

Appendix 1: Operative Selwyn District Plan Provisions

B1.4 OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ISSUE

- **Activities which damage or destroy the values of Areas of Outstanding Natural Features and Landscapes, or views of these areas and features.**

Introduction

Part of promoting the sustainable management of natural and physical resources is recognising and protecting:

Outstanding natural features and landscapes from inappropriate subdivision, use and development" (section 6(b)).

The Act does not state how to identify or measure "outstanding" or "inappropriate". These matters must be determined in the District Plan. This section describes the 'outstanding landscapes' in the District, explains how these areas were identified, and provides for appropriate uses in these areas.

Identifying Outstanding Landscapes and Appropriate Uses

Identifying outstanding landscapes involves making qualitative judgements about landforms. It can be subjective, because it relies on opinions about attractiveness. To identify any areas of outstanding natural features and landscapes within the Selwyn District, the District was divided into five geomorphic areas:

- Port Hills
- Canterbury Plains
- Te Waihora/Lake Ellesmere
- Malvern Hills
- High Country

A 'shared values' approach was adopted. The Council consulted with residents, landowners, occupiers, Tāngata whenua and interest groups about any areas or natural features which they considered to be outstanding in each geomorphic area. The participants then identified activities which they thought had effects which were appropriate and inappropriate within these outstanding areas or natural features. The discussions were facilitated by a professional landscape architect, and form the basis of the policies and rules in this plan. Throughout this process the Canterbury Plains were identified as special, but did not meet the rigorous test that section 6(b) requires when determining landscapes are "outstanding".

Issues with Outstanding Natural Features and Landscapes

Selwyn District has a low level of population relative to land area and the predominant land uses are rural. It also has some spectacular geomorphic features, for example: the Waimakariri and Rakaia Rivers; Te Waihora/Lake Ellesmere; the Southern Alps/Kā Tiritiri o te Moana; and part of the Port Hills. While the landscapes in the District are predominantly rural, most have been modified by human activities (excepting Arthur's Pass National Park and some reserves). A landscape does not need to be naturally pristine to be outstanding, however a degree of naturalness is required. If a landscape has been modified by human activities and is still regarded as outstanding, then it must follow that:

- The uses which gave rise to the current landscape may be appropriate uses in that area.
- Some change to that landscape may be able to occur while maintaining its landscape values.
- The land within the area of outstanding landscape may have other uses and values.

Many of the areas identified as Areas of Outstanding Natural Features and Landscapes within the District are owned or leased by private individuals. Unless this land is to be purchased and held for conservation or preservation purposes, then some provision needs to be included in the District Plan to enable landholders and occupiers to continue and to diversify their activities. Part of promoting sustainable management is

"enabling people and communities to provide for their economic, social and cultural well-being..."(section 5(2)).

This section of the Plan deals specifically with Areas of Outstanding Natural Features and Landscapes. The policies also recognise the role of the surrounding rural area in providing a backdrop to Areas of Outstanding Landscape, and therefore, the importance of maintaining the visual character of the rural area, generally. The natural character of lakes, rivers and wetlands is addressed in Section B1.3 – Water. Provisions to manage residential density in the rural area are contained in Section B4.1 – Residential Density and Subdivision in the Rural Area.

Port Hills

Part of the Port Hills from Early Valley in the north, to Motukarara in the south and to the summit, is in the Selwyn District.

The Port Hills has long been appreciated for its landscape values, the views from the summit, and as an area for outdoor recreation in close proximity to Christchurch. The Port Hills are identified in the Canterbury Regional Landscape Study for their historical significance, the expressiveness of the formation, and distinctiveness.

The Port Hills contain many sites and areas of landscape significance and other values to Tāngata whenua. In particular, the rock outcrops such as Cooper's Knob which form the Ring of Seven Ladies, the summit and ridges. Other shared values identified through the consultation process, include:

- The predominance of landforms such as volcanic dykes, rocky outcrops such as Cooper's Knob and Gibraltar Rock and ridgelines.
- Absence of houses and other buildings and structures, especially on the upper slopes and ridgelines.
- Panoramic views across the Plains and Te Waihora/Lake Ellesmere, particularly from the Summit Rd.
- The way the landscape changes with seasons, time of day, and different land uses and vegetation cover.
- The image of barren and windswept land created by the tussocklands and weather patterns.

Most land on the Port Hills in Selwyn District, has been used for pastoral farming since European settlement. Increasingly land uses are diversifying, including residential development, outdoor recreation and exotic plantations. All these uses may be appropriate or inappropriate, depending on the scale, location and design of buildings and associated infrastructure; or the location and design of plantations and rehabilitation of sites once plantations are harvested.

Te Waihora/Lake Ellesmere

Te Waihora/Lake Ellesmere is an outstanding natural feature. It is a wetland of international importance and an area of immense cultural significance to Ngāi Tahu (see Part A, Section 4.5, Part B Section 1.3 Water and Section 3.3 Cultural and Heritage Values). The lake itself has been extensively modified as eighty-one percent of the original wetlands have been drained for agricultural uses. Despite modifications, the area is highly valued as a habitat for birds with over 144 species on the lake and its surrounds, and a valuable Mahinga Kai.

Tāngata whenua have identified the following outstanding landscape values of Te Waihora/Lake Ellesmere:

- The lake and its margins.
- The surrounding springs and wetlands, such as Coopers Lagoon/Muriwai, Greenpark Sands, Harts Creek and the shingle beach from Rakaia River to Kaitorete Spit.
- A rock outcrop at Motukarara which once formed an island within Te Waihora/Lake Ellesmere

The views across Te Waihora/Lake Ellesmere to the Canterbury Plains and Southern Alps/Kā Tiritiri o te Moana, and the views from the lake margins across the water, were identified as an Outstanding Landscape in the Council's public consultation process.

Activities which are most likely to affect the outstanding landscape values of Te Waihora/Lake Ellesmere are:

- Trees planted or buildings and structures located in the margins of the lake.
- Structures which are fixed to the bed of the lake and protrude above the surface of the water or structures located across the surface of the water.
- Effects of drainage works.

Section B1.3 contains policies and methods to manage effects of tree planting, buildings and structures in the margins of lakes; and structures across the surface of water. Structures erected on the bed of any lake or river are managed under section 13 of the Act.

Malvern Hills

The Malvern Hills area is shown on the planning maps. It includes all foothills between 250 to 1500 metres above mean sea level. The area is characterised by a mix of landforms, rolling hills and downs, higher peaks, rock outcrops, bush remnants and waterbodies.

The landscape is predominantly a pastoral one, with increasing areas in exotic plantations and the small settlements of Whitecliffs, Glentunnel, Coalgate, Hororata, and Springfield.

The outstanding natural features and landscapes in the Malvern Hills which have been identified in the shared values approach are:

- The skylines and upper slopes of the Russell Range and the south face of Flagpole.
- The ridge from Mt Misery to Windwhistle – Rockwood Range.
- The rocky outcrops at Glenroy.

Tāngata whenua have also identified the skylines and ridgelines of hills and mountains as being of significant landscape value

to them. Mountains and hills are part of the whakapapa of Tāngata whenua, and locating structures and buildings so they protrude above skylines and ridgelines is inappropriate.

The activities most likely to affect the landscape values in the Malvern Hills are:

- Structures or buildings located on the summit of the higher hills or located so they protrude into the skyline.
- Trees planted so they screen the rocky outcrops at Glenroy.
- Trees or large buildings or structures on the Russell Range, the south face of Flagpole or the ridge of the Rockwood Range.
- Earthworks, including mining and roads.

High Country

The landscape of the high country is characterised by the grand scale of its geomorphic features: mountains, river valleys, basins; and by the ecological values of the area: lakes, tarns, wetlands and tussocklands. The high country has areas with significant ecological values and landscape values because of the low intensity of human occupation and modification compared with other areas in the District.

The high country is a very romantic part of New Zealand's identity and culture. It is recorded in writings, paintings and songs, and is used to advertise and promote New Zealand and New Zealand products.

The high country also has important landscape values for Tāngata whenua. The area contains Mahinga Kai Sites, Silent File Areas (see Section B3.3) and important landmarks, for example: Fighting Hill, Woolshed Hill, Prebble Hill, Gorge Hill and Flock Hill. Three areas of Statutory Acknowledgement in the Ngāi Tahu Claims Settlement Act 1998 are also located in the high country: Moana Rua/Lake Pearson, Whakamataua/Lake Coleridge and Kura Tawhiti/Castle Hill.

The high country can be split into four basic land types:

- National Park, reserves and other conservation areas which are managed principally for their ecological and recreational values. (Arthur's Pass National Park includes houses and buildings belonging to the Department of Conservation adjoining Arthur's Pass Village and includes the historic Aniwaniwa Cottage).
- Unimproved or slightly improved run areas which are lightly grazed.
- More intensely farmed areas, with improved pasture, exotic forestry, farm homesteads and buildings and other characteristics typical of rural areas.
- Settlements and holiday homes, including the three villages at Arthur's Pass; Castle Hill; and Lake Coleridge.

The Areas of Outstanding Natural Features and Landscapes identified in the high country using the shared values approach, encompass large areas of unimproved or lightly improved runs, lakes and river valleys, some basin lands and the National Park and conservation areas.

Some of these areas are pristine natural landscapes, e.g. Arthur's Pass National Park. Most, however, are landscapes which have been modified by human activities, particularly pastoralism. Outdoor recreational activities are also popular in most of these areas. These areas contain features such as improved pasture, small-scale earthworks associated with tracks and fence lines, and small structures such as stock fences, water supplies, tramping huts and ski tows. These activities and features are part of the Areas of Outstanding Landscape now, and are appropriate uses of these areas.

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscapes in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic plantations. Large structures and buildings have the potential to alter the sense of remoteness from

people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. Exotic plantations can alter the predominant vegetation cover from brown tussocklands, which is a hallmark of the Canterbury High Country landscape. The Plan policies encourage these activities to occur on land which is outside the Areas of Outstanding Natural Features and Landscapes in the high country. The policies recognise exceptional circumstances where large structures or buildings, houses (outside existing building nodes), large scale commercial buildings, industrial developments or exotic plantations may be necessary or appropriate uses in the Areas of Outstanding Natural Features and Landscapes. Porters Ski and Recreation Area is one such exception, where the policies provide for large-scale but concentrated development that will be carefully designed to complement the Outstanding Landscape it is located in.

Large-scale earthworks are not ideal uses of land in the Areas of Outstanding Landscape. However, these activities need to locate where there are appropriate mineral deposits and sites within Areas of Outstanding Landscapes are worked for shingle and limestone now. The Plan policies allow for large-scale earthworks in the Areas of Outstanding Landscape (subject to a resource consent) provided the visual effects of these operations can be minimised, and the site is appropriately rehabilitated.

That part of the high country which is not identified as an Area of Outstanding Landscape is managed the in a similar way as the rest of the Rural zone. The Plan policies recognise the role of this area in providing a backdrop to the Areas of Outstanding Landscape and seek to maintain its rural character. This is achieved through managing density of settlement, site coverage and reflectivity of buildings, and the design and siting of plantations, particularly on slopes. The landscape values of lakes, rivers and their margins are managed through policies in Section B1.3- Water. The spread of wilding trees is managed through policies in Section B1.2 – Indigenous Vegetation and Wilding Tree Spread, Ecosystems, Vegetation and Habitat.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues with outstanding natural features and landscapes in the rural area:

- Policies to identify the outstanding natural features and landscapes in the District.
- Policies and rules manage inappropriate uses in these areas.
- Policies and rules to maintain the rural character of the Rural zone outside the Areas of Outstanding Landscapes.
- A policy gives the Council discretion to waive all or part of the costs of resource consents for activities in Areas of Outstanding Landscapes to help “balance” private costs and community benefits.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES – OBJECTIVES

Objective B1.4.1

The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social well-being.

Explanation and Reasons

Part of promoting sustainable management of natural and physical resources is recognising and protecting Areas of Outstanding Natural Features and Landscapes (section 6(b)). Many of the Areas of Outstanding Natural Features and Landscapes are on properties which are owned or leased for farming or other purposes. Part of promoting sustainable management is:

Enabling people and communities to provide for their social, economic and cultural well being... (section 5(2)).

Unless Areas of Outstanding Natural Features and Landscapes are going to be purchased by the Crown or by the community for conservation or protection, it is essential that landholders and occupiers are able to continue their existing land uses and to be able to diversify into other activities. This may mean further changes to vegetation cover and new structures or earthworks.

Objective B1.4.1 is achieved through policies which:

- Identify the Areas of Outstanding Natural Features and Landscapes in the District.
- Allow activities that will have complementary or only minor effects on the landscape values of these areas.
- Recognise the surrounding rural area as a backdrop to these Areas of Outstanding Natural Features and Landscapes; and have conditions by which activities are permitted (no resource consent needed) to help maintain the character of the surrounding area.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — POLICIES AND METHODS

DISTRICT WIDE

Policy B1.4.1

Provide for the mix of physical and natural elements that are often contained in Outstanding Natural Features and Landscapes to continue.

Policy B1.4.2

Recognise that landscapes will change over time and allow changes to landscapes provided that they complement the landscape and retain its core values.

Policy B1.4.3

Control the effects of clearance of indigenous vegetation in the Outstanding Landscape Areas and encourage the restoration and enhancement of indigenous vegetation generally, and the mitigation of practices which are adversely impacting on indigenous vegetation cover.

Explanation and Reasons

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Porters Ski and Recreation Area. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country.

Policy B1.4.2 recognises that most landscapes change naturally over time. Climate, geomorphic processes and biological processes can change the appearance of a landscape over time. Landscapes can also change temporarily with seasons or time of the day. Changes are an integral part of landscapes and protecting Areas of Outstanding Natural Features and Landscapes does not mean freezing them in time. Changes should be allowed, provided that these changes maintain the fundamental values of the landscape and fit with the character of the area.

Policies B1.4.1, B1.4.2 and B1.4.3 apply generally throughout the District. They are complemented by specific policies to manage each Area of Outstanding Landscape in the District.

Methods

District Plan Policies

- Outstanding Landscapes

District Plan Rules

- Earthworks
- Tree Planting
- Buildings
- Structures and Other Utilities
- Subdivision

- Indigenous Vegetation Clearance

Policy B1.4.4

To use discretion to waive all or part of resource consent processing fees for activities in Areas of Outstanding Natural Features and Landscapes, where:

- (a) The proposed activity would not otherwise require a resource consent; and
- (b) The proposed activity will maintain or enhance the landscape values of the area.

Explanation and Reasons

The Council has discretion to waive all or part of the charges for processing resource consent applications. Policy B1.4.4 indicates that the Council may do so for resource consent applications for activities in Areas of Outstanding Natural Features and Landscapes. The rules in Areas of Outstanding Landscape can impose private costs on landholders and occupiers, for a public or general benefit. Remitting resource consent fees is a way of reducing those private costs.

The policy has two conditions. Firstly, the application must be for an activity which would not need a resource consent if the site was not in an Area of Outstanding Landscape. Secondly, the proposed activity must be one that will maintain or enhance the landscape values of the area. The Council does not believe that general rates should cover the costs of processing resource consent applications for activities that will not maintain the landscape values of the area (and are likely to be declined anyway). Policy B1.4.4 is similar to policies for landholders and occupiers with heritage or cultural sites on their properties (see Policy B3.3.9).

Method

District Plan Rules

- Waive or reduce resource consent processing fees

PORT HILLS

Policy B1.4.5

Recognise the Port Hills as an Area of Outstanding Natural Landscape, and protect the following features:

- (a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.
- (b) The summit and its outcrops such as Gibraltar Rock, and Cooper's Knob, which form part of the 'Ring of Seven Ladies.'

Policy B1.4.6

Avoid locating any dwelling, any other large structure or building, or any exotic plantation, shelterbelt or amenity planting in the area from 30.46m vertically below the Summit Rd to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.

Policy B1.4.7

Restrict subdivision and development of land for residential purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).

Policy B1.4.8

Keep residential density and site coverage with buildings at a low level which maintains the predominance of vegetation cover and the sense of low levels of human occupation and building development, which are characteristic of the Port Hills in Selwyn District.

Policy B1.4.9

Ensure any building or structure erected on the Port Hills and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which:

- Blend in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and
- Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.

Policy B1.4.10

Recognise exotic plantations as part of the land uses on the Port Hills and, wherever practical, encourage these plantations to be:

- (a) Planted in patterns which reflect the contours of the landscape;
- (b) Planted in places which do not screen the visibility of the landforms listed in Policy B1.4.5 as viewed from any public road; and
- (c) Interspersed with other land uses and vegetation cover.

Policy B1.4.11

Avoid, remedy or mitigate adverse visual effects associated with earthworks in the Port Hills Area by ensuring that:

- (a) Earthworks are limited in volume; and
- (b) The site is, to the greatest extent practicable, recontoured and replanted to the same state as surrounding land either when earthworks cease or at the end of appropriate stages (in the case of a large-scale operation).

Explanation and Reasons

The Port Hills area within Selwyn District has been identified as an Area of Outstanding Landscape. This classification reflects a combination of the geomorphology of the Port Hills (its volcanic origins), its prominent position as a backdrop to the Plains and to Christchurch City, and the predominantly rural land uses on the Port Hills within Selwyn District. The rural land uses help maintain the visibility of geomorphic features such as ridges, spurs, dykes and outcrops, and help make the area popular for outdoor recreation. The Port Hills also has significant landscape values for Tāngata whenua, particularly the summit and rocky outcrops, ridges and spurs. Gibraltar Rock and Cooper's Knob form part of a ring of rocky outcrops known by local Rūnanga as The Ring of Seven Ladies.

Policy B1.4.5 identifies the Port Hills as an Area of Outstanding Landscape and lists those features of the Port Hills which contribute most to these values. Policies B1.4.6 to B1.4.11 describe the activities and effects which are appropriate and inappropriate to maintain the landscape values of the Port Hills.

The Port Hills is not a pristine natural landscape. Māori and Europeans have occupied the area and vegetation cover has been modified for cultivation and pastoral farming. More recently, land uses have diversified to include residential developments with a rural lifestyle, outdoor recreation and exotic plantations. Policies B1.4.6 to B1.4.11 recognise that all these activities may be appropriate or inappropriate on the Port Hills, depending on the number, scale and nature of these activities. The policies address effects of erecting houses (dwellings), other large structures or buildings, earthworks and tree planting.

Policy B1.4.6 recognises and protects the special landscape values of the summit of the Port Hills. The area between the Summit Road and the summit is the most visible part of the Port Hills landscape from the Plains and Christchurch. It is an area which is much used for recreation. The summit and ridgelines are important landforms for Tāngata whenua. Mountains and hills are part of their ancestry or whakapapa, and erecting structures on the summit of a hill or mountain is inappropriate. Policy B1.4.6 does not allow for large structures, buildings or exotic plantations in that area from 30.46 metres vertically below the Summit Road to the summit. This policy reflects the tenor of the Summit Road (Canterbury) Protection Act 2001, but acknowledges, as does that Act, that there may be circumstances in which exceptions are appropriate.

Policies B1.4.7, B1.4.8 and B1.4.9 deal with effects of buildings and structures on the Port Hills, generally. Policies B1.4.7 and B1.4.8 acknowledge that there will be a demand for subdivision and erecting houses (dwellings) within the Port Hills in the future. Policy B1.4.7 recognises that this activity may more appropriately occur in that area shown on the planning maps as the Lower Slopes (the area below the 160m contour). The Lower Slopes is an area slightly less prized for its recreational and landscape values than the Upper Slopes (the area above the 160m contour). Residential subdivision and development on the Port Hills within the Christchurch City has occurred largely below that contour. The policy does recognise that there may be some sites in the Upper Slopes where the visual effects of erecting a dwelling may be minor. The rules are tougher in this area, and allow for public notification of any resource consent application.

While there is some scope for further subdivision for residential purposes on the Port Hills, Policy B1.4.8 seeks to keep residential density and building site coverage generally, at a low level. The current low level of building development on the Port Hills in Selwyn District is a major contributor to its landscape and recreational values. Policy B1.4.8 should be read in conjunction with Policy B4.1.1, which sets a residential density standard for the Port Hills.

Policy B1.4.9 is to manage the design and siting of all large buildings and structures on the Port Hills to try and mitigate adverse visual effects. Policy B1.4.9 is not intended to prevent houses and other buildings from being erected on the Port Hills, provided they are designed and sited in sympathy with the surrounding landscape. The policy relates to both buildings and any associated access, utilities and infrastructure. Often roads or vehicular accessways, power pylons and similar features can have a greater visual effect on the landscape than the building they serve. The policy is implemented by a rule which manages the reflectance value of the exterior finish of buildings. The reflectivity of a surface can determine how prominent a structure or building looks, more so than hue or colour. In some cases, a finish with a high reflectance value may be appropriate, for example, where the building is screened or the material is a natural stone which is appropriate for the area.

Policy B1.4.10 applies to planting of exotic plantations on the Port Hills. As with Policy B1.4.9, Policy B1.4.10 is not intended to prevent exotic plantations on the Port Hills. Rather the policy is to manage the location and pattern of planting to reduce the visual effects of the plantation on landscape values. In particular, the policy encourages plantations to be planted in patterns that follow landforms, rather than rectangular shapes which cut across or dominate landforms, and in patterns which do not screen prominent features listed in Policy B1.4.5. Policy B1.4.10 does recognise that these patterns of planting may not always be practical to achieve, eg where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.11 manages the effects of earthworks in the Port Hills Area. Earthworks have the potential adversely to affect the outstanding natural landscape values of the Port Hills as well as having impacts upon land stability, sedimentation, soil productivity and habitats. District Plan provisions will ensure that effects on landscape values are avoided, remedied or mitigated by limiting the volume of earthworks and requiring site rehabilitation where appropriate. The 'Land and Vegetation Management Plan – Part II: Earthworks and Vegetation Clearance on the Port Hills', administered by the Canterbury Regional Council, contains specific provisions to manage those effects of earthworks that have to do with soil conservation and the use or diversion of water – in particular those pertaining to slope stability, soil erosion, sedimentation, water quality and alterations to watercourses. Additional consents may be required from that Council.

Methods

CANTERBURY PLAINS AND TE WAIHORA/LAKE ELLESMERE

Policy B1.4.12

Recognise that the land between the Christchurch City and a line extending from West Melton to Tai Tapu is identified in the RPS as providing a significant 'rural' landscape in contrast with the 'urban' landscape of the City.

Explanation and Reasons

Objective 3 and Policy 5 of Chapter 12 of the RPS identify land lying between Christchurch City and a line from West Melton to Tai Tapu as a 'rural' landscape that provides an important contrast to the 'urban' landscape of the City. The RPS states that this land should remain in "rural or recreational" uses.

There are a number of townships within and bordering the area so identified in the RPS. Policies in this volume dealing with residential density and the growth of townships and policies in the Townships volume on township growth are relevant to this issue. These are relevant matters to be considered in any plan change that seeks to rezone land within or bordering on the identified area for Living or Business purposes.

Policy B1.4.13

- (a) Recognise Te Waihora/Lake Ellesmere and its margins as an Outstanding Natural Feature; and
- (b) Ensure that any structures, earthworks or tree planting located along the margins of the lake, or any structure located across the surface of the lake do not detract from its natural character or the views across the lake or from the lake across the Plains; and
- (c) Control the clearance of existing areas of indigenous vegetation and wetlands, and encourage the restoration and enhancement of these areas in and around the vicinity of the lake.

Policy B1.4.14

Avoid locating any structure or removing rock from the rocky outcrop at Motukarara which is shown on the planning maps as a landmark for Tāngata whenua.

Explanation and Reasons

Te Waihora/Lake Ellesmere is an Outstanding Natural Feature and the views from the lake across the Plains and from the lake edge across the water, have been identified as Outstanding Landscapes in the shared values approach for the District Plan. Te Waihora/Lake Ellesmere and its surrounding wetlands is a site of immense cultural importance to Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga. Maintaining or enhancing the natural character of the lake and its margins is important to local Rūnanga.

Policies B1.4.13 (a) and (b) recognise these values and manages the activities which are most likely to affect them, structures and tree planting in the margins of the lake and structures extending across the surface of the lake. Policies B1.4.13 (a) and (b) do not prevent these activities from occurring, provided they are appropriately designed and sited to maintain the natural character of the lake and these views. Policies B1.4.13 (a) and (b) should be read in conjunction with policies in Part B Section 1.3 – Water, to maintain the natural character of waterbodies. The policy is implemented by District Plan rules for activities in the margins of waterbody and structures which extend across the surface of waterbodies. Section 13 of the RMA controls structures in the beds of lakes and rivers.

Policy B1.4.13 (c) recognises the importance of indigenous vegetation and wetlands to the ecosystem functioning and natural character of the Lake. Policy B1.4.13 (c) should be read in conjunction with the policies in Part B, Section 1.2 Vegetation and Ecosystems.

Policy B1.4.14 applies to a site which has been identified as a landmark of significance to Te Taumutu Rūnanga. The rocky outcrop at Motukarara once formed an island within Te Waihora/Lake Ellesmere. The quarrying or removal of rock from this feature or erecting any structure on this feature is an inappropriate use.

Methods

District Plan Policies

- Riparian margins

District Plan Rules

MALVERN HILLS

Policy B1.4.15

Recognise the following Areas of Outstanding Landscape and Outstanding Natural Features within the Malvern Hills area, as shown on the Planning Maps:

- **The upper slopes of the Russell Range;**
- **The south face of Flagpole Hill;**
- **The ridge of the Rockwood Range;**
- **The rock outcrops at Glenroy.**

Policy B1.4.16

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the Malvern Hills, unless the building or structure must be located in that area.

Policy B1.4.17

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.16:

- **Ensure the building or structure and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which minimise the visual effects on the landscape.**

Policy B1.4.18

Avoid locating plantations (exotic or indigenous) in the Areas of Outstanding Landscape in the Malvern Hills, unless it is the only practical option to manage soil erosion or the spread of plant pests on that land.

Policy B1.4.19

If a plantation is planted under Policy B1.4.18, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.20

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes by ensuring that:

- **Earthworks are limited in volume; and**
- **The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.**

Explanation and Reasons

The Malvern Hills is used in the Plan to describe the foothills. The area is shown on the planning maps. It comprises both rolling downs and higher peaks. Policy B1.4.15 identifies the Areas of Outstanding Natural Features and Landscapes within the Malvern Hills, identified through the 'shared values' approach for the District Plan. There are also sites within the Malvern Hills which have significant landscape values for Tāngata whenua, including the south face of Flagpole Hill. Mountains and hills generally are important landscape features for Tāngata whenua. They are part of the ancestry of Tāngata whenua, their whakapapa, and erecting structures on the hilltops or the summit of mountains is inappropriate.

Policies B1.4.16 to B1.4.20 manage activities within the Areas of Outstanding Landscape.

Policy B1.4.16 manages houses (dwellings) and other large buildings and structures. These objects should be avoided in Areas of Outstanding Landscape unless the building or structure must be located in that area, that is, there is no alternative site where it can be located and serve its purpose. Where a building or structure must be located in the Area of Outstanding Landscape, Policy B1.4.17 requires the building and any associated access, utilities or other infrastructure, to be designed and sited to mitigate any adverse visual effects. The policy applies to associated activities such as access and infrastructure because roads, power pylons or other utilities can have greater visual effects than the building or structure they serve. Policy B1.4.16 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.18 applies to plantations. Plantation forestry (exotic or indigenous) should be avoided in the Areas of Outstanding Landscapes in the Malvern Hills. These areas are valued for the prominence and visibility of the landforms, which are likely to be adversely affected if the area is planted in trees and these landforms are no longer visible. Policy B1.4.18 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of plant pests in these areas.

Policy B1.4.20 manages earthworks in Areas of Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary in Areas of Outstanding Natural Features and Landscapes. In addition, the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where large-scale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

HIGH COUNTRY

Policy B1.4.21

Recognise and protect the Areas of Outstanding Landscape in the high country, shown on the Planning Maps, and the following Outstanding Natural Features and sites with landscape significance to Tāngata whenua:

- Moana Rua/Lake Pearson and St Bernard Hill
- Ribbonwood Fan
- Red Hill and Red Lakes
- Torlesse Range
- Fighting Hill
- Woolshed Hill
- Gorge Hill, Prebble Hill and Flock Hill formation
- Castle Hill.

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are shown on the planning maps. They encompass large areas of unimproved or lightly improved tussocklands, conversation areas, lakes, wetlands, river valleys, areas with unusual geomorphic features and areas which have landmark or other cultural significance to Tāngata whenua. The areas listed in Policy B1.4.21 are all included within the Areas of Outstanding Landscape, but have been listed in the policy to highlight that they have other significant values too. Moana Rua/Lake Pearson and St Bernard Hill, the Ribbonwood Fan, Red Hill and Red Lakes and the Torlesse Range were all identified as Outstanding Natural Features, using the shared values approach for the District Plan. The Torlesse Range is also a significant landmark for some local Rūnanga. Fighting Hill, Woolshed Hill, the formation of Gorge Hill, Pebble Hill and Flock Hill, and Castle Hill are also significant landmarks for local Rūnanga.

The Planning Maps also show areas marked as Forestry Exclusion Areas. These areas are excluded from the Areas of Outstanding Landscape, because they are areas where more intensive pasture improvements, structures and buildings, earthworks or other activities may be appropriate landscape changes, but where exotic plantations may have adverse effects on the landscape. Rather than limiting other uses of that land by classifying it as Areas of Outstanding Landscape, the Plan has confined the restrictions to the one land use which may be inappropriate in those areas (Policies B1.4.25 and B1.4.26). For other land uses in the Forestry Exclusion Areas, the policies and rules for the high country, generally (Policies B1.4.30 to B1.4.32) apply.

Policies B1.4.22 to B1.4.29 identify activities and effects which are appropriate and inappropriate in Areas of Outstanding Landscape. Policies B1.4.30 to B1.4.32 apply to land in the high country which is not within the Areas of Outstanding Landscape.

Policy B1.4.22

Recognise pastoralism, outdoor recreational activities and associated pasture improvements, shelter belts and small-scale earthworks and structures, as appropriate activities in Areas of Outstanding Landscape in the high country.

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are areas which are dominated by brown tussocklands or indigenous scrub or forest. Much of the land in the Areas of Outstanding Landscape in the high country is not a pristine, natural landscape (except for Arthur's Pass National Park and some reserve areas). It has been occupied by Māori and Europeans. The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks. These uses and features are part of the Areas of Outstanding Landscape in the high country and are appropriate activities within them. In many areas continued grazing or some other form of land management is necessary to manage the spread of plant pests and to retain a predominantly tussock vegetation cover.

Policy B1.4.23

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the high country unless:

- **The building or structure must be located in that area to serve its purpose; or**
- **The building or structure is associated with an activity in the Area of Outstanding Landscape and there is no suitable site outside the Area of Outstanding Landscape.**

Policy B1.4.24

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.23, ensure the building or structure and any associated access, utilities or other infrastructure, is designed and sited to blend in with the landscape and be as visually unobtrusive as possible.

Policy B1.4.25

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, commercial activities and services that complement and support the ski field whilst ensuring that the layout, design and development of the Village complements the landscape values of the locality.

Explanation and Reasons

The Areas of Outstanding Landscape contain very few buildings or structures, other than those associated with outdoor recreational activities on the site and some utilities. Policy B1.4.23 identifies houses (dwellings) and other, larger buildings and structures as generally inappropriate uses in the Areas of Outstanding Landscape. These areas are valued because of the absence of larger structures or buildings. This absence of buildings and structures makes the landscape appear as if it is untouched or unmodified by humans and adds to the sense of wilderness or isolation from human settlement or occupation.

The Areas of Outstanding Landscapes in the high country are large and Policy B1.4.24 recognises that in some cases erecting structures or buildings may be necessary. For example, to enable a network utility to pass through the area or as part of an activity in the area such as facilities for a skifield. Where there is no alternative site for the building or structure outside the Areas of Outstanding Landscape it may be erected within the area, provided the Council is satisfied that it is designed and positioned in a way which minimises the extent to which it is visible in the landscape. Policy B1.4.23 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its role as a tourist and recreation destination.

The provision of a Ski and Recreation Area acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

Policy B1.4.26

Control forestry planting in the high country generally and avoid exotic tree planting in the Areas of Outstanding Landscape and the Forestry Exclusion Areas in the high country, unless it is the only practical option to manage

soil erosion, wilding tree spread or the spread of plant pests on that site.

Policy B1.4.27

If an exotic plantation is planted under Policy B1.4.26, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.28

Allow indigenous plantations, planted to enhance the landscape values in Areas of Outstanding Landscape, provided that:

- (a) Indigenous species are planted which may be found naturally occurring in the area; and**
- (b) The indigenous plantation is designed and sited to complement the landforms in the area and does not dominate the tussock lands or screen views of Areas of Outstanding Landscape as viewed from any public road.**

Policy B1.4.29

Recognise Fighting Hill as a site which has special landmark significance to Tāngata whenua and as a site which is susceptible to plant pests, and encourage future management of that site which accommodates the interests of both the landholder and Tāngata whenua, wherever practical.

Explanation and Reasons

Policies B1.4.26 to B1.4.28 apply to plantations. Exotic plantations should be avoided in the Areas of Outstanding Landscapes in the high country. These areas are valued for the prominence and visibility of the landforms and the dominance of brown tussock cover, with some pasture improvement. These features of the landscape are likely to be adversely affected if large areas are planted in exotic trees. Policy B1.4.26 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of wilding trees or other plant pests in these areas.

Policy B1.4.28 applies to indigenous plantations. Planting indigenous tree species for the purposes of enhancing the landscape (or managing soil erosion or plant pest problems) may be appropriate in some parts of the Areas of Outstanding Landscape. Policy B1.4.22 recognises that the landscapes within these areas, although outstanding, are not pristine natural landscapes and therefore some landscape enhancement may be appropriate. The location, design and extent of any such planting is managed to ensure it maintains or enhances the landscape values of the area. Indigenous plantations which are planted to enhance the landscape values of the area should not be clear-felled.

Policy B1.4.29 applies specifically to Fighting Hill. Fighting Hill is a landmark of significance to Tāngata whenua and ideally local Rūnanga would prefer that the area is not planted in exotic forestry. However, Fighting Hill is also an area which is susceptible to the spread of plant pests such as gorse and some form of tree planting may be a practical way to manage that area. Policy B1.4.29 does not preclude tree planting at Fighting Hill and suggests that any change in the current pastoral land uses on Fighting Hill should be managed considering both its landmark values to Tāngata whenua and the need of the landholder to have a practical and inexpensive method to manage plant pests on the site.

Policy B1.4.30

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes ensuring that:

- (a) Earthworks are limited in volume;**
- (b) The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.**

Explanation and Reasons

Policy B1.4.30 manages earthworks in Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary as part of roads or other permitted activities in Outstanding Natural Features and Landscapes. Limestone is already mined from areas in Porters Pass and Castle Hill and shingle is quarried from various sites for both private use and the maintenance of metalled roads. The policies and rules provide for these activities, but the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes both effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where large-scale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages, as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The

Porters Ski and Recreation Area provides a separate set of rules for managing the effects of earthworks in that zone.

HIGH COUNTRY GENERAL

Policy B1.4.31

Recognise the surrounding high country area as a backdrop to the Areas of Outstanding Landscape and maintain the rural character of that area by:

- (a) Keeping residential density and site coverage with buildings, at a low level which maintains the predominance of vegetation cover and the sense of sparse and isolated pockets of human settlement which is characteristic of the high country.
- (b) Encourage new dwellings and other principal buildings to be located in clusters in the high country, preferably in existing clusters, where practical. Where this is impractical, ensure the location of any new building node is managed in accordance with Policy B1.4.24.
- (c) Encouraging new buildings and structures to be constructed from material with low reflectance values.
- (d) Wherever practical, encouraging plantations to be planted to reflect landform patterns and shapes; and generally in quantities which maintain the predominance of a pastoral landscape.

Policy B1.4.32

Encourage buildings, earthworks, shelterbelts and plantations to be designed and sited to maintain the panoramic views of the Upper Waimakariri Basin from along SH 73 and the Midland Railway.

Policy B1.4.33

Keep the area identified on the planning maps at the southern end of Moana Rua/Lake Pearson free of structures and plantations (exotic or indigenous) to maintain the view of the lake from SH 73.

Explanation and Reasons

Policy B1.4.31 manages activities in the high country generally, to maintain its existing rural character. Structures, buildings and exotic plantations are part of the character of the area, now. They are likely to increase in the future as more land is removed from Pastoral Leases as part of tenure review and the owners of the freehold land diversify land uses. The policies do not prevent the erection of houses, other buildings or the planting of exotic plantations in the high country area. Rather they manage how these activities are undertaken.

The policies for dwellings and other buildings seek to maintain the predominance of vegetation cover and the low level of building development which is such a hallmark of the high country landscape. This is achieved by managing the density of building, the location of new areas of building development and the reflectivity of the exterior finishes of buildings and structures. The reflectivity of a building or structure affects how visible or prominent it appears. Policy B1.4.31(c) and the Plan rules do not apply to the repairing, replacing or repainting of existing buildings and structures which are already finished in highly reflective tones.

Policy B1.4.31(a) should be read in conjunction with Policy B4.1.1 which sets a residential density standard for the Malvern Hills. Policies in Part B, Section 3.4 manage the effects of buildings and structures on the character of the rural area, generally. Policy B3.4.2, manages the types of activities which can locate in the high country, to retain the special amenity values associated with its remoteness from metropolitan areas and associated activities.

Policy B1.4.31(b) manages the location of dwellings and other principal buildings in the high country, generally. The policy encourages new buildings to be clustered together (in accordance with Policy B4.1.2) to retain the character of small, isolated settlement in the high country. Where practical, new buildings are encouraged to be located in an existing building node. Building node is defined in Part D of the Plan and includes an area of existing buildings such as the farm homestead, workers accommodation, woolshed and other main buildings. The policy recognises that it may not be practical to locate all new buildings adjoining existing building nodes. For example, holiday homes or visitor accommodation which is desirable to be located away from the farm buildings for the privacy of both residents and visitors, or the establishment of a new property. In these cases, a single dwelling on an allotment of 120 hectares or greater may be erected as a permitted activity (no resource consent required). The location of a cluster of dwellings requires a resource consent for a discretionary activity. The purpose of the rule is to ensure the site is appropriate for residential uses. Under Policy B1.4.31(c) this includes an assessment of the visual impacts of the new building node, in accordance with Policy B1.4.24.

Policy B1.4.31(d) manages the shape or pattern of plantations (both exotic and indigenous). When plantations are planted in shapes that reflect the contours of the landscape, they may better retain the landscape values of the area, than if they are planted in rectangular shapes that cut across or dominate the landscape. Similarly, planting an entire hillside in trees may better maintain the distinctness of the ridgelines and skyline, than planting part of the hillside. Policy B1.4.31 (d) recognises

that planting to reflect landforms may not always be practical, e.g. where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.31(d) also manages the quantity of exotic plantations in the high country. The purpose of the policy and rule is not to allocate a set amount of forestry per property. Rather it is to manage the cumulative effects of exotic plantations on the landscape values of the high country, to ensure the predominance of the pastoral landscape is maintained. Large-scale exotic plantations are appropriate land uses in the high country, provided they are balanced with the retention of areas in a pastoral landscape. Other effects of plantations are managed through policies in Part B, Section 1.2 –Vegetation and Ecosystems and Part B, Section 1.3 – Water.

Policies B1.4.32 and B1.4.33 apply to specific sites which are outside the Areas of Outstanding Landscape, but which are managed to help maintain the views of Areas of Outstanding Natural Features and Landscapes, from SH 73 and the Midland Railway. SH 73 is the main road from Christchurch to the West Coast and the Midland Railway is the railway from Christchurch to the West Coast. Both are popular tourist routes. The properties along this route have the potential to earn revenue from visitor accommodation and other tourism related activities and several properties are involved in these activities.

Policy B1.4.32 manages the positioning of buildings, shelterbelts and plantations on land alongside SH 73. The purpose of the policy and rule is to retain expansive or panoramic views from SH 73 and the Midland Railway, together with the visual effects of earthworks in the two corridors where these views exist. The policy is implemented by a rule which requires a minimum setback for buildings, plantations and shelterbelts planted parallel to the road, from the road boundary. The policy and rule does not prevent activities from locating closer than the setback (a resource consent is required), provided the activity will not affect the views from SH 73 or the railway. An activity may not affect the views from SH 73 or the railway in an area where the view is already enclosed by plantings or structures. Alternatively, a structure or trees may interrupt the view for a short interval, but an expansive or panoramic view is maintained each side of the structure or trees.

The policy is also implemented by standards for buildings and earthworks. A resource consent is needed in order to assess the visual impact of activities which breach the standards, in order to maintain the quality of the views from the highway and railway.

Policy B1.4.33 applies to an area of land at the southern end of Moana Rua/Lake Pearson. The area is not included in the Area of Outstanding Landscape because it is the view through the site, rather than the site itself, which is outstanding. The site is an area of improved pasture which is part of the more intensive farming operation on the Station and contains the Station airstrip. However, the area does not contain any structures or trees at present. Keeping the area free of structures or trees will retain the existing, view of Moana Rua/Lake Pearson from SH 73.

Methods

District Plan Policies

- Residential Density
- Rural Character & Amenity Values
- Wilding Tree Spread

District Plan Rules

- Earthworks
- Earthworks
- Tree Planting
- Buildings
- Utilities and Other Structures

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ANTICIPATED ENVIRONMENTAL RESULTS

The following outcomes should result from implementing Section B1.4:

- Activities on land in Areas of Outstanding Natural Features and Landscapes have only minor visual effects.
- Most structures and buildings are located on the Lower Slopes of the Port Hills.
- The area from the Summit Road to the Summit is kept free of buildings, other structures or plantations.
- The expansive views across the Outer Plains and the mosaic or patchwork quilt landscape are maintained.
- The distinction between the more intensely settled Inner Plains and the Outer Plains increases.
- The margins of Te Waihora/Lake Ellesmere look natural.
- The higher peaks of the Russell Range, the south face of Flagpole Hill and the ridge of the Rockwood Range remain free of structures and trees.
- The Areas of Outstanding Natural Features and Landscapes in the high country retain their natural and open character, with a dominance of natural landforms and features and predominance of pasture and tussock cover, indigenous vegetation, and are free of intrusive structures, buildings, earthworks and exotic plantings.
- Land uses diversify in the high country but the landscape remains predominantly pastoral, with a dominance of natural landforms and features, and with few, isolated and dispersed clusters of buildings.

PART C

1 RURAL RULES - EARTHWORKS

Notes

1. Rule 1 –Earthworks, does not apply to any of the following activities, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply:
 - Tending or landscaping of gardens, lawns or public spaces;
 - Digging post holes;
 - Drilling bores, except in Wāhi Taonga Management Area C39(a);
 - Planting trees or removing dead or diseased trees;
 - Cultivation;
 - Burying Pets;
 - Trenching compost;
 - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(a).
2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.
3. Planting of Shelterbelts, Amenity Plantings and Plantations is subject to Rule 2 – Tree Planting and Removal of Protected Trees.
4. Rules 9.16 and 9.17 apply to blasting and vibration. Rule 8 Waste Generation, Storage and Disposal applies to offal pits and landfills.
5. Earthworks affecting any archaeological site, Silent File Area, Wāhi Taonga Management Area or Wāhi Taonga Management Site may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
6. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.
7. All earthworks within the Porters Ski and Recreation Area which comply with the rules in Appendix 25.
8. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
9. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
10. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality.

1.5 EARTHWORKS AND OUTSTANDING LANDSCAPE AREAS

Permitted Activities — Earthworks and Outstanding Landscape Areas

- 1.5.1 The following earthworks shall be a permitted activity in areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and High Country:
- 1.5.1.1 The maintenance and repair of existing roads or tracks;
- 1.5.1.2 Post Holes;
- 1.5.1.3 The installation of underground telecommunication lines and ancillary structures; or
- 1.5.1.4 other earthworks where the volume of earth disturbed, removed or deposited does not exceed 150m³ per project;
- 1.5.2 On the Port Hills, the following earthworks shall be a permitted activity:
- 1.5.2.1 The maintenance and repair of existing fence lines;
- 1.5.2.2 The maintenance and repair of existing farm vehicle roads and tracks;
- 1.5.2.3 Digging offal pits;
- 1.5.2.4 Forming stock water ponds, provided that no more than 30m³ of earth is disturbed, removed or deposited, and the pond is no more than 50m² in surface area; or
- 1.5.2.5 Any other earthworks which shall not exceed 100m³ within a site and a maximum cut depth of 1m per project.

Note: Any activity involving earthworks and vegetation clearance on the Port Hills may require resource consent from Environment Canterbury. Further enquiries should be made with Environment Canterbury.

Discretionary Activities — Earthworks and Outstanding Landscape Areas

- 1.5.3 Earthworks which do not comply with Rule 1.5.1 or 1.5.2 shall be a discretionary activity.

1.5	Protected Trees	3.3	3.3.3	3.3.11 to 3.3.14
1.6	Setbacks, Volume and Site Rehabilitation	1.1, 1.2, 1.3, 1.4, 4.2	1.1.1 to 1.1.3 1.2.1, 1.3.1, 1.4.1 4.2.1 and 4.2.2	1.1.4 to 1.1.7, 1.2.2, 1.3.2 to 1.3.4, 1.4.3 to 1.4.7

Reasons for Rules

Rule 1 Earthworks, manages potential effects from earthworks on the environment. Rules are needed to manage these effects because they often have effects on other people or other parts of the environment, rather than having a direct cost to the person undertaking the earthworks. The rules are included in the District Plan because: regional rules only apply to the Port Hills at present; and building consents are only required for earthworks related to dams over 20 000m³ in size. Even when a building consent is required, it will only address matters relating to the stability of the excavation.

The rules allow earthworks which are small-scale and minor in effect as permitted activities (no resource consent needed). Other earthworks are restricted discretionary activities or discretionary activities (requires a resource consent). The consent will focus on ensuring that any effects are adequately remedied or mitigated, rather than trying to prevent large-scale earthworks per se.

Day to day activities should comply with the rules for permitted activities. To avoid any doubt, the rules do not apply to: cultivation; gardening; digging post-holes; tracks which are less than 10m wide (outside of areas of Outstanding Landscape); and the maintenance of existing tracks in areas of Outstanding Landscape.

Resource consents are needed for earthworks which involve: shifting contaminated soil; steep vertical cuts (soil erosion and visual effects); raising the level of land which floods; land near waterbodies and special cultural sites; and shifting large volumes of material. The volume control is to ensure that large excavation works are properly filled and the site rehabilitated, and to protect 'significant ecological sites' from damage or destruction (see Part B, Section 1.2).

Earthworks for the purposes of creating or forming, a road, or access to future allotment(s), prior to subdivision approval, have the potential to undermine the potential to achieve an integrated transport network. Consideration needs to be given to the location, form, safety, efficiency connectivity and permeability of the transport network and the relationship with other infrastructure. Rule 2.1.1.7 exempts earthworks associated with road or access formation where such works are covered by approved subdivision consent or form part of a designation. The exemptions recognise that the necessary considerations have been undertaken during respective the approval processes.

Rule 1.3 manages earthworks in areas which contain sites of special significance to Tāngata Whenua. Protecting these sites is part of the duty under section 6(e) of the Act "to provide for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, Wāhi Tapu and other Taonga."

Tāngata Whenua have identified three types of sites in the Plan (see Part B, Section 3.3). Silent File areas may contain sites which are of immense cultural importance to Tāngata Whenua. The exact location of the site is not disclosed. Any disturbance of these sites may be inappropriate. The rule allows earthworks to occur on soil which has already been disturbed, but requires a resource consent for earthworks which will disturb soil in areas which have not been previously worked, or if the earthworks involve excavating soil to depths where it has not been disturbed by other activities. The Council restricts its discretion to whether the earthworks will disturb the special site within the Silent File area and whether that disturbance is inappropriate (as advised by local Rūnanga).

Wāhi Taonga Sites and Wāhi Taonga Management Areas contain sites of past settlement or occupation by Tāngata Whenua. Most of these sites have been uncovered by archaeologists and their location and what they contain is recorded. Earthworks in and around these sites are appropriate, provided that the artefacts and remnants which are contained within the sites are not removed, damaged or destroyed. The exception are the Wāhi Taonga Management Areas which make up the Rakaia River Moa Hunter Site (C39(a) and C39(b)). These sites are of considerable cultural and archaeological significance. Earthworks in these areas are appropriate in certain circumstances and to a certain depth, after which resource consent is required.

Appendix 5 lists the artefacts, remnants or objects discovered so far within each site, though there may be more material located around the area. Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The Council is encouraging land owners or managers and local Rūnanga to develop joint protocols for activities within these areas (see Part B, Section 3.3).

Mahinga Kai Sites are sites used for traditional food gathering by Tāngata Whenua. The sites identified within this plan are valued for their vegetation. Rule 1.3 requires a resource consent for this vegetation to be damaged or removed, except for mahinga kai purposes.

The trees listed in Appendix 4 have been assessed as having significant values to Selwyn District. Rule 1.6 provides an opportunity to ensure that these listed trees are adequately protected.

PART C

2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED TREES

Notes

1. Any earthworks associated with tree planting or harvesting must comply with Rule 1 – Earthworks
2. Plantations on the Plains must comply with Rule 9.13 – Vehicle Movements.
3. Removal of indigenous vegetation must comply with Rule 9.21 – Clearance of Indigenous Vegetation and Indigenous Plant Species.
4. The burning of vegetation is managed through regional rules. Therefore, Environment Canterbury should be contacted.
5. All tree planting within the Porters Ski and Recreation Area is exempt from these rules.
6. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:

2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:

- Lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Corsican pine (*Pinus nigra*)
- Douglas fir (*Pseudotsuga menziessi*)
- Mountain pine (*Pinus mugo/unaciata*)

2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.

2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:

- (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
- (b) Set back a minimum distance of 300m from the road boundary;

2.1.1.4 The tree(s) are planted at least:

- (a) 20m from the edge of any waterbody listed in Appendix 17; and
- (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as-

"the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

- 2.1.1.5 No tree shades:
 - (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
 - (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;
- 2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;
- 2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;
- 2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
- 2.1.1.9 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the tree planting(s) is limited to the disturbance of soil over areas where that soil has been previously disturbed by tree plantings. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.1.1.10 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.1.9, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 2.1.1.11 In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.

Restricted Discretionary Activities — Shelterbelts & Amenity Planting

- 2.1.2 Planting any tree species which does not comply with Rule 2.1.1.1 shall be a restricted discretionary activity.
- 2.1.3 Under Rule 2.1.2, the Council shall restrict its discretion to consideration of:
 - 2.1.3.1 The potential for wilding spread from the species planted on that site;
 - 2.1.3.2 The effectiveness of any proposed wilding management plan;
 - 2.1.3.3 The design and siting of any amenity plantings, shelterbelts or visual screening in the High Country (outside the area of Outstanding Landscape) to:
 - (a) Reflect and complement the landform patterns and shapes of the landscape; and
 - (b) Maintain a landscape where plantations are carefully negotiated with existing land uses, so as to avoid a continuously forested landscape; and
 - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist by ensuring plantations are setback from the road, Midland Railway Line and plantation blocks are spaced to maintain views between them.
 - 2.1.3.4 Whether the area contains any "Significant Ecological sites" worthy of protection under the criteria listed in Appendix 12, and if so,
 - (a) Whether the plantation may affect the site; and
 - (b) How the site may be protected.
 - 2.1.3.5 Any potential adverse effects of planting the area on any rainfed wetland or tarn and how those effects may be mitigated.
 - 2.1.3.6 Approval of a fire management plan.

- 2.1.3.7 Any positive effects which may offset any adverse effects.
- 2.1.3.8 Any monitoring or review conditions.
- Note:** *In using its discretion under Rule 2.1.3, the Council will consider the recommendations in N.J. Ledgard & E.R. Langer (1999) "Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced Conifers", where appropriate.*
- 2.1.4 Planting any tree in a position which does not comply with Rule 2.1.1.4 shall be a restricted discretionary activity.
- 2.1.5 Under Rule 2.1.4 the Council shall restrict its discretion to consideration of the effects of the proposed planting as to shading.
- 2.1.6 Any tree planting which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.
- 2.1.7 Under Rule 2.1.6 the Council shall restrict its discretion to consideration of:
- 2.1.7.1 The effects of the proposed shelterbelt on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to);
- (a) Whether expansive views either side of the shelterbelt would remain;
- (b) Whether the shelterbelt will screen the view of any lake, Silent File area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Kai Site, or any area of Outstanding Landscape.
- 2.1.7.2 The length of the shelterbelt;
- 2.1.7.3 The need to provide effective stock or crop shelter; and
- 2.1.7.4 Any positive effects which may offset any adverse effects.
- 2.1.8 Any activity which does not comply with Rule 2.1.1.8, 2.1.1.9 or 2.1.1.10 shall be a restricted discretionary activity.
- 2.1.9 Under Rule 2.1.8 the Council shall restrict its discretion to all of the following matters:
- 2.1.9.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local Rūnanga;
- 2.1.9.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local Rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
- 2.1.9.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.9.2, any damage to, destruction or removal of, any object, remnant or artefact, as advised by local Rūnanga;
- 2.1.9.4 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 2.1.9.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 2.1.9.6 Any positive effects which may offset any adverse effects; and
- 2.1.9.7 Any monitoring or review conditions.

Discretionary Activities — Shelterbelts & Amenity Planting

- 2.1.10 Any shelterbelt or amenity planting that does not comply with Rule 2.1.1.2 shall be a discretionary activity if any one of the following standards and terms is met:
- 2.1.10.1 The shelterbelt or amenity planting is planted for landscape enhancement or beautification, using indigenous species which are found in that area;
- 2.1.10.2 The shelterbelt or amenity planting is planted for soil conservation purposes;
- 2.1.10.3 The shelterbelt or amenity planting is planted to manage the spread of wilding trees or exotic plant pests

and the applicant has demonstrated that there is no practical alternative management option for that site;

2.1.10.4 The planting is a shelterbelt and is located within a Forestry Exclusion Area; or

2.1.10.5 The planting is amenity planting and is located within an area of Outstanding Landscape in the High Country.

2.1.11 Any activity which does not comply with Rule 2.1.1.3 shall be a discretionary activity.

Non-Complying Activities — Shelterbelts & Amenity Planting

2.1.12 Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.11 or 2.1.10 shall be a non-complying activity.^{PC28}

2.2 Plantations

Permitted Activities — Plantations

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
- 2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills, excluding vineyards and orchards located within the Visual Amenity Landscape;
- 2.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
- 2.2.1.3 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas where that soil has been previously disturbed by tree planting. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.2.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.1.3, the plantation does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 2.2.1.5 Any tree is planted at least:
- (a) 20m from the edge of any waterbody listed in Appendix 17; and
- (b) 10m from the edge of any other waterbody (excluding aquifers)
- Provided that Rules 2.2.1.5 (a) and 2.2.1.5 (b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.
- 2.2.1.6 No tree shades:
- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year.
- 2.2.1.7 No tree of the plantation is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11; and
- 2.2.1.8 Any plantation is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19.

Restricted Discretionary Activities — Plantations

- 2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills (excluding the Summit Road Protection Areas), Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills shall be a restricted discretionary activity if all of the following standards and terms are met:
- 2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country; and
- 2.2.2.2 In the area shown on the Planning Maps as the High Country, trees planted do not include any of the following species:
- Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziesii*)

- Mountain pine (*Pinus mugo/unaciata*)

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

2.2.3.1 The design and siting of any plantation on the Port Hills to:

- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
- (b) Avoid screening views of existing landforms and natural features, including Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
- (c) Avoid screening views from the Summit Road;
- (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;
- (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;
- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.

2.2.3.2 The design and siting of any plantation on the Malvern Hills to:

- (a) Maintain the distinctiveness of the skyline and ridges of the Malvern Hills;
- (b) Avoid screening the rocky outcrops at Glenroy or the volcanic ridge from Mt Misery to Windwhistle, as viewed from any road; and
- (c) Reflect and complement the landform patterns and shapes of the landscape;

2.2.3.3 The design and siting of any plantation in the High Country (outside the area of Outstanding Landscape) to:

- (a) Reflect and complement the landform patterns and shapes of the landscape;
- (b) Maintain a landscape where plantations are carefully integrated with existing land uses, so as to avoid any semblance of continuous afforestation; and
- (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist, by ensuring plantations are setback from the road and plantation blocks are spaced to maintain views between them.

2.2.3.4 Whether the area contains any "Significant Ecological sites" worthy of protection under the criteria listed in Appendix 12; and if so,

- (a) Whether the plantation may affect the site; and
- (b) How the site may be protected;

2.2.3.5 Any potential adverse effects of planting the area on any rain fed wetland or tarn on the site and how those effects may be mitigated;

2.2.3.6 Any measures to mitigate potential soil erosion from earthworks associated with access tracks or harvesting;

2.2.3.7 Any effects of the proposed mode and route of transport, and any improvements required to the road

network to allow access into and out of the site for planting or harvesting trees.

- 2.2.3.8 The timing and conditions for replanting or rehabilitating the site and surrounding area once the plantation is harvested, and any staging of the site rehabilitation for harvesting a large plantation;
- 2.2.3.9 Approval of a fire management plan;
- 2.2.3.10 Any positive effects which may offset any adverse effects; and
- 2.2.3.11 Any monitoring or review conditions.
- 2.2.4 Any plantation which does not comply with Rule 2.2.2.2 shall be a restricted discretionary activity.
- 2.2.5 Under Rule 2.2.4, the Council shall restrict its discretion to consideration of:
 - 2.2.5.1 All of the matters listed in 2.2.3.1 to 2.2.3.11;
 - 2.2.5.2 The potential for wilding spread from the particular species planted; and
 - 2.2.5.3 The effectiveness of any proposed wilding management plan.

Note: Under Rule 2.2.4 the Council retains its discretion to identify affected parties or require notification of the resource consent application, pursuant to the Act. In using its discretion the Council shall consider the recommendations in N.J. Ledgard and E.R. Langer (1999) "Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced conifers", where appropriate.

- 2.2.6 Any activity which does not comply with Rules 2.2.1.2, 2.2.1.3 or 2.2.1.4 shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:
 - 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local Rūnanga;
 - 2.2.7.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local Rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
 - 2.2.7.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.7.2, as advised by local Rūnanga;
 - 2.2.7.4 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.2.7.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.2.7.6 Any positive effects which may offset any adverse effects; and
 - 2.2.7.7 Any monitoring or review conditions.
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.6 shall be a restricted discretionary activity.
- 2.2.9 Under Rule 2.2.8 the Council shall restricts its discretion to consideration of effects of the proposed planting as to shading.

Discretionary Activities — Plantations

- 2.2.10 Any plantation which does not comply with Rule 2.2.2.1 shall be a discretionary activity if any one of the following standards and terms is met:
 - 2.2.10.1 The plantation is planted for landscape enhancement or beautification, using indigenous species which are found in that area, and will not be harvested;
 - 2.2.10.2 The plantation is planted for soil conservation purposes and will not be harvested; or
 - 2.2.10.3 The plantation is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site.

2.2.11 Any plantation which does not comply with Rule 2.2.1.5 shall be a discretionary activity.

Non-Complying Activities — Plantations

2.2.12 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.

2.2.13 Any plantation which does not comply with Rule 2.2.1.8 shall be a non-complying activity.

2.2.14 Any plantation located within an area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.

2.2.15 Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.

PART C

3 RURAL RULES - BUILDINGS

Notes

- 1 Erecting or demolishing any building and many alterations to buildings will require a building consent under the Building Act 2004, irrespective of whether a resource consent is needed under the District Plan. The Building Department of the Selwyn District Council should therefore be contacted.
- 2 Any earthworks associated with preparing a building site or erecting a building shall comply with Rule 1 – Earthworks. Any subdivision of land or buildings shall comply with Rule 10 Subdivision. Any activity, which is carried out in any building or on any site where a building is being erected, shall comply with Rule 9 Activities.
- 3 The treatment and disposal of effluent from any building onto the site is managed by regional rules. The disposal of stormwater on-site from any building, and sinking any bore to abstract water are also managed by regional rules. Therefore, Environment Canterbury should be contacted in respect of all these activities.
- 4 All buildings within the Porters Ski and Recreation Area shall be exempt from these rules.
- 5 PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
- 6 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

3.1 BUILDINGS AND NATURAL HAZARDS

Permitted Activities — Buildings and Natural Hazards

- 3.1.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
 - 3.1.1.1 Any new dwelling or other principal building is not erected in any of the following areas:
 - (a) Any area shown on the Planning Maps as the Waimakariri Flood Category A area;
 - (b) Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps;
 - (c) Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and
 - (d) The area shown on the Planning Maps as the Lower Plains flood area; unless a minimum building floor level 300mm above a 2% Annual Exceedence Probability (AEP) hazard event is identified and the building floor level is at or above that level;
 - (e) The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified.

Notes

The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m², including any extensions or alterations, seaward of the Coastal Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities by Environment Canterbury.

Refer to Council pamphlet "Building a House in the Rural Zone" in respect to Rules 3.1.1.1(d) or 3.1.1.1(e).

Rule 3.1.1 does not apply to additions or alterations to existing dwellings or existing principal buildings located in these areas.

Existing buildings may be able to be replaced as Existing Uses under section 10 of the RMA.

3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

Permitted Activities — Buildings and Outstanding Landscape Areas

3.2.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.2.1.1 In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:

- (a) A maximum gross floor area exceeding 40m²;
- (b) A maximum height exceeding 4m; and
- (c) A maximum reflectance exceeding 37%;

Notes

For Rule 3.2.1.1(b), maximum height is measured from the ground surface to the top of the highest point on the building, and includes any mast aerial or other structure protruding above the framework of the building.

For Rule 3.2.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the applicant shall supply evidence of its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.

Controlled Activities — Buildings and Outstanding Landscape Areas

3.2.2 Any dwelling, or any additions or alterations to, or modification of any dwelling within the area shown on the Planning Maps as a Visual Amenity Landscape shall be a Controlled Activity

3.2.3 Under Rule 3.2.2 the Council shall restrict its consideration to:

- 3.2.3.1** The design of the building including height, size/scale, materials, façade articulation, colour and reflectance value;
- 3.2.3.2** The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
- 3.2.3.3** The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
- 3.2.3.4** The design and siting of any access to the building, including the visibility of the access, any contrast with natural contours and the proposed revegetation and naturalistic recontouring of any earthworks;
- 3.2.3.5** The siting of the building in relation to the natural landform, and in particular whether the building would break the skyline or the form of any ridges, hills or prominent slopes and whether it integrates with the natural landform;
- 3.2.3.6** The visibility of any utilities required to service the building;
- 3.2.3.7** Landscape planting and earthwork that assists in mitigation of any adverse landscape effects.

Restricted Discretionary Activities — Buildings and Outstanding Landscape Areas

3.2.4 Any building which does not comply with Rule 3.2.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

- 3.2.4.1** The building is within the Lower Slopes of the Port Hills Area (as identified in the Planning Maps) or
- 3.2.4.2** In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:
 - (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and

- (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.
- 3.2.5 Under Rule 3.2.4, the Council shall restrict its discretion to consideration of:
 - 3.2.5.1 The design of the building including height, size/scale, external finish, colour and reflectance value;
 - 3.2.5.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
 - 3.2.5.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
 - 3.2.5.4 The extent to which the building, and if a dwelling, any associated curtilage may:
 - (a) Dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
 - (b) Include earthworks or new planting to assist in mitigation of any adverse landscape effects;
 - (c) Use topography or vegetation to assist in mitigation or containment of visual effects;
 - (d) Break the skyline or interrupt the form of any ridges, hills or prominent slopes;
 - (e) Be visually prominent in an area characterised by high natural values;
 - (f) Affect the amenity values of adjoining properties.
 - 3.2.5.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings.
 - 3.2.5.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.
 - 3.2.5.7 The design and siting of any access to the building, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks.
 - 3.2.5.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.
 - 3.2.5.9 Any positive effects to be created by the proposed building and its associated accessway.
 - 3.2.5.10 Any monitoring or review conditions.

Non-Complying Activities — Buildings and Outstanding Landscape Areas

- 3.2.6 Any building which does not comply with Rule 3.2.4 shall be a non-complying activity.

3.3 BUILDINGS AND STATE HIGHWAY 73 (SH 73) AND THE MIDLAND RAILWAY CORRIDOR

Permitted Activities — Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

3.3.1 Erecting any building or any additions or alterations to, or modification or demolition or, any building shall be a permitted activity if all of the following conditions are met:

3.3.1.1 In the areas shown on the Planning Maps as the High Country, no building on land within a distance of 300m of SH 73 or the Midland Railway has

(a) A maximum gross floor area exceeding 40m²; and

(b) A maximum height exceeding 4m; and

(c) A maximum reflectance exceeding 37%.

Notes

For Rule 3.3.1.1(b), maximum height is measured from the ground surface to the top of the highest point on the building, and includes any mast aerial or other structure protruding above the framework of the building.

For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the applicant shall supply evidence of its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint, e.g. stone, brick, unpainted timber etc., the applicant shall supply evidence of the reflectance value of the product used.

Restricted Discretionary Activities — Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

3.3.2 Any building that does not comply with Rule 3.3.1 shall be a restricted discretionary activity.

3.3.3 Under Rule 3.3.2, the Council shall restrict its discretion to consideration of:

3.3.3.1 The effects of the proposed building on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to):

(a) Whether expansive views, uncluttered by man made structures, either side of the building would remain;

(b) Whether the building will screen the view of any Lake, Silent File Area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Kai Site, or any area of Outstanding Landscape.

3.3.3.2 The visual impact of the building on the views from SH 73 or the Midland Railway.

3.4 BUILDINGS AND RURAL CHARACTER

Permitted Activities — Buildings and Rural Character

3.4.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:

3.4.1.1 In the areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), the exterior finish of any dwelling or other principal building has a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron;

Note

For Rule 3.4.1, reflectance applies to the exterior surfaces of the building, excluding any aerial or satellite dish on a dwelling, spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the applicant shall supply evidence of its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.

Discretionary Activities Buildings and Rural Character

3.4.2 Erecting any building or any part of a building which does not comply with Rule 3.4.1 shall be a discretionary activity.

objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
3.1	Natural Hazards	3.1	3.1.1 and 3.1.2	3.1.2 to 3.1.5
3.2	Outstanding Landscape Areas	1.4, 3.4	1.4.1 3.4.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30. 3.4.1 to 3.4.3 and 3.4.5
3.4	Rural Character	3.4	3.4.2	3.4.1 to 3.4.6
3.5	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.2 to 1.1.3
3.6	Sites of Significance to Tāngata Whenua	3.3	3.3.1	3.3.2, 3.3.3, 3.3.5 and 3.3.9
3.7	West Melton Airfield and Hororata Domain – Height Restrictions	2.1	2.1.1 and 2.1.3	2.1.17
3.8	Christchurch International Airport – Noise Insulation	2.1	2.1.3	2.1.20
3.9	Access and Parking	2.1	2.1.1	2.1.2 to 2.1.4, 2.1.6 to 2.1.8 and 2.1.16
3.10	Residential Density	1.1, 1.4, 3.4, 4.1	1.1.1, 1.4.1, 3.4.1 and 3.4.2 4.1.1 and 4.1.2,	1.1.8, 1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4 4.1.1 to 4.1.7
3.11	Site Coverage	1.3, 1.4, 3.4	1.3.1, 1.4.1 3.4.1 and 3.4.2	1.3.1, 1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4
3.12	Building Height	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.5
3.13	Building Position	1.3, 1.4, 2.1, 3.1, 3.4	1.3.1, 1.3.2, 1.4.1, 2.1.1 and 2.1.2, 3.1.1, 3.4.1 and 3.4.2	1.3.2 and 1.3.4 to 1.3.8. 1.4.13 2.1.3, 2.1.4, 2.1.6 and 2.1.14 3.1.2 and 3.1.5, 3.4.3, 3.4.15 and 3.4.16
3.14	Night Lighting	3.4	3.4.1	3.4.9 and 3.4.10
3.15	Relocated Buildings	3.4	3.4.1 and 3.4.2	3.4.17
3.16	Heritage Buildings	3.3	3.3.2	3.3.7 to 3.3.9

Reasons for Rules

Rule 3 manages the effects of buildings on adjoining property and other parts of the environment. District Plan rules are necessary to address these effects because they are not addressed in other legislation, and do not usually affect the people who own or occupy the building. Therefore, they are not matters people tend to consider when buying or erecting a building.

The rules manage the effects of buildings on: adjoining properties and surrounding land uses; roads; waterbodies; landscapes and rural character; natural hazards; and cultural and heritage values. Rule 3 has the following structure: areas where buildings have special rules (Rules 3.1 to 3.8); rules that apply to certain types of buildings which are erected anywhere in the Rural zone (Rules 3.15 and 3.16); and rules that apply to any building which is erected in any part of the Rural zone (Rules 3.9 to 3.14). Rule 3 does not apply to structures which do not fall within the definition of buildings (see Part D). Utility structures and other structures are managed under Rule 5.

Rule 3.1 identifies areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of

floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rule 3.2 addresses buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The area defined as Outstanding Natural Landscape on the Port Hills excludes some areas at the base of the hills where existing and intensive built development has occurred. With the exception of these limited areas, any residential development on the Port Hills requires resource consent where density is reduced below 40ha on the Lower Slopes (below the 60m and 160m contours) and 100ha on the Upper Slopes (above the 160m contour). The purpose of establishing these relatively stringent thresholds for residential density is to trigger resource consents for the siting and design of houses to reduce potential adverse visual effects, whilst recognising that there may be some sites within the Port Hills where a dwelling could be erected with only minor visual effects. The more liberal density standard for the Lower Slopes is however intended to enable some development to locate in this area.

In addition a Visual Amenity Landscape has been identified on the very lowest slopes of the Port Hills, involving the land generally located between the 20m and 60m contours. While the area remains within the Outstanding Natural Landscape, due to the extent of existing and consented development, the density controls on this area are set at 4ha. This area is limited in extent, but is an important boundary between the plains and the Port Hills and is characterised by high amenity and aesthetic values. Due to the pressure for closer subdivision and residential development and the prominence of the landscape it is appropriate that dwellings be subject to assessment in relation to matters concerning location, design and appearance.

The Plan provisions aim to protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001.

Rule 3.4 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the 'rural character' of these areas.

Rule 3.5 manages activities on contaminated land, where there is a likelihood that people will come into contact with the land. Consequently, the rule applies to erecting dwellings and buildings associated with recreational or educational facilities. Rule 9 has corresponding rules for activities on contaminated land. The rule does not prevent these activities from occurring if the applicant can demonstrate that: there is no risk of harm to people from coming into contact with contaminated land; the facilities and associated activities are designed so that people will not come into contact with contaminated land; any mitigation measures do not impact on the wider environment; or the contaminated land is removed. Contaminated land is defined in Part D. Please note – the Council records, on LIMs, those sites which it recommends be tested for contaminated land due to past land uses. This recommendation does not mean the site is contaminated (see Part B, Section 1.1).

Rule 3.6 manages the effects of erecting buildings in Silent File and Wāhi Taonga Management Areas, and on Wāhi Taonga and Mahinga Kai Sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local Rūnanga. The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

In the Wāhi Taonga Management Area which comprises the Rakaia River Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga is also considered to be an affected party as the area is an archaeological site.

Rule 3.7 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airport and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of

PART C

4 RURAL RULES - ROADS AND TRANSPORT

Notes

1. All vehicular accessways, vehicle crossings and vehicle parking within the Porters Ski and Recreation Area shall be exempt from compliance with the rules of 4 Rural Roads and shall comply with the rules in Appendix 25 and the rules in Appendix 13 of the Townships Volume concerned with separation distances, sightlines and carpark dimensions.
2. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
3. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

4.1 ROADS AND OUTSTANDING LANDSCAPE AREAS

Permitted Activities — Roads and Outstanding Landscape Areas

- 4.1.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following condition is met:
- 4.1.1.1 In any area shown on the Planning Maps as an Outstanding Landscape Area, the formation of any road, pathway, road bridge or vehicle accessway is limited to the maintenance of existing roads, road bridges or vehicle accessways.

Restricted Discretionary Activities — Roads and Outstanding Landscape Areas

- 4.1.2 Any activity which does not comply with Rule 4.1.1} shall be a restricted discretionary activity if all of the following standards and terms are met:
- 4.1.2.1 The road is located in an area shown on the Planning Maps as:
- (a) An Outstanding Landscape Area in the High Country or the Malvern Hills; or
 - (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and
- 4.1.2.2 The road or utility structure has to be located within that area.
- 4.1.3 Under Rule 4.1.2, the Council shall restrict its discretion to consideration of:
- 4.1.3.1 Whether the site is appropriate for the road and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;
 - 4.1.3.2 The design and siting of the road and any associated infrastructure;
 - 4.1.3.3 The need for, species and design of any planting in the road reserve, to mitigate visual effects;
 - 4.1.3.4 Whether there are alternative sites available for the road and the costs, technical feasibility and practicality of using an alternative site;
 - 4.1.3.5 Any positive effects which may offset any adverse effects;
 - 4.1.3.6 Any monitoring or review conditions.

4.7 TRAFFIC SIGHT LINES — ROAD/RAIL CROSSINGS

Permitted Activities — Traffic Sight Lines Road/Rail Crossings

- 4.7.1 The following shall be permitted activities:
- 4.7.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10 Diagram E10.E
- 4.7.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10 Diagram E10.E

Note: The NZTA Traffic Control Devices Manual provides further guidance on level crossings.

Non-Complying Activities — Traffic Sight Lines Road/Rail Crossings

- 4.7.2 Any building or tree which does not comply with Rules 4.7.1 shall be a non-complying activity.

Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
4.1	Outstanding Landscape Areas	1.4, 2.1, 2.2, 3.1	1.4.1, 2.1.2, 2.2.2, 3.1.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30, 2.1.14, 2.2.5, 3.1.6 to 3.1.8.
4.2	Natural Hazards	2.1, 2.2, 3.1, 4.2	2.1.2, 2.2.2, 3.1.1 and 3.1.2, 4.2.1 and 4.2.2	2.1.3, 2.2.8, 3.1.3 and 3.1.5 to 3.1.8, 4.2.1
4.3	Sites of Significance to Tāngata Whenua	2.1, 2.2, 3.3	2.1.2, 2.2.2, 3.3.1,	2.1.14, 2.2.5, 3.3.2, 3.3.3, 3.3.5 and 3.3.9
4.5, 4.6	Vehicle Accessways and Vehicle Crossings. Vehicle Parking and Cycle Parking	2.1, 2.2	2.1.1, 2.2.2	2.1.1 to 2.1.8, 2.2.10

Reasons for Rules

Rule 4 manages effects of establishing, maintaining, upgrading and replacing roads, vehicle accessways, vehicle crossings and car parking on the environment. The rules should be read in conjunction with Rule 1 – Earthworks.

Many activities involving roads are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply (see section 10 of the Act). However, it is still necessary to have rules in the Plan, because:

- Often roads are formed by private developers as part of subdivisions or land uses. The roads then vest in the Council. The plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of roads which will vest in the Council;
- It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

Rule 4 follows a similar format to Rules 1, 2 and 3. Activities involving roads require resource consents: in areas of Outstanding Landscape, areas prone to flooding, and Silent File and Wāhi Taonga Management areas; and on Wāhi Taonga and Mahinga Kai sites. New roads in areas of outstanding landscape require a resource consent, and the applicant will need to demonstrate that the activity needs to locate in these areas, given that they have not been greatly modified by roading. While the Plan recognises that some roads may be necessary in these areas, they are not encouraged.

PART C

5 RURAL RULES - UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 1- Earthworks, except where the provisions of Rule 1.6 (Earthworks and Protected Trees) apply.
2. The Rules in the Rural Volume of this Plan are applicable to activities generally, including utilities. However, the rules under Rule 3 Buildings, Rule 4 Roding and Rule 9.4 Scale of Non-Residential and Non-Rural Activities do not apply to utilities, except the following;

Rule 3 Buildings

- Rule 3.15.1 Relocated Buildings
- Rule 3.9.1.1 Access and Parking
- Rule 3.13.1.2 Line of sight – railway crossings

Rule 4 Roding

- Rules 4.5.1.2 – 4.5.1.5 Roads, Accessways and Vehicular Crossings.
- Rules 4.6 Parking
- Rule 4.1.1 Outstanding Landscapes

3. Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
4. All utility buildings and structures in the Porters Ski and Recreation Area shall be exempt from compliance with these rules.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
6. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

5.5 OUTSTANDING LANDSCAPE AREAS – UTILITY STRUCTURES

Permitted Activities — Outstanding Landscape Areas – Utility Structures

5.5.1 In any area shown on the Planning Maps as an Outstanding Landscape Area any utility structure which complies with the following conditions shall be a permitted activity:

5.5.1.1 Any utility structure erected does not exceed:

- (a) A gross floor area of 40m²;
- (b) A height of 8m with the horizontal dimension not exceeding 600mm above a height of 4m; and
- (c) A reflectance value of 37% (excluding fittings).

Note: For the purposes of Rule 5.5.1.1(b) the maximum height is measured from the ground surface to the tip of the highest point of the structure, and includes any mast, aerial or other attachment.

For the purposes of Rule 5.5.1.1(c), reflectance value applies to the exterior surfaces of any structure. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded in the paint chart, the Council will determine its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour.

5.5.1.2 Any cable is laid underground;

5.5.1.3 In the Outstanding Landscape Areas in the Malvern Hills and the High Country, no utility structure is positioned so that it protrudes into the skyline above any mountain range or isolated hill, as viewed from any road; and

5.5.1.4 In the Port Hills Area, no utility structure is positioned so that it protrudes above the summit of the Port Hills, as viewed from the Summit Road or any road on the Plains.

5.5.2 In any area shown on the Planning Maps as High Country:

5.5.2.1 Any cable is laid underground within 300m of SH73 or the Midland Railway.

Restricted Discretionary Activities — Outstanding Landscape Areas – Utility Structures

5.5.3 Any activity which does not comply with Rule 5.5.1 or 5.5.2 shall be a restricted discretionary activity if all of the following standards are met:

5.5.3.1 The utility structure is located in an area shown on the Planning Maps as:

- (a) An Area of Outstanding Natural Landscape in the High Country or the Malvern Hills; or
- (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and
- (c) The road or utility structure has to be located within that area.

5.5.4 Under Rule 5.5.3, the Council shall restrict its discretion to consideration of the following matters:

5.5.4.1 Whether the site is appropriate for the utility structure and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;

5.5.4.2 The design and siting of the utility structure and any associated infrastructure;

5.5.4.3 The need for, species and design of any landscaping around the utility structure or any planting in the road reserve, to mitigate visual effects;

5.5.4.4 Whether there are alternative sites available for the utility structure and the costs, technical feasibility and practicality of using an alternative site;

5.5.4.5 Any positive effects which may offset any adverse effects;

5.5.4.6 Any monitoring or review conditions.

5.6**OUTSTANDING LANDSCAPE AREAS – UTILITY BUILDINGS****Permitted Activities — Outstanding Landscape Areas – Utility Buildings**

5.6.1 In the areas shown on the Planning Maps as Outstanding Landscape Areas in the Port Hills, Malvern Hills and the High Country, any utility building which complies with the following conditions shall be a permitted activity:

5.6.1.1 A maximum gross floor area not exceeding 40m²;

5.6.1.2 A maximum height not exceeding 4m; and

5.6.1.3 A maximum reflectance not exceeding 37%.

Restricted Discretionary Activities — Outstanding Landscape Areas – Utility Buildings

5.6.2 Any building which does not comply with Rule 5.6.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

5.6.2.1 The building is within the Lower Slopes or Visual Amenity Landscape on the Port Hills;

5.6.2.2 In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:

(a) The building is associated with an activity which is located within the area of Outstanding Landscape; and

(b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.

5.6.3 Under Rule 5.6.2, the Council shall restrict its discretion to consideration of:

5.6.3.1 The design of the building including height, size/scale, external finish, colour and reflectance value;

5.6.3.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;

5.6.3.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;

5.6.3.4 The extent to which the building or structure may:

(a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;

(b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;

(c) use topography or vegetation to assist in mitigation or containment of visual effects;

(d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;

(e) be visually prominent in an area characterised by high natural values;

(f) affect the amenity values of adjoining properties.

5.6.3.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings or structures;

5.6.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values;

5.6.3.7 The design and siting of any access to the building or structure, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks;

5.6.3.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground;

5.6.3.9 Any positive effects to be created by the proposed building and its associated accessway;

5.6.3.10 Any monitoring or review conditions.

Discretionary and Non-Complying Activities — Outstanding Landscape Areas – Utility Buildings

5.6.4 Any activity which does not comply with Rule 5.6.2.1 shall be a non-complying activity.

5.6.5 Any building which does not comply with Rule 5.6.2.2 shall be a non-complying activity.

- 5.14.7.5 Any alternative options which may better maintain the heritage values of the building and the relative costs of the alternatives;
- 5.14.7.6 Any other works the applicant has undertaken or proposes to undertake to maintain or enhance heritage values on the site or elsewhere in the District and the appropriateness of such works as a mitigation measure; and
- 5.14.7.7 Any monitoring or review conditions.

Discretionary Activities — Heritage Buildings – Utility Buildings

- 5.14.8 Any demolition or removal of any building or part of any utility building which is listed in Appendix 3 (except any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3) as a Heritage Building shall be a discretionary activity.

Non-Complying Activities — Heritage Buildings – Utility Buildings

- 5.14.9 Any demolition or removal of any building or part of any utility building which is listed as “Category 1” under the HPT Category in Appendix 3 shall be a non-complying activity.

Reasons for Rules

Rule 5 manages effects of establishing, maintaining, upgrading and replacing utilities on the environment. These rules should be read in conjunction with Rule 1 – Earthworks and Rule 3 – Buildings. Cross references to other relevant rules are provided at the beginning of Rule 5.

Many activities involving utilities are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply. However, it is still necessary to have rules in the Plan, because:

- (a) Not all utilities are managed by requiring authorities;
- (b) Often utilities are installed by private developers as part of subdivisions or land uses. Some utilities may vest in the Council. The Plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of utilities which will vest in the Council;
- (c) If rules in the District Plan allow activities as permitted activities, it may reduce the need for network utility operators to designate land; and
- (d) It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

The Outstanding Landscapes of the Port Hills, Malvern Hills and High Country are equally managed with only very small buildings and utility structures provided for as a permitted activity. In relation to the Port Hills, utilities are a restricted discretionary activity in the Lower Slopes and Visual Amenity Landscape of the Port Hills and a non-complying activity in the Upper Slopes. This is consistent with the rule structure for dwellings, where the Plan provides for a more lenient housing density within the Lower Slopes and Visual Amenity Landscape to encourage development to this part of the Port Hills and to maintain relatively open Upper slopes.

Rules 5.1 and 5.1.2.2 address potential effects from electromagnetic radiation and power frequency electric and magnetic fields. The rules are firmly based on recognised national standards concerning these effects.

Rule 5.1.2.3 concerns cables and lines. The rules encourage undergrounding of such lines where this is a realistic expectation. New high voltage lines will require consent and assessment given their potentially significant visual impacts, with particular eye to siting.

Rule 5.1.2.4 discourages on-site energy production (subject to specific exemptions) because of potential adverse effects of such activities.

Rule 5.1.2.5 provides for small scale drainage and irrigation facilities which would not raise issues in respect to wider effects on water resources, where resource consent would be required.

Rule 5.1.2.6 provides for reticulated gas supplies of a scale appropriate to a residential or light industrial environment.

Rule 5.2 relates to utility buildings. It allows them to be of the same scale as rural buildings generally, but also recognising that functionally they do not require as much surrounding space as dwellings. Setback and recession plane requirements are set in place to protect neighbours and any adjoining Living zone from the bulk of utility buildings.

Rule 5.3 relates to utility structures which comprise very small buildings, or poles, masts, pylons and antenna. For operational efficiency these are allowed to be higher than buildings, but also require compliance with recession planes on Living zone

boundaries where a utility support structure has a “thick” profile of more than 500 mm.

Rule 5.4 requires that telecommunication or radiocommunication towers (but not their attached fittings) be finished in colours which are (or weather to) shades which will not be visually obtrusive in the rural environment.

Rules 5.5 and 5.6 address buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The Port Hills landscape has been subject to greater levels of residential development than the areas in the Malvern Hills and High Country. The Plan provisions allow for low level residential development on the Port Hills but controls the siting, design and density of houses and other buildings, to reduce potential visual effects. The Plan provisions protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001. The Plan policies recognise that there may be some sites within the Upper Slopes where a dwelling could be erected with only minor visual effects. However, most residential development is encouraged to locate in the Lower Slopes. Erecting houses in the Upper Slopes is therefore a non-complying activity and may be publicly notified. Erecting houses within the Lower Slopes is a restricted discretionary activity, to manage design and siting, and resource consent applications are non-notified.

Rule 5.7 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the ‘rural character’ of these areas.

Rules 5.8 and 5.9 identify areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rules 5.10 and 5.11 manage the effects of erecting buildings in Silent File Areas and Wāhi Taonga Management Areas, and on Wāhi Taonga Sites and Mahinga Kai sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally or archaeologically important site, as advised by local Rūnanga and in the case of the Wāhi Taonga Management Area which comprises the Rakaia River Mouth Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga.

The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

Rule 5.12 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airfield and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of the height restrictions is a non-complying activity. The approach paths need to be clear of obstacles to ensure aircraft can take off or land safely. The height restrictions are shown in Appendix 19. They are drafted to accommodate the current use of the existing runways at both airfields. Height restrictions affect the range of land uses able to occur on surrounding properties. Therefore, any further restrictions on building height to accommodate further use of these airfields, would need to be considered alongside any proposal to increase use of either airfield.

Rule 5.14 manages additions or alterations to, and demolition of, heritage buildings. The buildings listed in Appendix 3 have been identified as having important heritage values. The process and criteria used to identify these buildings is outlined in Part B, Section 3.3. General cleaning and maintenance of these buildings does not require a resource consent but additions and

PART C

6 RURAL RULES - OUTDOOR SIGNS AND NOTICEBOARDS

Notes:

1. Outdoor Signs and noticeboards are defined in Part D of the Plan. Noticeboards hold information designed to be read by people stopping, whereas signs are designed to be read by people as they are passing by.
2. Outdoor Signs within any road reserve require the permission of the Council, even if the sign complies with the rules in the District Plan for a permitted activity.
3. All signs in the Porters Ski and Recreation Area shall be exempt from Rule 6.2, while signs required for the purpose of on-mountain directions and safety shall not be required to comply with Rule 6.1.
4. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

6.1 OUTDOOR SIGNS – GENERAL

Permitted Activities — Outdoor Signs – General

- 6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:
- 6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve;
- Note:** Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries.*
- 6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner;
- 6.1.1.3 The sign does not have any of the following features:
- (a) Flashing or revolving lights;
 - (b) Sound effects;
 - (c) Balloons or blimps; or
 - (d) Moving parts;
- 6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal;
- 6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill;
- 6.1.1.6 The height of the sign is not more than:
- (a) The height of the building to which it is attached; or
 - (b) 6m above the ground if the sign is not attached to a building;
- 6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m² and the total area of signage on the site does not exceed 6m².
- 6.1.1.8 Any sign which is attached to a building and exceeds 3m² in area does not protrude beyond the framework of the building;
- 6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.

6.2**OUTDOOR SIGNS AND OUTSTANDING NATURAL LANDSCAPE AREAS****Permitted Activities — Outdoor Signs and Outstanding Natural Landscape Areas**

6.2.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

6.2.1.1 Any outdoor sign in any area shown on the Planning Maps as an Area of Outstanding Landscape is limited to:

- (a) Any sign or signs depicting the name of, or information about, a place which is on the site to which the name or information relates; or
- (b) Directional signs for traffic or pedestrians; or
- (c) Signs indicating private property, fire restrictions, wandering stock, public reserves or public access; or
- (d) Any sign required under other legislation;

Discretionary Activities — Outdoor Signs and Outstanding Natural Landscape and Port Hills Areas

6.2.2 Erecting any sign which does not comply with Rule 6.2.1 shall be a discretionary activity.

Part C

10 RURAL RULES - SUBDIVISION

Notes

- 1 The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
- 2 If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the headings 'Matters over which the Council has reserved control' or 'Matters subject to the Council's Discretion'.
- 3 If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the RMA.
- 4 Rule 10 applies to the subdivision of land, within the meaning of Section 218 of the RMA.
- 5 The design of any road, vehicle accessway, or vehicle crossing must comply with Rule 4: Roads and Transport.
- 6 Any earthworks associated with subdivision of land must comply with Rule 1: Earthworks.
- 7 Erecting any dwelling or other building on any land must comply with Rule 3: Buildings, or Rule 4: Roads and Transport; or Rule 9: Activities.
- 8 Irrespective of any rules in this Plan, the transitional regional plan contains rules for minimum allotment sizes needed to treat and dispose of effluent on-site without a discharge permit. Therefore, Environment Canterbury should be contacted.
- 9 Underlined words are defined in Part D of the Plan.
- 10 The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from the New Zealand Transport Agency (NZTA). This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
- 11 Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Part B, Section 3.3,) "Archaeological Sites").
- 12 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.
- 13 Attention is drawn to the provisions of any relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those rules, then application for consent will also need to be made in respect to those rules.

10.1 SUBDIVISION GENERAL

Controlled Activities — Subdivision General

- 10.1.1 Any subdivision of land shall be a controlled activity if all of the following standards and terms are met:
- 10.1.1.1 Any allotment created is not located within any of the following areas:
- (a) Any areas shown on the Planning Maps as the Waimakariri Flood Category A area;
 - (b) Any area shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas;
 - (c) Seaward of the Coastal Hazard Line, as shown on the Planning Maps; and
 - (d) Between any waterbody and any stopbank designed to contain floodwater from that waterbody;
- 10.1.1.2 Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;
- 10.1.1.3 Any allotment created does not contain any of the following features:
- (a) Any site listed as a heritage site in Appendix 3;
 - (b) Any tree listed as a protected tree in Appendix 4;
 - (c) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wāhi Taonga site, a Wāhi Taonga Management Area, or a Mahinga Kai site;
 - (d) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection;
- 10.1.1.4 Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restriction shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.
- The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the Plan (or a resource consent) to the nearest boundary of any proposed allotment.
- 10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater.
- 10.1.1.6 Any road, right of way or other vehicle accessway is designed and formed to comply with Rules 4.4 and Rule 4.5 for permitted activities (for State Highway they have to comply with the design criteria in Appendix 10);
- 10.1.1.7 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:
- (a) 6m x 6m for local roads
 - (b) 10m x 10m for collector roads
 - (c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy then arterial, collector and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.

Note: Any vehicle crossing formed on any allotment must comply with Rules 4.5.1.4 and 4.5.1.5

Note: Limited Access Roads (LAR). The objective of Limited Access Roads is to protect the safety and high level of traffic service on these important routes which may otherwise be adversely affected by traffic generation of property alongside. The LAR registration includes controls relating to subdivision and access to and from land adjoining the LAR. The effect is to prevent the proliferation of new access

10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.
- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:
- 10.3.2.1 All the matters listed in Rule 10.1.2;
- 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.
- 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;
- 10.3.2.4 Any positive effects which may offset any adverse effects; and
- 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

PART E

APPENDIX 24

SUMMIT ROAD

2001 No 3

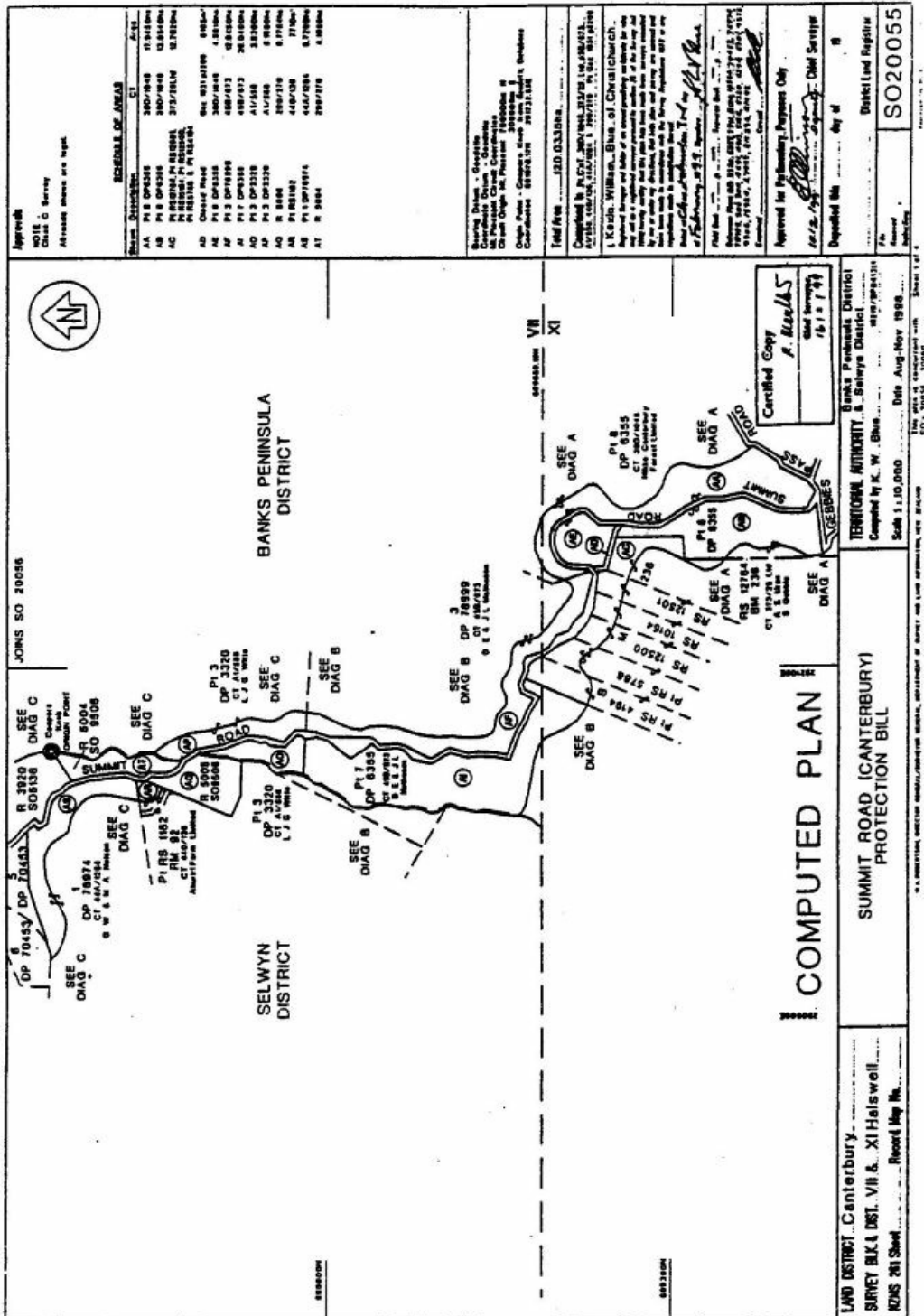
Summit Road (Canterbury)
Protection Act 2001

Schedule 3

Schedule 3
Plans of areas described in Schedule 2

s 4(1)

Plan 1 (SO 20055)

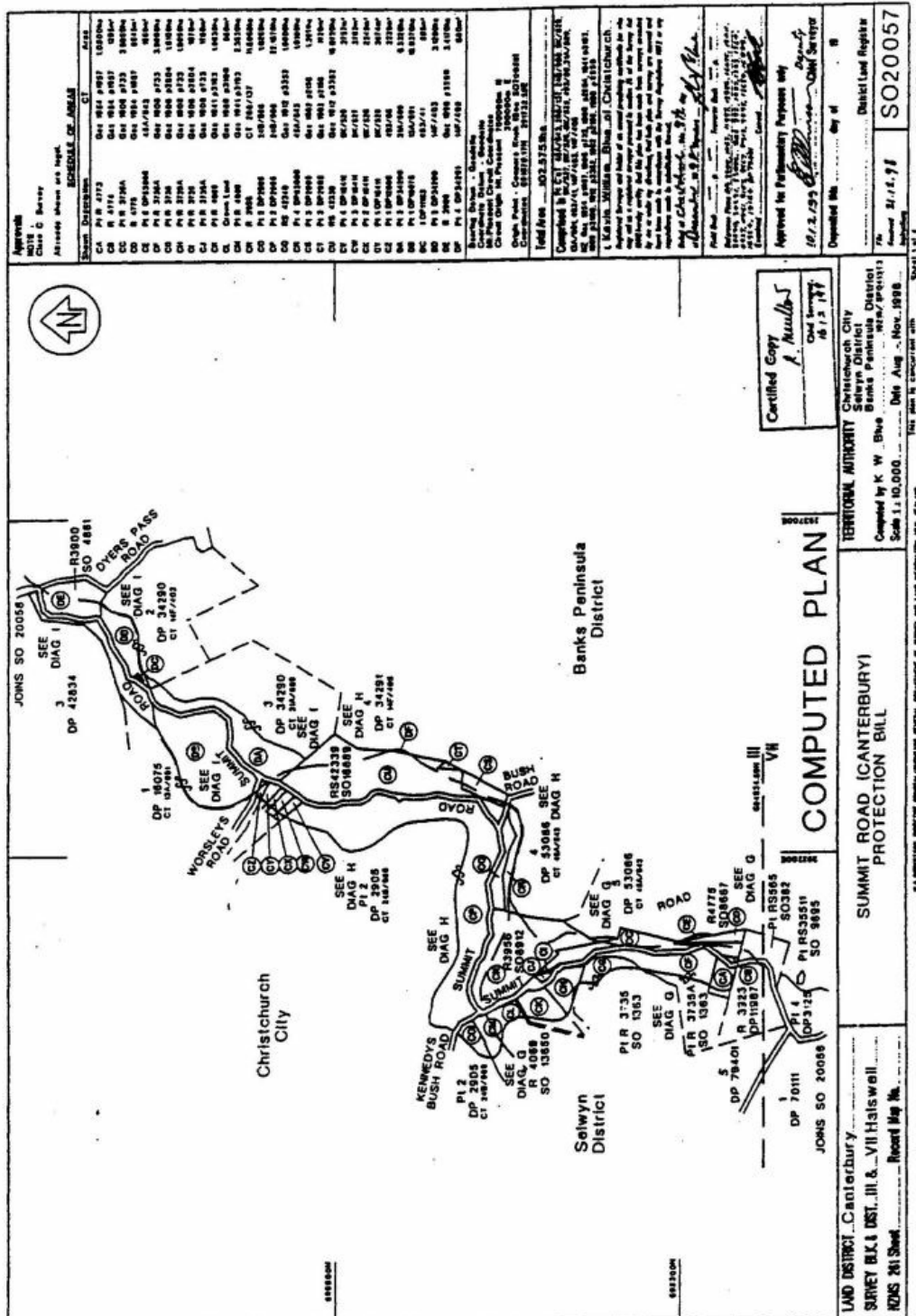


2001 No 3

[illegible]

2001 No 3 **Summit Road (Canterbury) Protection Act 2001** Schedule 3

Plan 3 (SO 20057)



Schedule 3

2001 No 3

LIND DISTRICT, Canterbury
 SURVEY BX 1 DIST. VII Halswell
 2025 201 Sheet
 Record May 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960

Approved by the
 Planning Committee
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960
 at the Public Hearing
 on 14th March 1960