible viewing points
- Effects on natural character
- Effects on landscape values identified in the Banks Peninsula Landscape Study 2007

4.2 a) Forestry above 1.0ha and up to a maximum of 10ha within those areas shown as Rural Amenity Landscape on the Planning Maps.

The matters to which Council's control is limited include:

- Location in relation to existing landforms and natural features, including ridgelines and headlands
- Location in relation to sites of cultural and/or archaeological significance
- Effects on – landscape and amenity values
- The effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
- Land stability
- Effects of harvesting
- Matters set out in the Forestry Guidelines in Appendix IX
- Wilding plan prevention, minimisation and management measures

## 5. Restricted Discretionary Activities (Updated November 2010)

An application must be made for a restricted discretionary activity for the following:

#### 5.1 Earthworks

- a) Any earthworks within an area shown on the Planning Maps as Rural Amenity Landscape which do not comply with one or more of the standards for a Permitted Activity in Rule 3.5.
- b) Earthworks, excluding quarrying, undertaken within those areas shown on the Planning Maps as Outstanding Natural Landscape or Coastal Natural Character Landscape.

In considering any application for resource consent under Rule 5.1, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant assessment matters listed in Rule 8:

- location of earthworks
- extent or volume of earthworks
- depth and length of cuts
- siting, design and methods for implementing earthworks
- impact on natural contours and alteration of the natural form of the land
- impact on any geological features
- impact on the legibility of the landscape
- visibility of the area subject to earthworks from public viewing points
- loss of native vegetation
- impact on amenity and aesthetic values of the locality
- impact on known cultural sites
- rehabilitation, revegetating and reshaping
- location and shaping of any fill
- effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.
- Any impacts on riparian margins
- Control of run-off during excavation and prior to implementation of rehabilitation
- Requirement for an accidental discovery protocol and/or monitoring of earthworks within identified cultural and heritage landscapes

#### 5.2 Buildings

- a) Any buildings for Permitted Activities within an area shown on the Planning Maps as Rural Amenity Landscape which do not comply with one or more of the standards for a Permitted Activity in Rule 2 or 3, provided they are not listed as a Non-Complying Activity.
- b) All buildings within an area shown on the Planning Maps as a main ridgeline in a Rural Amenity Landscape, Outstanding Natural or Coastal Natural Character Landscape which exceed a floor area of 75m<sup>2</sup> and are located within 100m of an Existing Building Cluster.



- c) All farm accessory buildings within an area shown as Coastal Natural Character or Outstanding Natural Landscape which are located more than 100m from an Existing Building Cluster.

In considering any application for resource consent under Rule 5.2, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant assessment matters listed in Rule 8:

- Height
- Size/scale
- External finish, design and colour of building
- Reflectivity
- Location, anywhere within the property
- Visibility from public viewing points
- Effects on landscape values
- Effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages, including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992.

### 5.3 Forestry over 10ha within an area shown on the Planning Maps as Rural Amenity Landscape.

In considering any application for resource consent under Rule 5.3, the Council shall restrict the exercise of its discretion to the following matters, having regard to those relevant Assessment Matters in Rule 8:

- (i) The matters set out in the Forestry Guidelines in Appendix IX
- (ii) The location and management, including revegetation of cuts and fills;
- (iii) The effects on the stability and life-supporting capacity of soil;
- (iv) Any benefits generated by the forestry in relation to carbon sequestration or reduction of greenhouse gases.
- (v) Any effects arising from harvesting
- (vi) Any effects, positive or negative, on water quantity and quality
- (vii) The mix of species
- (viii) The relationship of the activity with existing landforms and natural features including the methods necessary to maintain values associated with natural character, amenity and landscape including ridgelines and in particular Main Ridgelines identified on the Planning Maps.
- (ix) The extent to which the scale and extent of the proposed forestry may dominate the landscape, and in particular adversely affect the openness of the landscape or visually dominate an area of high natural values.
- (x) The extent to which the scale and extent of the proposed forestry may adversely affect amenity values, including any cumulative impact taking into consideration existing or consented tree planting on an adjoining site;
- (xi) The potential for planting to block views from formed legal roads and other public spaces.
- (xii) The effect of any tracking or roading required for forestry on landscape and amenity values, including visibility, scarring, the extent

- to which existing contours are followed and any measures that would assist in remedying or mitigating any adverse landscape effects;
- (xiii) Effects on indigenous vegetation and habitats of indigenous fauna, wetlands, ecological corridors and linkages including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992;
  - (xiv) Effects on ancestral lands of tangata whenua, water, sites, wahi tapu and other taonga;
  - (xv) Whether the site contains a recorded archaeological site, and whether the NZ Historic Places Trust are notified;
  - (xvi) Wilding plant prevention, minimisation and management measures;
  - (xvii) Setbacks from wetlands, rivers and waterbodies; and
  - (xviii) Setbacks from formed legal roads, existing residential dwellings and areas zoned for residential purposes to avoid, remedy or mitigate adverse effects arising from loss of sunlight.

## **6. Discretionary Activities** (Updated November 2010)

6.1 An application must be made for a discretionary activity for:

- any activity included in the lists of permitted activities, controlled activities or restricted discretionary activities which does not comply with one or more of the standards for such activities, except where otherwise stated.

6.2 An application must be made for a discretionary activity for the following where the proposal meets the standards set out in Rules 3 and 7.

- (a) Rural industries and services.
- (b) Factory farming.
- (c) Service stations.
- (d) Package sewage treatment plant.
- (e) Healthcare facilities and veterinary practices.
- (f) Relocated buildings.
- (g) Places of assembly.
- (h) Visitor facilities.
- (i) Community facilities.
- (j) Dwellings within an area shown on the Planning Maps as Rural Amenity Landscape where the following criteria are met:
  - The dwelling is located on a separate certificate of title no less than 1ha in area; and
  - A balance area which, in combination with the title created for the dwelling, does not comply with dwelling density standard 2.1, but is at least 4ha is legally defined, and subject to a covenant preventing the erection of any further dwellings on the total land area in perpetuity.

### 6.3 Quarrying

### 7. Additional Standards for all Restricted Discretionary and Discretionary Activities (Updated November 2010)

- 7.1 All associated vehicle parking is to be contained on the site.
- 7.2 All buildings, pens and other structures used to contain animals or birds for factory farming purposes, any associated composting area and any associated effluent disposal system (including any area upon which effluent is disposed) are to be situated at least:
- 1200 metres from the boundary of any site located in the adjoining Residential, Rural-Residential, Akaroa Hill Slopes, Small Settlement, Papakaianga, Recreation or Scenic Reserves, Open Space or Conservation Zones.
  - 250 metres from a Lakes Zone.
  - 250 metres from any existing dwelling on any adjoining property.
  - 20 metres from any boundary of the property on which they are sited.
- 7.3 Any areas for keeping animals or birds outdoors for factory farming purposes are to be fenced so that it is kept a minimum of 20 metres from any adjacent surface water body and all run off is to be prevented from entering such a water body.
- 7.4 Any package sewage treatment plant, including any effluent ponds, are to be established at least 300 metres from any Residential, Rural-Residential, Akaroa Hill Slopes, Small Settlement, Papakaianga, Lakes or Recreational Reserve Zone or at least 150 metres from any existing dwelling.
- 7.5 Buildings used for retail sales are to be set back a minimum distance of:
- 7.5.1 30 metres from any state highway; and
  - 7.5.2 15 metres from any other road boundary.
- 7.6 Any buildings located on sites created by subdivision occurring after 30 January 1997 must be located on a building platform identified on an approved plan of subdivision.

### 8. Assessment of Applications (Updated November 2010)

The consideration of Applications for Restricted Discretionary activities shall be limited to those following criteria which are concerned with the matters specified under Rules 5.1, 5.2 and 5.3.

Applications for Discretionary Activities shall be assessed but not exclusively against the following criteria as relevant to the proposal concerned.

- a) Openness of the Landscape
  - i. The extent to which a proposal may dominate or detract from a landscape characterised by open space, when viewed from a public road or public place. Consideration should be given to the ease of accessibility to that place and the significance of the viewing point.
- b) Visibility and Natural Character
  - i. The visibility of a proposal from a public road (including legal unformed road) or public place. Consideration should be given to the ease of accessibility to that place and the significance of that viewing point.  
The extent to which:
    - ii. natural elements within a site such a topography, ridges or terraces, and/or vegetation may assist in mitigation or containment of any adverse impacts created by a proposal on natural character and visibility.
    - iii. screening in the form of earthworks or new planting may assist in mitigation of adverse effects on natural character.
    - iv. a proposed building or structure may break the line and form of any ridges, hills or prominent slopes. Profile poles may assist to demonstrate the potential effect on the skyline.
    - v. any vegetation may act as a backdrop to mitigate the effect of any building against the sky line, and if that vegetation is protected from removal.
    - vi. a proposal may adversely affect the visual coherence, legibility and integrity of the landscape, taking into account existing and consented development, including zoning.
    - vii. the proposal will be visually prominent within an area which is characterised by high natural values.
    - viii. a proposal may adversely affect natural character through the creation of artificial or unnatural lines and structures or the introduction of new elements into the landscape which contrast with the natural character.
    - ix. the proposal may conform or detract from existing patterns in the landscape.
    - x. the capacity of the landscape to absorb further change, having regard to any existing development or land use within the landscape.
    - xi. where development has already occurred, the extent to which further development is likely to lead to further degradation of natural values or domestication of the landscape.
- c) Amenity Values  
The extent to which the proposal:
  - i. may adversely affect the amenity values of neighbouring properties
  - ii. may detract from the pleasantness, coherence, openness and attractiveness of a site.
  - iii. would be compatible with the appearance, layout and scale of other buildings in the surrounding locality.
  - iv. maintains or conforms with the mosaic character of the Rural Amenity Landscape, and in particular the existing pattern and scale of land use activities.
- d) Cumulative Effects

- i. The potential for the proposed activity and/or structure to create cumulative effects on the natural form of the landscape and landscape values.
  - ii. The significance of those effects over time on the landscape values and natural character of the locality and the District.
  - iii. The proximity of the proposed structure to other existing structures in the locality and the extent to which the proposed structure, when considered in combination, may contribute to a loss of rural amenity values.
- e) Cultural Values
- i. The extent to which the activity modifies or damages Waahi Tapu, Waahi Taoka, and whether Tangata Whenua have been consulted.
  - ii. The extent to which the proposal may affect Ngai Tahu's cultural and traditional association with a Statutory Acknowledgement Area.
  - iii. Whether the site contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- f) Removal of Indigenous Vegetation
- i. The extent to which the loss of indigenous vegetation will adversely affect:
    - the overall natural character of an area;
    - landscape values of an area;
    - indigenous ecosystem integrity and function;
    - cultural values;
    - natural character associated with a water body.
- g) Buildings and Structures
- i. Consideration of the scale, form, location and external finish, design and colour of any structure and the impact on coherence of landscape character or pattern of natural features such as indigenous vegetation, coastal escarpments, ridges etc.
  - ii. The nature and extent of existing development within the vicinity or locality.
  - iii. Whether or not the proposal is likely to lead to the introduction of elements into the landscape, inconsistent with rural amenity values.
  - iv. The extent to which the number of dwelling or the building coverage on a site would visually dominate or contrast with existing character and amenity values.
  - v. The need for any increased building height in order to undertake the proposed activity.
  - vi. The extent to which increased building height may detract from views and outlook from adjoining properties or from public roads and places.
  - vii. The benefits that may be obtained from clustering of buildings within the landscape.
  - viii. Consideration of and the extent to which any buildings or structures conform with design guidelines for the Banks Peninsula landscape.
- h) Opportunities for Benefits
- i. The extent to which the proposal may protect, maintain or enhance any ecosystems or outstanding natural features.
  - ii. The extent to which the proposal may create opportunities to protect open space from further development.
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- iii. The extent to which the proposal may provide an opportunity to remedy or mitigate an existing adverse effect by modifying, mitigating or removing existing structures or developments.
  - iv. The extent to which the proposal creates opportunity to protect the natural character and nature conservation values of any lake, river, wetland or stream.
  - v. The use of any restrictive covenants, easements or other legal instrument to realise any positive effects of protection or enhancement and/or to ensure potential future effects, including cumulative effects are avoided.
  - vi. The extent to which the proposal avoids fragmentation of the landscape and allows for the physical and visual connections between natural features and elements.
  - vii. Whether the proposal is necessary or desirable to achieve a permitted or appropriate use of maintenance of the land.
  - viii. The extent to which opportunity has been taken to cluster built development in areas of existing built development with a higher potential to absorb development while retaining areas which are more sensitive to change.
- i) Other
- i. Design and location of site access and parking (if required).
  - ii. The relevant objectives and policies of the Rural Zone (Chapter 19), Outstanding Natural Features and Landscape (Chapter 13) and Coastal Environment (Chapter 12).
  - iii. The degree to which any proposed building is consistent with the matters set out in the building guidelines in Appendix VIII.
  - iv. The location, extent and species of tree planting.
  - v. The location of vehicle accessways.
  - vi. The fencing of land and other methods to secure environmental protection or enhancement of any area.
  - vii. Hydrological effects (availability of water, seasonal variations and water quality).
  - viii. The potential for shading and icing of roads and neighbouring property.
  - ix. The location and the routing of any vehicle track.
  - x. Any other objectives and Policies of the Plan which are relevant to consideration of the application.
  - xi. The guidelines in the Plan.
  - xii. Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).
  - xiii. The environmental benefits of clustering buildings as opposed to separation.
  - xiv. Whether, and to what extent the community benefits by the applicant taking effective and appropriate steps to preserve in perpetuity significant indigenous vegetation, outstanding natural features and landscapes, coastal natural character landscapes, or sites of natural, scientific or cultural significance, and in which case that benefit is to be taken into account by the Council whether or not such preservation took place on the land the subject of the application or

any other closely related land under the control of the applicant at that time. The degree of benefit (environmental merit) can be influenced (but not determined) by the extent to which the new site is in the same locality or community of interest as the site on which the significant indigenous vegetation, outstanding natural feature and landscape, or site of natural, scientific or cultural significance has been preserved.

- xv. The degree to which they are detrimental to any Area of Significant Natural Value or Area of High Natural, Physical, Heritage or Cultural Value shown in the Regional Coastal Environment Plan.
- xvi. The effects on indigenous vegetation, and indigenous habitats of fauna, wetlands, ecological corridors and linkages including those areas referred to in the Banks Peninsula Ecological Region Protected Natural Areas Programme Survey Report No 21, 1992
- xvii. For forestry, the management methods proposed, and any potential impact on infrastructure resources and public safety by relevant transport arrangements at times of harvesting of any forestry plantation.
- xviii. For forestry, the potential effects of afforestation or harvesting activity on the ancestral lands of the tangata whenua, water, sites, wahi tapu and other taonga.
- xix. The effect on habitats which are significant for the survival of threatened animal species in Appendix XX.

## **9. Non-Complying Activities** (Updated November 2010)

### 9.1 Clearance of significant indigenous vegetation except

- Minor trimming or disturbance (i.e. the removal of branches from trees/shrubs and removal of seedlings/saplings) of significant indigenous vegetation within 2 metres of existing fences, existing vehicles tracks, existing buildings, and existing utilities; within the legal formed roads; and in the course of removing declared weed pests.
- Where the clearance is carried out on an area of improved pasture for pastoral farming purposes.
- for conservation activities.

9.2 Where properties adjoin the foreshore road between Governors Bay Jetty and Church Lane and also join another legal road, any vehicle access from the foreshore road is a non-complying activity.

9.3 Dwellings within those areas shown as Rural Amenity Landscape on the Planning Maps on a separate certificate of title less than 4ha unless provided for as a controlled or discretionary activity in respect to Rules 4.1(c) or 6.2(i) above.

9.4 All buildings within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape and not provided for as a Controlled or a Restricted Discretionary Activity.

- 9.5 Forestry within an area shown on the Planning Maps as an Outstanding Natural or Coastal Natural Character Landscape.
- 9.6 Any activity contained in Rule 6.2 which does not comply with the standards set out in Rules 3 and 7.
- 9.7 Within the area identified as the Port Environs Overlay Area, the erection of any dwellings, residential units, visitor accommodation, or healthcare facilities shall be a non-complying activity.
- 9.8 The construction of any dwelling or the establishment of any forestry within 25 metres (measured horizontally) either side of the ridgeline of land between Cass and Corsair Bay, the location and extent of that ridgeline being as shown on Planning Map S3.
- 9.9 Heli-landing areas located within 450m from any Rural-Residential, Small Settlement, Papakaianga, Akaroa Hillslopes, Residential, Residential Conservation or Town Centre Zone.  
Except that this rule shall not apply to heli-landing areas on sites greater than 3000m<sup>2</sup> where all of the following conditions are met:
- (a) The number of flights do not exceed 12 (24 movements) in any calendar year;
  - (b) The flights (movements) do not take place on more than five days in any one month period;
  - (c) The flights (movements) do not exceed three in any one week;
  - (d) Any movements shall only occur between 8.00am and 6.00pm;
  - (e) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
  - (f) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.
- 9.10 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.



**ANTICIPATED ENVIRONMENTAL RESULTS** (Updated April 2007)

<b>Anticipated Environmental Result</b>	<b>Monitoring Indicator</b>	<b>Information</b>
Protection of natural character of the coastal environment by the confinement of urban and other development to within the present boundaries of the existing settlements or to areas where similar types of development exist already	Extent of settlements and other developments.  Subdivision within the coastal environment	BPDC resource consent records
Sites of significant indigenous vegetation and significant habitats of indigenous fauna within the Banks Peninsula environment are protected or restored and rehabilitated	Loss of or changes to sites of significant indigenous vegetation and indigenous fauna	CCC monitoring
Maintained or enhanced access to the Coastal Marine Area	Access provision Changes to the vegetation cover wildlife soil stability	Public survey BPDC Resource records
Use and development of the coastal environment that avoids or mitigates degradation of its natural character	Vegetation cover soil stability  Recreational use	BPDC monitoring surveys Aerial photos BPDC resource records
A standard of water quality in the coastal environment that allows continued access to the sustained social, cultural, recreational and economic values of the Zone	Water quality	Canterbury Regional Council Survey Runanga
Natural character is maintained as the dominant element in the Areas of Outstanding Natural Features and Landscape	Resident's perceptions of naturalness Area of indigenous vegetation	Survey Consents Aerial photographs
No buildings or structures are conspicuous on prominent features of the Areas of Outstanding Landscape	No structures on or near prominent ridges that can be seen from the Akaroa and Lyttelton harbour basins	Landscape photographs from defined points Consents
The life-supporting capacity of land, water and air is maintained and enhanced	Soil health Water quality Ambient air quality	Canterbury Regional Council monitoring BPDC water quality testing Crown Research Institutes
Rural character is retained	Population density by area Land use change Noise levels Traffic counts	Community perception Land use analysis Noise surveys Traffic count surveys Complaints register
Avoidance of dwellings or other activities within the Port Environs Overlay Area, which may be sensitive to the operation, use or development of Lyttelton Port.	Extent of development within the Port Environs Overlay Area.	Resource consent records.

**REFERENCE TO OTHER PROVISIONS**

- 12 The Coastal Environment
- 13 Outstanding Natural Features and Landscapes
- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserve Zone
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading
- 36 Utilities
- 38 Natural Hazards