

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 12 January 2015

Date of decision: 26 February 2015

Hearing Panel: Hon Sir John Hansen (Chair), Ms Sarah Dawson, Ms Jane Huria

DECISION 2

**TEMPORARY ACTIVITIES RELATED TO EARTHQUAKE RECOVERY
(AND RELEVANT DEFINITIONS)**

Outcomes: Proposals changed as per Schedule 1

COUNSEL APPEARING

Ms S Scott

Christchurch City Council

Mr D Allen and Ms C Olds

The Crown

Mr P Harding

Chairman of Ilam and Upper Riccarton Residents
Association

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INTRODUCTION

[1] This decision (‘decision’) is the second in a series by the Independent Hearings Panel (‘Hearings Panel’/‘Panel’)¹ concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) (‘Replacement Plan’/‘Plan’). It concerns the following notified proposals for the Replacement Plan (together, called ‘Temporary Activities for Earthquake Recovery Proposals’):

- (a) Chapter 6 (General Rules and Procedures), and
- (b) Part of Chapter 14 (Residential); and
- (c) Chapter 2 (certain Definitions)

[2] Clause 3(1)(b) of our Terms of Reference requires that the Panel hear and determine the proposal that relates to “Temporary Activities for Earthquake Recovery, such as house lifting”, by 28 February 2015. Aside from the reference to “house lifting”, the Terms of Reference are silent on the provisions of the Plan that need to be heard and determined.

[3] This decision follows our hearing of submissions on the 12 January 2015.

Background

[4] Mr Matheson, for the Christchurch City Council (the Council), has provided background to this topic in his evidence in chief, dated 18 December 2014. The Panel accepts his evidence, in that provisions for temporary earthquake recovery activities are those that relate to:

- (a) Activities displaced from their normal place of residence or business by the 2010 and 2011 Canterbury Earthquakes because of:
 - (i) damage to, or destruction of, land or structures caused directly or indirectly;
 - or

¹ The Panel members are Hon. Sir John Hansen (chairperson), Environment Judge John Hassan (deputy chairperson), Sarah Dawson, Dr Philip Mitchell, Jane Huria, John Sax.

- (ii) the requirement to undertake repair or reconstruction of structures or essential services, and land remediation works; or
 - (iii) the risk of damage to land or structures, or of injury to those inhabitants or passers-by, including risk arising because of the state of adjacent structures.
- (b) Storage facilities for goods, machinery and vehicles either used for earthquake related construction; or relocated from buildings being repaired or rebuilt as a result of the 2010 and 2011 earthquakes.
- (c) Additional residential units on sites in specific zones for persons who moved from their normal residence because that building or land could not be occupied as a result of the 2010 and 2011 earthquakes for the reasons set out in (a)(i)-(iii) above.

[5] We accept Mr Matheson’s evidence that the Council considers it necessary to provide for these activities during recovery as people and businesses await rebuild of infrastructure and buildings, as:²

... it enables activities to operate in areas where they would otherwise not comply with the provisions of the District Plan.

[6] The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 (‘Order’) enables the Council to permit temporary accommodation for displaced people and businesses, and temporary depots and storage facilities that would otherwise not comply with the City and District Plans. Specifically, this Order provided for:³

- (a) temporary accommodation activities – being accommodation provided for persons displaced from their normal place of residence or normal place of business; and
- (b) temporary depots and storage facilities – being depots or storage facilities for transport purposes, or for use by tradespersons, service providers, or contractors, if those depots or facilities are reasonably incidental to any construction work

² Statement of Evidence of Alan Ross Matheson on Behalf of Christchurch City Council, 18 December 2014 at para 5.1.

³ Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011, cls 7 and 8.

undertaken for the purpose of the Canterbury Earthquake Response and Recovery Act 2010.

[7] This Order expires on 20 April 2016. Therefore, activities identified in 6 (a) and (b) above will no longer be provided for under this Order.

[8] In addition to the above activities, the accepted evidence of Mr Matheson sets out the need to provide for the temporary lifting of buildings (to enable repair of earthquake damage) in residential zones that would otherwise breach development standards.

Effect of decision and rights of appeal

[9] Our decision⁴ is to make changes to the Council's notified Proposals that relate to temporary earthquake recovery activities, as set out in Schedule 1.

[10] The effects of our decision and the rights of appeal are set out in our decision on Strategic Directions, delivered contemporaneously.⁵ For the purpose of this decision, the list of parties with appeal rights are limited to those parties set out in cl 19(2) of the Canterbury Earthquake (Replacement District Plan) Order 2014 ('OIC').

Identification of parts of existing district plans to be replaced

[11] The OIC requires that our decision also identify the parts of the existing district plans that are to be replaced by the Temporary Activities for Earthquake Recovery Proposal. The Council has submitted that provisions for Temporary Activities for Earthquake Recovery (Temporary Activities provisions) are new provisions which form Proposal 6 (General Rules and Procedures), part of Proposal 14 (Residential) and also certain definitions of Chapter 2 (Definitions). Therefore, there are no equivalent provisions contained in the Operative Plan. We agree, and as such there are no provisions in the Operative Plan that are required to be identified for replacement. The Temporary Activities provisions will stand alone when they become operative.

⁴ Under cl 12(1)(b) of the Canterbury Earthquake (Replacement District Plan) Order 2014.

⁵ Strategic Directions decision at [5]-[9].

PRELIMINARY MATTERS

Conflicts of interest

[12] We posted notice of any potential conflicts of interest on the Hearing Panel’s website on 17 December 2014. No submitters raised issues in relation to this.

Issues with electronic database of submissions

[13] In our first decision we explained that we had identified a number of issues with the adequacy and accuracy of the electronic database of submissions that the Council made available to the Hearings Panel.⁶ We do not seek to repeat the issue in this decision but wish to record that the issues we identified resulted in the Panel taking a cautious approach to the identification of submitters with an interest in this matter.

[14] Additional manual checking by the Secretariat revealed two additional submissions, to those originally identified on the database, which relate to the Strategic Directions and Temporary Earthquake Recovery Activities Proposals. The submissions were that temporary earthquake recovery activities be extended. This accords with the position of the Council and the Crown which has led to this decision. We have addressed these two submissions in the Strategic Directions decision.⁷

[15] With regard to this hearing, we are satisfied that all other interested submitters who wished to be heard were aware of the hearing.

SUBMISSIONS

[16] This decision relates to the submissions that are directly related to Temporary Activities for Earthquake Recovery, which include Chapter 6 (Temporary Activities relating to earthquake recovery) and specific provisions in Chapter 14. Those wider provisions in Chapter 14, and provisions for Chapter 6 that form part of Stage 2, will be considered at later hearings for these respective Proposals. This decision does not in any way limit submitters’ rights in respect to wider provisions within Chapters 6 and 14.

⁶ Strategic Directions decision at [16]-[25].

⁷ Strategic Directions decision at [21].

PROCEDURAL MATTERS

Scope of provisions considered

[17] The Council and CERA filed a joint memorandum with the Secretariat before the pre-hearing meeting which set out agreed provisions relating to Hearing 2: Temporary Activities Related to Earthquake Recovery.⁸ The memorandum identified provisions considered to fall within the scope as identified as priority (b) in the Terms of Reference to “address temporary activities related to earthquake recovery, such as house lifting activities”.

[18] The Parties agreed at the pre-hearing meeting held on 28 November 2011 that the scope of Temporary Activities provisions to be heard was limited to those set out in the joint memorandum, with the exception of the provisions identified in Chapter 7 (Transport). We are satisfied from the evidence that this hearing properly excludes the related provisions in Chapter 7 (Transport) because those persons seeking to rely on the temporary activity rules for earthquake recovery purposes are currently also subject to the Order.⁹

[19] The provisions identified as within scope are those that would apply to temporary activities related to earthquake recovery notified in Stage 1. These provisions are found in Chapter 6 (General Rules and Procedures) and Chapter 14 (Residential) of the Replacement Plan and identified definitions of Chapter 2 (Definitions).

Scope in relation to areas yet to be notified by the Council

[20] During facilitated mediation the issue was raised whether the scope of Temporary Activities Related to Earthquake Recovery rules in Chapter 6 (Rule 6.4.2) is limited to the zones identified and notified as part of Stage 1, or whether the rules would also apply to those zones to be notified as part of Stage 2. This understandable confusion appears to originate in the public notice of proposals given by the Christchurch City Council dated 27 August 2014.

[21] The Panel is aware this is a critical matter for some submitters as it relates to whether the relief they sought would be heard as part of this hearing or deferred until the Stage 2 hearings. Some submitters appear to have lodged submissions on Chapter 6 understanding that it may

⁸ Memorandum to Independent Secretariat from CCC and CERA dated 21 November 2014.

⁹ Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011.

apply to Stage 2 proposals (in particular we refer to the positions outlined in the facilitated mediation agreement of the University of Canterbury and Faulks Investments Ltd). We were also aware that there are potentially a number of persons who will have seen that proposals related to their interests (e.g. rural areas) have yet to be notified and therefore they may have not submitted on Chapter 6 at this stage. We determined that any extension of this hearing to include Stage 2 matters could disenfranchise some residents, contrary to our fair hearing obligations.

[22] We received a memorandum of counsel from the Council dated 8 December 2014 which sought a determination from the Panel on this matter of scope in relation to areas yet to be notified by the Council. Various options to address this issue were discussed in chambers with representatives of the Crown and the Council. Following this discussion the Panel issued a minute dated 10 December 2014 directing the Crown and the Council to confer in the preparation of a joint application to the Panel to exercise its discretion under cl 13(4) of the OIC to make orders directing the Council to notify a new proposal to address all temporary activities related to earthquake recovery, wherever they are located within the Christchurch City boundaries.

[23] A joint application from the Crown and the Council was subsequently received on 17 December 2014. It sought directions from the Panel pursuant to cl 13(4) of the OIC that the Council prepare and publicly notify a new proposal, containing provisions for temporary activities that are related to earthquake recovery in all those parts of the Christchurch district that have not been included in the proposal notified by the Council to date. Timeframes and specific dates around this were also set out. The Panel granted the joint application on the basis that the directions sought were appropriate.

MEDIATION

[24] Prior to the hearing, a facilitated mediation conducted by Mr John Mills, Environment Court Commissioner, was held on 3 December 2014. At that time the Parties had reached agreement on the majority of issues, although some matters remained outstanding. By the time of the hearing, the Council and the Crown reached agreement on all matters.

[25] A record of the mediation was subsequently prepared in accordance with Schedule 3, cl 10(4) to the OIC. Attachment 2 to the mediation record set out the matters and issues that were agreed and issues that were outstanding.

[26] For the sake of completeness, there was no expert witness conferencing, nor any reports commissioned with regard to this hearing.

REASONS

STATUTORY FRAMEWORK

[27] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on the proposal.¹⁰

[28] The OIC sets out what we must and may consider in making our decision.¹¹ It qualifies how the Resource Management Act 1991 (RMA) is to apply and modifies some of the RMA's provisions, both as to our decision-making criteria and processes.¹² It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 (CER Act).¹³ The OIC also specifies additional matters for our consideration.

[29] In our first decision we set out in full the statutory considerations that apply to our decision. In the context of this decision there was a large degree of consensus between the

¹⁰ OIC, cl 12(1).

¹¹ OIC, cl 14(1).

¹² OIC, cl 5.

¹³ Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

Parties. We are satisfied that the representations made by the parties and at the hearing accord with the approach that we adopted in our first decision. Therefore we do not propose to repeat those provisions but record that we adopt the reasoning set out in our first decision.¹⁴

KEY ISSUES RAISED BY SUBMISSIONS

[30] The primary issues raised by submitters related to:

- (a) the length of time that temporary earthquake recovery activities should be provided for in the proposed Replacement District Plan;
- (b) the appropriate activity status for temporary activities; and
- (c) ensuring the proposed provisions give effect to the National Policy Statement on Electricity Transmission ('NPSET').

[31] Mr Matheson set out in his evidence a number of other matters raised in submissions (e.g. compliance with the New Zealand Fire Service Firefighting Code of Practice and the provision for retailing and other activities in residential zones). In addition, we agree with Mr Matheson that there were a number of submissions received that were not within scope of this hearing. While many of these relate to the confusion around areas that are subject to consideration in Stage 2, other submissions not within the scope include those set out in paragraph 9.1 of Mr Matheson's evidence in chief.

[32] The Panel notes that the issues narrowed following mediation, and subsequent agreement was reached between the Crown, the Council and Transpower¹⁵ before the hearing, or the issues were agreed to by Council upon consideration of submissions received. This is discussed in greater detail below, and further set out in the record of mediation.

¹⁴ Strategic Directions decision, Section 3 at [26]-[29] and [40]-[71].

¹⁵ Transpower, submitter 832.

SUBMISSIONS AND THE PARTIES' POSITIONS AS TO THE ISSUES

[33] The submissions of the Parties are set out in the following paragraphs. For the purpose of this decision, Parties with similar submission points have been grouped together, as we may do under Schedule 3, cl 13(2) of the OIC. Further, under cl 13(3) of that same schedule, we did not, nor were we required to, address each submission individually.

[34] The Crown in its submission is supportive of providing for temporary earthquake recovery activities within the proposed Replacement Plan. However, the Crown sought to provide for temporary earthquake recovery activities beyond 2018 to better align with the transition out of recovery, and has sought a more permissive regime for temporary earthquake recovery activities.

[35] Evidence was presented by Mr Nevell for the Crown in which he set out the importance of temporary activities to the efficient recovery and rebuild of the district, and also the progress and expected timeframes for recovery. In particular, we note and accept the following statements:¹⁶

Temporary earthquake recovery activities are vital to enable the efficient recovery and rebuild of the district and to enable communities and business to continue to operate efficiently in the interim.

and:¹⁷

The reconstruction phase of recovery will continue for at least a decade, and possibly longer. The public sector rebuild is not expected to be completed until 2024, and is designed to catalyse a longer period of private investment.

[36] Ilam Upper Riccarton Residents Association (IURRA) initially sought an earlier cessation to temporary activities on the basis that temporary activities result in amenity effects and disruption to the host communities. The Panel notes Mr Harding's statements¹⁸ at the hearing on IURRA's position, in that:

... the compromise that has been struck between CERA and the Council falls in a lot of ways very much in line with what we, as a residents association, were hoping...

¹⁶ Second Statement of Evidence, Phillip George Nevell on behalf of the Crown, 7 January 2015 at para 5.4.

¹⁷ Statement of Evidence Phillip George Nevell on behalf of the Crown, dated 25 November 2014 at para 10.1.

¹⁸ Transcript Of Proceedings: Hearing 2, Temporary Activities related to Earthquake Recovery at pages 28 and 32.

[37] In relation to the cascading rules package agreed between the Crown and the Council, in particular the restricted discretionary activity status applying to temporary activities between 2018 and 2022, Mr Harding said:

... given that the Council will be assessing everything on a case by case basis, they will probably put a weighting on any application to continue out to 2020 based on their perceived requirement to do so. So I guess I would trust the Council in that respect, yes.

[38] Given the position reached by Mr Harding on behalf of IURRA at the hearing, the Panel is satisfied that IURRA accepts the need for temporary activities relating to earthquake recovery to be permitted until 2018, and that in certain circumstances it will be appropriate for these activities to continue until 2022 by way of a restricted discretionary activity resource consent assessed by the Council. The evidence we have heard and accepted, both in this hearing and in the Strategic Directions hearing, overwhelmingly justifies these dates.

[39] Transpower's submission was primarily concerned with ensuring the Replacement Plan gives effect to the National Policy Statement on Electricity Transmission ('NPSET'), in particular the requirement for temporary earthquake recovery activities to be separated from the National Grid transmission lines.

[40] The Panel acknowledges the agreement reached between Transpower and the Council on Transpower's submission, and notes that the agreed position gives effect to the 12m separation requirements from the National Grid transmission lines set out in the NPSET.

[41] The Panel notes the further submission made by Orion, which does not support the sole reference to the National Grid and associated assets.¹⁹ Orion seeks the inclusion of its assets within the rule framework for corridor protection measures. While noting Orion's submission states that many of the high voltage distribution lines within the City (66kV and 33kV electricity distribution lines) have recently been transferred from Transpower to Orion, we agree with the legal submission of the Council that Orion's 66kV and 33kV electricity distribution lines do not form part of the National Grid, and do not justify the higher level of protection directed by Policies 10 and 11 of the NPSET.²⁰ We also agree with the Council's legal submission that Orion's further submission is outside of scope, as its primary submission

¹⁹ Orion, further submitter 1339.

²⁰ Opening Representation/Legal Submission for Christchurch City Council, 12 January 2015 at paras 9.2 and 9.3.

did not support or oppose rules 6.4.2.2.1 and 6.4.2.2.3 temporary earthquake recovery activities in Proposal 6.

[42] The Panel acknowledges a number of submissions received were in support of extending the temporary activity permits issued under the OIC until 2018, and in some instances, beyond this date. This group includes submissions from Triton Patrols (2008) Limited, Kilmarnock Enterprises Limited, St George's Hospital, Sala Sala Restaurant, Canterbury Men's Centre, Working Style Properties, Nurse Maude and others.²¹ Various reasons were set out in these submissions for this position, which generally align with the evidence of Mr Nevell for the Crown, for example the submission of St George's Hospital which states:

The inclusion of cut-off date of 30 April 2018 for both the temporary activities and the life of the relevant rules (clause 6.4.2.1.3) are both arbitrary and likely to adversely affect the recovery, economic activity and employment. Given the uncertainties surrounding the pace of recovery and the parts of the city experiencing re-build activities it would be desirable for the Plan to make provision for temporary activities to be extended beyond 30 April 2018, if it can be shown that any extension of time would be beneficial to the recovery.

[43] And Nurse Maude:

... The extension in time will provide much needed flexibility and will enable services to continue to be provided during a significant construction phase.

[44] Several submitters sought a more cautious approach to extending the time activities established under permits issued under the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 can operate (e.g. the submissions from the Fendalton Waimairi Community Board, Mr Michael Hughes and Kiwi Income Property Trust).²² The submission points from these parties include assessing any extension on a case by case basis, providing for more neighbour and neighbourhood involvement in decision making, or for extensions applying to certain activities only (e.g. restricting further office and retail activity but allowing for community facilities and worker accommodation). The accepted evidence addresses these submissions.²³

²¹ Triton Patrols (2008) Limited (#112); Kilmarnock Enterprises Limited (#598); St George's Hospital (#128); Sala Sala Restaurant (#796); Canterbury Men's Centre (#1473); Working Style Properties (#689); Nurse Maude (#525).

²² Fendalton Waimairi Community Board (#818); Mr Michael Hughes (#1121 & FS#1241); Kiwi Income Property Trust (#1352).

²³ As referred to at [38] of this decision.

[45] Initially, the Council's primary concern was that greater flexibility would not facilitate recovery of commercial centres, and that there would be ongoing amenity effects on host communities from the presence of temporary activities.

[46] Upon review of the evidence of Mr Nevell, and following discussions with both the Crown and Transpower, we note the Council reached agreement on all matters, in particular that the cascading rule framework would apply to temporary activities relating to earthquake recovery, and also that the setback standard would apply only to Transpower's National Grid, not to the Orion distribution network.

Withdrawal of submissions

[47] As outlined in the section on 'Procedural Matters',²⁴ the issue arose as to whether the scope of Temporary Activities rules in Chapter 6 is limited to the zones notified as part of Stage 1, or whether the rules would also apply to those zones to be notified in subsequent stages. We accepted during the course of proceedings that Temporary Activity provisions do not apply to those parts of the Christchurch district that were not notified as part of the Stage 1 proposals. As a result, two submitters provided the Panel with memoranda updating their position.

[48] The University of Canterbury, in a memorandum dated 17 December 2014, stated it no longer wished to be heard on this matter and withdrew its request to attend.²⁵ The Panel notes that the University's interest relates to temporary earthquake activities in an area identified to be within the Stage 2 review area.

[49] Faulks Investments Limited²⁶ is in a similar position to the University in that its interest relates to temporary earthquake activities in a rural zone which is not yet notified by the Council. Faulks Investments Limited outlined its position in a memorandum dated 8 December 2014, in that it would withdraw its wish to be heard in all Stage 1 hearings subject to the Panel determining that rural zones are to be addressed in Stage 2. We accept this position from the submitter.

²⁴ At [20]-[23] of this decision.

²⁵ University of Canterbury (#797).

²⁶ Faulks Investments Limited (#799).

[50] In addition to the above, a number of submissions were received in support of retaining the Upshot Café in the Heathcote Valley. The Panel notes this site is also within a Stage 2 review area. As such, these submitters are in a similar situation to the University of Canterbury and Faulks Investments Limited, in that they are outside of the scope of matters we can consider for this priority hearing.

[51] Given the above, the submissions of the University of Canterbury, Faulks Investments Limited and others relating to specific sites not notified as part of the Stage 1 proposals have not been considered in this decision. These parties are advised that we directed Council under cl 13(4) of the OIC to prepare and notify a new proposal to address all temporary activities related to earthquake recovery covered by Stage 2. These proposals for all remaining areas were subsequently notified in accordance with our direction on 7 February 2015. Interested parties should submit on the proposals if they are so minded.

[52] While the submissions of the University of Canterbury and Faulks Investments Limited have not been considered in this decision, we acknowledge the contribution these parties made to the facilitated mediation.

Withdrawal of wish to be heard

[53] A number of parties responded to the Notice of Hearing saying that they no longer wished to be heard and/or stated their position as to future involvement in this hearing. These were:²⁷

- (a) Nurse Maude stated it would not be calling evidence in relation to its submission points on Temporary Activities. However, it asked that the matters raised in its submission on this issue still stand to be considered by the Panel.
- (b) The Property Council stated it would not be involved in this hearing.
- (c) Awly Investments Limited stated it would not be involved in this hearing.
- (d) Progressive Enterprises Limited stated it would not be involved in this hearing.

²⁷ Nurse Maude (#525); The Property Council (#595); Awly Investments Limited (#754, FS#1328); Progressive Enterprises Limited (#790, FS#1450); Ngai Tahu Property Limited (#806, FS#1448); Church Property Trustees (#793).

- (e) Ngai Tahu Property Limited stated it would not be involved in this hearing.
- (f) Church Property Trustees stated they do not wish to present evidence at this hearing.

[54] In addition, Fendalton Waimairi Community Board advised the Secretariat that it withdrew its right to be heard.²⁸

[55] The Panel wishes to reassure all submitters that their submissions, where relevant, have been considered by the Panel.

The required “s 32” and “s 32AA” evaluations

[56] The RMA requires us to have regard to the Council’s s 32 RMA “evaluation report” on the Proposal. No specific s 32 report has been prepared for Chapter 6 or proposals relating to temporary earthquake recovery activities in particular, however we note there is some limited discussion in the s 32 evaluation reports for Chapter 14 Residential that provide some context for the provisions, and in a policy sense is discussed in some detail in the s 32 report for the Strategic Directions Proposal.

[57] Section 32A addresses the implications of failing to carry out an evaluation. We note that a challenge to an objective, policy, rule, or other method on the ground that an evaluation report required under this Act has not been prepared may be made only in a submission under Schedule 1. The Panel notes Transpower has submitted that the requirements of s 32 of the RMA have not been met and record this concern as required under s 32A, but we are satisfied on consideration that the Council’s s 32 is adequate.

Section 32AA RMA further evaluation and findings

[58] We have accepted the evidence of both Mr Matheson and Mr Nevell and this satisfies the requirements of s 32 AA of the RMA.

²⁸ Fendalton Waimairi Community Board (#818).

Our decision concerning the provisions

[59] We are satisfied that the provisions for temporary earthquake recovery activities in Chapter 6 and Chapter 14 set out in Schedule 1 are the most appropriate way to achieve the purpose of the RMA. Specifically, they would respond to an identified need and provide flexibility in the time of recovery.

[60] In forming our decision, the Panel accepts without hesitation the evidence presented on the need for temporary activities, and the process and timeframes for recovery, as set out by Mr Nevell for the Crown. We note the Council has also accepted this evidence in that enabling recovery requires temporary activities to continue beyond 2018.

[61] The Panel accepts the cascading rule package agreed between the Crown and the Council will better enable recovery. Based on the evidence presented by Mr Nevell, the expectation of the Panel is that temporary activities will decline after 2018. This ties in with the agreed cascading rule framework, which we consider would provide flexibility in enabling recovery, while encouraging businesses to go back to ‘normal’.

[62] The Panel acknowledges and accepts the agreements reached between parties, in particular, the agreed position reached between Ms Whyte for the Crown and Mr Matheson for the Council, and notes, for instance, the Council had a stricter rule package which changed after the Council accepted the evidence of Mr Nevell.

[63] We also acknowledge the agreement reached between Transpower and the Council with regard to Transpower’s submission, noting the agreed position gives effect to the 12m separation requirements from the National Grid transmission lines set out in the NPSET.

[64] At the hearing²⁹ the Chair questioned Mr Matheson on the need for sites to be remediated following the cessation of temporary earthquake recovery activities, noting that the rules proposed by Council only require structures to be remediated and sites to be left “clean and tidy”. The Chair also raised the matter of whether the use of the term “original state” caused some ambiguity.

²⁹ Temporary Activities Hearing Transcript, page 22.

[65] Mr Matheson was going to give some more thought to this matter in his discussion with Ms Whyte, however this does not appear to have happened. Notwithstanding this, the Panel, upon consideration, has made minor amendments to the permitted activity rules P2-P7 under Rule 6.4.2.2.1 in this decision by:

- (a) requiring sites to be remediated following cessation of temporary earthquake recovery activities if they are to meet the permitted activity standards; and
- (b) removing the reference to “original state” and replacing it with a specific time reference, being the time prior to the temporary earthquake recovery activities being there.

[66] Although not specifically raised by any submission point, we are authorised under the OIC to make any changes that we consider appropriate, provided that if any changes are in a material way outside of the scope of the proposal as notified, we must direct the Council to prepare and notify a new proposal.³⁰

[67] We are satisfied that the changes are consequential and necessary to ensure clarity and workability of the rules package, arise out of the proposal as notified, and are not materially beyond the scope of the proposal as notified.

[68] The Panel is aware that the time constraints placed on parties have been onerous, especially over the holiday period, and wish to thank parties for the work they have done in reaching agreement.

[69] The Panel accepts the relief sought (in whole or part) from a number of other submitters who have sought an extension to the temporary activity permits issued under the Order. As has been outlined above, various reasons were set out in submissions from parties for this position, which we note generally align with the evidence of Mr Nevell for the Crown.

[70] Given the position reached by Mr Harding for IURRA at the hearing, the Panel is satisfied that IURRA accepts the need for Temporary Activities relating to earthquake recovery to be permitted until 2018, and that it in certain circumstances it will be appropriate for these

³⁰ OIC, cl 13(2) and (4).

activities to continue until 2022 by way of a restricted discretionary activity resource consent assessed by the Council.

[71] While a number of submissions have raised concerns around the extension of temporary activities, the Panel has weighed these submissions against the evidence of Mr Nevell, and in particular the importance that temporary activities play in recovery.

[72] We are also mindful, when considering these submissions, of the expectations of the Minister for Canterbury Earthquake Recovery and the Minister for the Environment, as set out in the Statement of Expectations of the OIC. The expectation in the OIC being that the Replacement Plan reduce significantly (compared with the existing district plans) the reliance on resource consent processes, the requirements for notification and written approval; and for it to provide for a range of temporary and construction activities as permitted activities, recognising the temporary and localised nature of the effects of those activities. To this effect, we consider the cascading rule package achieves an appropriate balance that reflects the importance of temporary activities to recovery and the speed of recovery.

Overall evaluation and conclusions

[73] In light of the submissions and evidence we have considered, and for the reasons we have set out, we are satisfied that:

- (a) We have exercised our function, in making this decision, in accordance with the provisions of Part 2, RMA (there are no applicable regulations).
- (b) As part of the Replacement Plan, the provisions for Temporary Activities for Earthquake Recovery in Schedule 1 to this decision will:
 - (i) accord with and assist the Council to carry out its statutory functions for the purposes of giving effect to the RMA;
 - (ii) give effect to NPSET and the CRPS (to the extent relevant);
 - (iii) duly align with other RMA policy and planning instruments, the land use recovery plans, the OIC (including the Statement of Expectations).

- (c) As part of the Replacement Plan, the policy and rules we have included in Chapter 6 and Chapter 14 are for the district and will achieve the purpose of the RMA.

[74] Finally, in view of the requirement of our Terms of Reference that we deliver this decision at this early stage, we intend to keep under continuing review the question of whether any aspect of it should be revisited in light of what we come to consider in later stages of our inquiry into the Replacement Plan.

For the Hearings Panel:

Hon Sir John Hansen
Chair

Ms Sarah Dawson
Panel Member

Ms Jane Huria
Panel Member

SCHEDULE 1

Changes that our decision makes to the Proposals

Additions shown as **bold and underline**

Deletions shown as ~~**bold and strikethrough**~~

CHAPTER 6 General Rules and Procedures Contents

6.4 Amenity

6.4.2 Rules - Temporary earthquake recovery activities

6.4 Amenity

6.4.2 Rules - Temporary earthquake recovery activities

Note that all references to zones and other provisions shown in *italics* are being reviewed in Phase 2 of the District Plan review.

6.4.2.1 How to use these rules and duration of rules

6.4.2.1.1 These rules apply to activities specified in the Activity Status Tables in Rule [6.4.2.2](#).

6.4.2.1.2 The Rules that apply to the activities specified in Rule [6.4.2.2](#) are:

- a. the Activity Specific

Standards in Rule [6.4.2.2](#)

- b. the rules in [Chapter 5 Natural](#)

[Hazards](#).

6.4.2.1.3 ~~The rules under this clause (Chapter 6, Clause 6.4) shall cease to have effect on 30th April 2018.~~

The permitted activities under 6.4.2.2.1 are only permitted when all of the relevant standards applying to the permitted activity are operative.

6.4.2.2 Activity status tables

6.4.2.2.1 Permitted activities

The activities listed below are permitted activities in the zones indicated if they comply with the

Activity Specific Standards set out in this table and the rules in [Chapter 5 Natural Hazards](#).

Activities may also be restricted discretionary or non-complying as specified in Rules [6.4.2.2.2](#) and [6.4.2.2.3](#).

Activity	Activity specific standards
<p>P1</p> <p><u>Any temporary activity established under either clause 7(3)(a) or 8(3)(a) of the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 that is in accordance with either:</u></p> <p><u>a) the provisions of a Public Notice published on 9 April 2011, 21 December 2011 and 23 October 2013; or</u></p> <p><u>b) a public notice published for a site specific approval that would expire on 20 April 2016 are permitted activities up to 30 April 2018</u></p>	<p><u>a. The activity shall comply with all standards specified in the relevant Public Notice.</u></p>

<p>P1 P2</p>	<p>Office, <u>retailing</u>, education activity, <u>pre-school</u>, <u>health care facilities</u>, <u>places of assembly</u> until the 30 April 2018, located in an <i>Open Space (excluding Open Space (Natural) and Open Space (Water))</i>, <i>Specific Purpose (Education)</i>, or <i>Rural zone</i>, or a <i>Residential, Small Settlement, or Papakainga zone</i> for activities other than <u>retailing</u>.</p>	<p>a. The activity moved from the land or building it occupied prior to the 2010 and 2011 Canterbury Earthquakes because that land or <u>building</u> could not be occupied due to:</p> <ul style="list-style-type: none"> i. the <u>building</u> becoming uninhabitable or demolished as a consequence of the 2010 and 2011 Canterbury Earthquakes; or ii. the <u>building</u> or land being evacuated to enable the repair of the land or <u>building</u> that was damaged by the 2010 and 2011 Canterbury Earthquakes; or iii. a risk to people and property from the continued use of the land or <u>building</u> as a consequence of the 2010 and 2011 Canterbury Earthquakes, including risks from neighbouring properties. <p>b. The activity shall be connected to or be serviced by:</p> <ul style="list-style-type: none"> i. a means of sanitary sewage disposal; ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u>; iii. a method of discharging stormwater that does not discharge stormwater on to adjoining properties or adversely affect water quality; and iv. a power supply. <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules.</p>
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	<p><u>Sites and existing Existing</u> structures must be remediated to their original-state <u>prior to the temporary earthquake recovery activity being located there,</u> or a state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall be one storey <u>comply with the height and recession plane standards for the relevant zone.</u></p> <p>e. Any new structures must be set back at least 3m from any <u>road boundary</u> or must comply with any <u>setback</u> from <u>road boundary</u> standards in the relevant zone, whichever is the lesser.</p> <p>f. Any new structures shall be set back at least 3m from any <u>boundary</u> with a <u>site</u> in a Residential zone or must comply with the <u>boundary setback</u> standards in the relevant zone, whichever is the lesser.</p> <p>g. The activity shall provide at least 50% of the car parks required by Table 7.2 and Table 7.3 in Appendix 7.1 – Parking space requirements. Car parks shall be designed in accordance with the standards in Appendix 7.1. Manoeuvring for parking and loading areas shall be provided in compliance with Rule 7.2.3.4. Any additional vehicle <u>access</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8.</p> <p>h. The activity shall not generate more than 100 additional vehicle trips per day to and from a site accessed only by a local road or 250 additional vehicle trips per day</p>
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		<p>to and from a site with access to a collector or arterial road. In the Residential Banks Peninsula zone the activity shall not generate more than 200 additional vehicle trips per day. comply with Rule 7.2.3.10 High Trip Generators.</p> <p><u>to and from a site with access to a collector or arterial road. In the Residential Banks Peninsula zone the activity shall not generate more than 200 additional vehicle trips per day. comply with Rule 7.2.3.10 High Trip Generators.</u></p> <p>i. The activity shall restrict its hours of operation to the following:</p> <table border="1"> <thead> <tr> <th data-bbox="790 622 874 734"></th> <th data-bbox="874 622 1139 734">Activity</th> <th data-bbox="1139 622 1412 734">Permitted hours of operation</th> </tr> </thead> <tbody> <tr> <td data-bbox="790 734 874 1155">i.</td> <td data-bbox="874 734 1139 1155"><u>Office</u></td> <td data-bbox="1139 734 1412 1155">7am-9pm Monday to Friday; <u>7am-9am</u> -1pm Saturday, Sunday and public holidays.</td> </tr> <tr> <td data-bbox="790 1155 874 1397">ii.</td> <td data-bbox="874 1155 1139 1397"><u>Education activity</u></td> <td data-bbox="1139 1155 1412 1397">7am-9pm Monday to Saturday; Closed on Sunday and public holidays.</td> </tr> <tr> <td data-bbox="790 1397 874 1684">iii.</td> <td data-bbox="874 1397 1139 1684"><u>Pre-school</u></td> <td data-bbox="1139 1397 1412 1684">7am-9pm Monday to Friday; 7am-1pm Saturday, Sunday and</td> </tr> <tr> <td data-bbox="790 1684 874 1886">iv.</td> <td data-bbox="874 1684 1139 1886"><u>Health care facility</u></td> <td data-bbox="1139 1684 1412 1886">7am-9pm Monday to Sunday and public holidays.</td> </tr> <tr> <td data-bbox="790 1886 874 2031">v.</td> <td data-bbox="874 1886 1139 2031"><u>Place of assembly</u></td> <td data-bbox="1139 1886 1412 2031">7am-9pm Monday to Saturday Closed</td> </tr> </tbody> </table>		Activity	Permitted hours of operation	i.	<u>Office</u>	7am-9pm Monday to Friday; <u>7am-9am</u> -1pm Saturday, Sunday and public holidays.	ii.	<u>Education activity</u>	7am-9pm Monday to Saturday; Closed on Sunday and public holidays.	iii.	<u>Pre-school</u>	7am-9pm Monday to Friday; 7am-1pm Saturday, Sunday and	iv.	<u>Health care facility</u>	7am-9pm Monday to Sunday and public holidays.	v.	<u>Place of assembly</u>	7am-9pm Monday to Saturday Closed
	Activity	Permitted hours of operation																		
i.	<u>Office</u>	7am-9pm Monday to Friday; <u>7am-9am</u> -1pm Saturday, Sunday and public holidays.																		
ii.	<u>Education activity</u>	7am-9pm Monday to Saturday; Closed on Sunday and public holidays.																		
iii.	<u>Pre-school</u>	7am-9pm Monday to Friday; 7am-1pm Saturday, Sunday and																		
iv.	<u>Health care facility</u>	7am-9pm Monday to Sunday and public holidays.																		
v.	<u>Place of assembly</u>	7am-9pm Monday to Saturday Closed																		

				<p>on Sunday and public holidays, except churches and church halls.</p>
		<p>vi.</p>	<p><i>Retailing in Open Space, Rural or Specific Purpose (Education) zones)</i></p>	<p>7am-7pm Monday to Saturday 9am-7pm Sunday and public holidays.</p>
		<p>j. The activity shall comply with all standards for that zone in the <i>Control of Noise</i> provisions.</p> <p>k. The activity is not required to comply with any additional acoustic insulation requirements or standards for the Port Influences Overlay, Airport Noise Contours or Residential Medium Density zones.</p> <p>l. The activity shall comply with all standards for that zone in the <i>Control of Glare</i> provisions.</p> <p>m. The activity shall comply with all standards for that zone in the <i>Hazardous Substances provisions</i>.</p> <p>n. The activity must not result in the alteration or destruction of any <i>building or tree scheduled</i> in the District Plan.</p> <p>o. The activity must have at least one <u>access</u> to an existing <u>road</u> that is not a driveway shared by more than one residential unit.</p> <p>p. The activity must not involve <u>subdivision</u> of land.</p> <p>q. <u>Outdoor advertisements</u> are restricted to a maximum area of 2m² or the area and number provided for in the relevant zone, whichever is greater.</p>		

		<p>r. Any <u>Outdoor advertisements</u> shall not be internally or externally illuminated.</p> <p>s. Any <u>Outdoor advertisements</u> shall be designed to comply with the <i>Traffic safety provisions for Outdoor advertisements</i>.</p> <p>t. The activity shall accommodate a maximum of 10 staff and/or students (total), other than in the <i>Special Purpose (Education) and Open Space zones</i> where new preschools may have a maximum of 60 staff and students total.</p> <p>u. <u>Pre-schools</u> existing prior to the 2010 and 2011 Canterbury Earthquakes may accommodate a maximum increase of 30% (total) of children and staff in addition to the situation prior to the earthquakes.</p> <p>v. Any <u>outdoor storage area</u> shall:</p> <p>i. not be located in a <u>setback</u>.</p> <p>ii. if used for a continuous period of more than 1 year, shall be screened by fencing, landscaping or <u>buildings</u> so as not to be visible 1.8m above <u>ground level</u> on any <u>adjoining</u> road or residential property.</p> <p>w. There shall be only one <u>office, education activity, pre-school, health care facility, or place of assembly</u> permitted under Rule 6.4.2 on any one <u>site</u> in a Residential or <i>Small Settlement Zone</i>.</p> <p><u>x. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid transmission line and greater than 12 metres from the outer edge of the foundation of a National Grid line's support structure.</u></p>
<p><u>P2</u> <u>P3</u></p>	<p><u>Retail activity, office, guest accommodation, food and</u></p>	<p>a. The activity moved from the land or <u>building</u> it occupied prior to</p>

<p><u>beverage outlets, entertainment facilities, education activity, health care facilities, pre-schools, and places of assembly</u> until the 30 April 2018, located in one of the following zones - Commercial Core; Commercial Local; Commercial Fringe; Commercial Banks Peninsula; <i>Boat Harbour, Commercial Retail Park</i>; Industrial General; <i>Central City Business; Central City Mixed Use, or Specific Purpose</i>.</p>	<p>the 2010 and 2011 Canterbury Earthquakes because that land or <u>building</u> could not be occupied due to:</p> <p>i. the <u>building</u> being uninhabitable or demolished as a consequence of the 2010 and 2011 Canterbury Earthquakes; or</p> <p>ii. the <u>building</u> or land being evacuated to enable the repair of the land or <u>building</u> that was damaged by the 2010 and 2011 Canterbury Earthquakes; or</p> <p>iii. a risk to people and property from the continued use of the land or <u>building</u> as a consequence of the 2010 and 2011 Canterbury Earthquakes, including risks from neighbouring properties.</p> <p>b. The activity shall be connected to or be serviced by:</p> <p>i. a means of sanitary sewage disposal;</p> <p>ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u>;</p> <p>iii. a method of discharging stormwater that does not discharge stormwater on to adjoining properties or adversely affect water quality; and</p> <p>iv. a power supply.</p> <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules. <u>Sites and existing Existing</u> structures must be remediated to their</p>
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	<p>original state <u>prior to the temporary earthquake recovery activity being located there,</u> or a state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall be one-storey <u>comply with the height and recession plane standards for the relevant zone.</u></p> <p>e. Any new structures must comply with any <u>setback</u> from <u>road boundary</u> standards in the relevant zone.</p> <p>f. Any new structures must comply with any <u>setback</u> from internal <u>boundary</u> standards in the relevant zone along boundaries with Residential or <i>Open Space zones</i>.</p> <p>g. The activity shall provide at least 25% of the car parks required by Table 7.2 and Table 7.3 in Appendix 7.1 – Parking space requirements. Car parks shall be designed in accordance with the standards in Appendix 7.1. Manoeuvring for parking and loading areas shall be provided in compliance with Rule 7.2.3.4. Any additional vehicle <u>accesses</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8</p> <p>h. Any activity on a <u>site adjoining</u> a Residential zone shall comply with all standards for that zone in the <i>Control of Glare provisions</i>.</p> <p>i. The activity shall comply with all standards for that zone in the <i>Hazardous Substances provisions</i>.</p> <p>j. The activity must not result in the alteration or destruction of any</p>
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		<p><i>building or tree scheduled</i> in the District Plan.</p> <p>k. The activity must have at least one <u>access</u> to an existing road.</p> <p>l. The activity must not involve <u>subdivision</u> of land.</p> <p>m. Any <u>Outdoor advertisements</u> shall comply with all standards for that zone in the <i>Outdoor Advertisements provisions</i>.</p> <p>n. The activity shall not involve the sale of alcohol between 11pm and 7am within 75m of a Residential zone.</p> <p>o. Any <u>outdoor storage area</u> shall:</p> <p>i. not be located in a required <u>setback</u>.</p> <p>ii. if used for a continuous period of more than 1 year, shall be screened by fencing, landscaping or <u>buildings</u> so as not to be visible 1.8m above ground level on any <u>adjoining</u> road or residential property.</p> <p><u>p. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid transmission line and greater than 12 metres from the outer edge of the foundation of a National Grid line's support structure.</u></p>
<p><u>P3</u> <u>P4</u></p>	<p><u>Industrial activity</u> until the 30 April 2018, located in Industrial General; Industrial Heavy; <i>Specific Purpose Zones (excluding Hospitals, Education, Cemeteries)</i>.</p>	<p>a. The activity moved from the land or <u>building</u> it occupied prior to the 2010 and 2011 Canterbury Earthquakes because that land or <u>building</u> could not be occupied due to:</p> <p>i. the <u>building</u> being uninhabitable or demolished as a consequence of the 2010 and 2011 Canterbury Earthquakes; or</p> <p>ii. the <u>building</u> or land being evacuated to enable the repair of the land or <u>building</u> that was damaged by</p>

	<p>the 2010 and 2011 Canterbury Earthquakes; or</p> <p>iii. a risk to people and property from the continued use of the land or <u>building</u> as a consequence of the 2010 and 2011 Canterbury Earthquakes, including risks from neighbouring properties.</p> <p>b. The activity shall be connected to or be serviced by:</p> <p>i. a means of sanitary sewage disposal;</p> <p>ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u></p> <p>iii. a method of discharging stormwater that does not discharge stormwater on to <u>adjoining</u> properties or adversely affect water quality; and</p> <p>iv. a power supply.</p> <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules. <u>Sites and existing Existing</u> structures must be remediated to their <u>original</u> state <u>prior to the temporary earthquake recovery activity being located there,</u> or a state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall <u>be one-storey comply with the height and recession plane standards for the relevant zone.</u></p> <p>e. Any new structures must be set back at least 3m from any <u>road boundary</u> or must comply with any <u>setback</u> from <u>road boundary</u></p>
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	<p>standards in the relevant zone, whichever is the lesser.</p> <p>f. Any new structures must be set back at least 3m from any <u>boundary</u> with a Residential zone.</p> <p>g. The activity shall provide at least 25% of the car parks required by Table 7.2 and Table 7.3 in Appendix 7.1 – Parking space requirements. Car parks shall be designed in accordance with the standards in Appendix 7.1. Manoeuvring for parking and loading areas shall be provided in compliance with Rule 7.2.3.4. Any additional vehicle <u>accesses</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8.</p> <p>h. The activity shall comply with Rule 7.2.3.10 High trip generators.</p> <p>i. The activity shall comply with all standards for that zone in the <i>Control of Noise provisions</i>.</p> <p>j. Any activity on a <u>site adjoining</u> a Residential zone shall comply with all standards for that zone in the <i>Control of Glare provisions</i>.</p> <p>k. The activity shall comply with all standards for that zone in the <i>Hazardous Substances provisions</i>.</p> <p>l. The activity must not result in the alteration or destruction of any <u>building or tree scheduled</u> in the District Plan.</p> <p>m. The activity must have at least one <u>access</u> to an existing road.</p> <p>n. The activity must not involve <u>subdivision</u> of land.</p> <p>o. Any Outdoor advertisements shall comply with all standards for that zone in the Outdoor Advertisements provisions.</p> <p><u>p. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid</u></p>
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		<p><u>transmission line and greater than 12 metres from the outer edge of the foundation of a National Grid line's support structure.</u></p>
<p><u>P4</u> <u>P5</u></p>	<p>Storage facilities until the 30 April 2018, located in <i>Open Space (excluding Open Space (Natural) and Open Space (Water))</i>, Commercial, Industrial, <i>Central City</i> or <i>Specific Purpose (excluding Cemeteries)</i> zones.</p>	<p>a. The storage is for goods, machinery and vehicles either:</p> <ol style="list-style-type: none"> i. used for construction work (as defined in section 6 of the Construction Contracts Act 2002) to repair or rebuild land, buildings, infrastructure or other facilities damaged by the Canterbury Earthquakes; or ii. relocated from land or buildings being repaired or rebuilt as a consequence of the Canterbury Earthquakes. <p>b. The activity shall be connected to or be serviced by:</p> <ol style="list-style-type: none"> i. a means of sanitary sewage disposal; ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u>; iii. a method of discharging stormwater that does not discharge stormwater on to <u>adjoining</u> properties or adversely affect water quality; and iv. a power supply. <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules. <u>Sites and existing Existing</u> structures must be remediated to their <u>original</u> state <u>prior to the temporary earthquake recovery activity being located there</u>, or a state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall <u>be one-storey comply with the height and recession plane standards for the relevant zone.</u></p>

	<p>e. Any new structures must comply with any <u>setback</u> from <u>road boundary</u> standards in the relevant zone.</p> <p>f. Any new structures must be set back at least 3m from the <u>boundary</u> with any Residential zone.</p> <p>g. The activity shall provide at least 25% of the car parks required by Table 7.2 and Table 7.3 in Appendix 7.1 – Parking space requirements. Car parks shall be designed in accordance with the standards in Appendix 7.1. Manoeuvring for parking and loading areas shall be provided in compliance with Rule 7.2.3.4. Any additional vehicle <u>accesses</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8.</p> <p>h. The activity shall comply with Rule 7.2.3.10 High trip generators.</p> <p>i. In the <i>Open Space, Central City, and Specific Purpose and Commercial Banks Peninsula</i> zones, the activity shall not cover greater than 50% or 5,000m² of the <u>site</u>.</p> <p>j. In the <i>Open Space, Central City and Specific Purpose zones</i>, hours of operation shall be restricted to between 7am and 7pm Monday to Sunday.</p> <p>k. In the <i>Open Space, Central City zones Specific Purpose (Hospital, Education)</i>, the activity shall comply with the noise standards for the Industrial General zone. In the Industrial, <i>Rural Quarry, Commercial and Specific Purpose (all except Hospital, Education and Cemeteries)</i> zones, the activity shall comply with all standards for that zone in the <i>Control of Noise provisions</i>.</p> <p>l. The activity is not required to comply with any additional acoustic insulation requirements or standards arising from the Port Influences Overlay or Airport Noise Contours.</p> <p>m. Any activity on a <u>site adjoining</u> a Residential zone shall comply with all</p>
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		<p>standards for that zone in the <i>Control of Glare provisions</i>.</p> <p>n. The activity shall comply with all standards for that zone in the <i>Hazardous Substances provisions</i>.</p> <p>o. The activity must not result in the alteration or destruction of any <u>building</u> or <u>tree scheduled</u> in the District Plan.</p> <p>p. The activity must have at least one <u>access</u> to an existing road.</p> <p>q. The activity must not involve <u>subdivision</u> of land.</p> <p>r. Any <u>Outdoor advertisements</u> shall comply with all standards for that zone in the <i>Outdoor Advertisements provisions</i>.</p> <p>s. Any <u>outdoor storage area</u> shall:</p> <p>i. not be located in a required <u>setback</u>.</p> <p>ii. if used for a continuous period of more than 1 year, shall be screened by fencing, landscaping or <u>buildings</u> so as not to be visible 1.8m above <u>ground level</u> on any <u>adjoining</u> road or residential property.</p> <p>t. In an <i>Open Space zone</i> any storage facility must be used for the purpose of the repair of services or infrastructure within a 400m radius of the <u>site</u>.</p> <p><u>u. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid transmission line and greater than 12 metres from the outer edge of the foundation of a National Grid line's support structure.</u></p>
<p>P5 P6</p>	<p>One <u>residential unit</u> on a <u>site</u> until the 30 April 2018, additional to that otherwise permitted in the District Plan rules, located in a Residential, <i>Small Settlement, Papakainga or Rural Zone</i>.</p>	<p>a. The <u>residential unit</u> is for persons who moved from what was their normal place of residence prior to the 2010 and 2011 Canterbury Earthquakes because that <u>building</u> or land could not be occupied due to:</p>

	<p>i. the <u>building</u> becoming uninhabitable or demolished as a consequence of the 2010 and 2011 Canterbury Earthquakes; or</p> <p>ii. the <u>building</u> or land being evacuated to enable the repair of the land or <u>building</u> that was damaged by the 2010 and 2011 Canterbury Earthquakes; or</p> <p>iii. a risk to people and property from the continued use of the land or <u>building</u> as a consequence of the 2010 and 2011 Canterbury Earthquakes, including risks from neighbouring properties.</p> <p>b. The activity shall be connected to or be serviced by:</p> <p>i. a means of sanitary sewage disposal;</p> <p>ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u>;</p> <p>iii. a method of discharging stormwater</p> <p>iv. a power supply.</p> <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules. <u>Sites and existing Existing</u> structures must be remediated to their <u>original</u>-state <u>prior to the temporary earthquake recovery activity being located there,</u> or a state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall <u>be one-storey comply with the height and recession plane standards for the relevant zone.</u></p> <p>e. Any new structures must be set back at least 3m from any <u>road boundary</u> or must comply with any <u>setback</u> from <u>road boundary</u> standards in the relevant zone, whichever is the lesser.</p>
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	<p>f. Any new structures shall be set back at least 3m from any internal <u>boundary</u> or must comply with the <u>boundary setback</u> standards in the relevant zone, whichever is the lesser.</p> <p>g. Any new <u>residential unit</u> must be at least 1m from any other <u>building</u> on the site.</p> <p>h. The maximum percentage of the <u>net site area</u> covered by <u>buildings</u> shall be 60%, excluding:</p> <p>i. fences, walls and retaining walls;</p> <p>ii. eaves and roof overhangs up to 600 millimetres in width from the wall of a <u>building</u>;</p> <p>iii. uncovered swimming pools up to 800 millimetres in <u>height</u> above <u>ground level</u>; and</p> <p>iv. decks, terraces, <u>balconies</u>, porches, verandahs, bay or box windows (supported or cantilevered) which:</p> <p>A are no more than 800 millimetres above <u>ground level</u> and are uncovered or unroofed; or</p> <p>B where greater than 800 millimetres above <u>ground level</u> and/or covered or roofed, are in total no more than 6m² in area for any one <u>site</u>.</p> <p>i. The activity must not result in the alteration or destruction of any <u>building</u> or <u>tree scheduled</u> in the District Plan.</p> <p>j. The activity must have <u>access</u> to an existing road. Any additional <u>vehicle accesses</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8.</p> <p>k. The activity must not involve <u>subdivision</u> of land.</p> <p>l. Any <u>Outdoor advertisements</u> shall comply with all standards for that zone.</p> <p><u>m. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid transmission line and greater than 12 metres from the</u></p>
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		<p><u>outer edge of the foundation of a National Grid line's support structure.</u></p>
<p><u>P6</u> <u>P7</u></p>	<p>Two or three <u>residential units</u> on a <u>site</u> until the 30 April 2018, additional to that otherwise permitted in the District Plan rules, located in a Residential, <i>Open Space (excluding Open Space - Natural and Open Space - Water), Specific Purpose – Education Zone</i>.</p>	<p>a. The <u>residential units</u> are for persons who moved from what was their normal place of residence prior to the 2010 and 2011 Canterbury Earthquakes because that <u>building</u> or land could not be occupied due to:</p> <ul style="list-style-type: none"> i. the <u>building</u> becoming uninhabitable or demolished as a consequence of the 2010 and 2011 Canterbury Earthquakes; or ii. the <u>building</u> or land being evacuated to enable the repair of the land or <u>building</u> that was damaged by the 2010 and 2011 Canterbury Earthquakes; or iii. a risk to people and property from the continued use of the land or <u>building</u> as a consequence of the 2010 and 2011 Canterbury Earthquakes, including risks from neighbouring properties. <p>b. The activity shall be connected to or be serviced by:</p> <ul style="list-style-type: none"> i. a means of sanitary sewage disposal; ii. a potable water supply that meets the standards of the Canterbury District Health Board and <u>a water supply for firefighting consistent with the New Zealand NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS4509:2008)</u>; iii. a method of discharging stormwater that does not discharge stormwater on to <u>adjoining</u> properties or adversely affect water quality; and iv. a power supply. <p>c. New structures must be relocatable and must be relocated off the <u>site</u> by 30 April 2018, unless they comply with the District Plan rules. <u>Sites and existing Existing</u> structures must be remediated to their <u>original</u>-state <u>prior to the temporary earthquake recovery activity being located there,</u> or a</p>

	<p>state in compliance with District Plan rules. All structures and <u>sites</u> must be left clean and tidy.</p> <p>d. Any new structures shall be one storey <u>comply with the height and recession plane standards for the relevant zone.</u></p> <p>e. Any new structures must be set back at least 3m from any <u>road boundary</u> or must comply with any <u>setback</u> from <u>road boundary</u> standards in the relevant zone, whichever is the lesser.</p> <p>f. Any new structures shall be set back at least 3m from any internal <u>boundary</u> or must comply with the <u>boundary setback</u> standards in the relevant zone, whichever is the lesser.</p> <p>g. Any new <u>residential unit</u> must be at least 1m from any other <u>building</u> on the site, but where windows of one unit will face windows in another unit the windows must be at least 3m apart.</p> <p>h. The maximum percentage of the <u>net site area</u> covered by <u>buildings</u> shall be 60%, excluding:</p> <ul style="list-style-type: none"> i. fences, walls and retaining walls; ii. eaves and roof overhangs up to 600 millimetres in width from the wall of a <u>building</u>; iii. uncovered swimming pools up to 800 millimetres in <u>height</u> above <u>ground level</u>; and iv. decks, terraces, <u>balconies</u>, porches, verandahs, bay or box windows (supported or cantilevered) which: <ul style="list-style-type: none"> A are no more than 800 millimetres above <u>ground level</u> and are uncovered or unroofed; or B where greater than 800 millimetres above <u>ground level</u> and/or covered or roofed, are in total no more than 6m² in area for any one <u>site</u>. <p>i. The activity must not result in the alteration or destruction of any <u>building</u> or <u>tree scheduled</u> in the District Plan.</p>
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		<p>j. The activity must have at least one <u>access</u> to an existing road that is not a driveway shared by more than one <u>residential unit</u>. Any additional vehicle <u>accesses</u> shall be designed in accordance with Rule 7.2.3.7 and shall provide <u>vehicle crossings</u> that comply with Rule 7.2.3.8.</p> <p>k. The activity must not involve <u>subdivision</u> of land.</p> <p>l. Any <u>Outdoor advertisements</u> shall comply with all standards for that zone.</p> <p>m. One parking space must be provided for each additional unit. Car parks shall be designed in accordance with the standards in Appendix 7.1. Manoeuvring for parking and loading areas shall be provided in compliance with Rule 7.2.3.4.</p> <p><u>n. The activity and/or buildings shall be located greater than 12 metres from the centre line of a National Grid transmission line and greater than 12 metres from the outer edge of the foundation of a National Grid line's support structure.</u></p>
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6.4.2.2.2 Restricted discretionary activities

Activities listed below are Restricted Discretionary Activities.

Discretion to grant or decline consent and impose conditions is restricted to the Matters of Discretion set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	One <u>Residential Unit</u> on a site until the 30 April 2018, additional to that otherwise permitted in the District Plan rules, located in a Residential, <i>Small Settlement, Papakainga or Rural Zone</i> , which does not	<p>As relevant to the breached standard;</p> <p>a. Activity Specific Standard (5) <u>e</u> Street scene:</p> <p>Whether the reduced setback will significantly detract from the character of the street taking into account:</p> <p>i. Necessity in order to allow more efficient, practical and/or pleasant use of the remainder</p>

	<p>comply with the Activity specific standards (5), (6), or (8) e, f or h for P56.</p> <p>Any application will not require written approvals and shall not be limited or publicly notified.</p>	<p>of the site or the protection of significant trees, listed heritage buildings, or natural features on the site;</p> <p>ii. The ability to provide opportunities for garden and tree planting in the vicinity of road boundaries;</p> <p>iii The openness of the site to the street;</p> <p>iv. The adverse effects of the building intrusion into the street scene or reduction of screening on the outlook and privacy of people on adjoining sites;</p> <p>v. The relevance of other factors in the surrounding environment in reducing the adverse effects, such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites.</p> <p>b. Activity Specific Standard (6) f - Minimum building setbacks from internal boundaries:</p> <p>Whether the reduced setback will significantly detract from the outlook of occupants taking into account:</p> <p>i. the need to enable an efficient, practical and/or pleasant use of the remainder of the site;</p> <p>ii. the need to protect significant trees, listed heritage buildings, or natural features on the site;</p> <p>iii. the need to provide opportunities for garden and tree plantings around buildings;</p> <p>iv. unique or exceptional site specific circumstances that would result in a situation where compliance with the standards would have an unduly restrictive impact on the ability to develop the site;</p> <p>v. the need to provide occupants with adequate levels of daylight and outlook, including impacts from the visual dominance by buildings on the outlook from adjoining sites and buildings, which is out of character with the local environment.</p>
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		<p>c. Activity Specific Standard (8) <u>h</u> site coverage:</p> <p>Whether the infringement is appropriate to its context taking into account the balance of open space and buildings in the area and avoids a significant reduction in the open space character of the area.</p>
<p>RD2</p>	<p>Two or three Residential Unit on a site until the 30 April 2018, additional to that otherwise permitted in the District Plan rules, located in a Residential, <i>Open Space (excluding Open Space - Natural and Open Space - Water), Specific Purpose – Education Zone</i>, which do not comply with the Activity specific standards (5), (6), or (8) <u>e, f or h</u> for P67.</p> <p>Any application will not require written approvals and shall not be limited or publicly notified.</p>	<p>As relevant to the breached standard;</p> <p>a. Activity Specific Standard (5) <u>e</u> Street scene: Whether the reduced setback will significantly detract from the character of the street taking into account</p> <p>i. Necessity in order to allow more efficient, practical and/or pleasant use of the remainder of the site or the protection of significant trees, listed heritage buildings, or natural features on the site;</p> <p>ii. The ability to provide opportunities for garden and tree planting in the vicinity of road boundaries;</p> <p>iii. The openness of the site to the street;</p> <p>iv. The adverse effects of the building intrusion into the street scene or reduction of screening on the outlook and privacy of people on adjoining sites;</p> <p>v. The relevance of other factors in the surrounding environment in reducing the adverse effects, such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites.</p> <p>b. Activity Specific Standard (6) <u>f</u> - Minimum building setbacks from internal boundaries:</p> <p>Whether the reduced setback will significantly detract from the outlook of occupants taking into account:</p> <p>i. the need to enable an efficient, practical and/or pleasant use of the remainder of the site;</p> <p>ii. the need to protect significant trees, listed heritage buildings, or natural features on the site;</p> <p>iii. the need to provide opportunities for garden and tree plantings around buildings;</p>

		<p>iv. unique or exceptional site specific circumstances that would result in a situation where compliance with the standards would have an unduly restrictive impact on the ability to develop the site;</p> <p>v. the need to provide occupants with adequate levels of daylight and outlook, including impacts from the visual dominance by buildings on the outlook from adjoining sites and buildings, which is out of character with the local environment.</p> <p>c. 3. Activity Specific Standard (8) h site coverage:</p> <p>Whether the infringement is appropriate to its context taking into account the balance of open space and buildings in the area and avoids a significant reduction in the open space character of the area.</p>
<p>RD3</p>	<p>Four or more <u>Residential Unit</u> on a site until the 30 April 2018, additional to that otherwise permitted in the District Plan rules, located in a Residential, <i>Open Space (excluding Open Space - Natural and Open Space - Water)</i>, <i>Specific Purpose – Education Zone</i> or <u>Commercial Core,</u> <u>Commercial Fringe or</u> <u>Commercial Local Zone, or</u> <u>the Commercial Banks Peninsula Zone at Lyttelton.</u></p> <p>The activity may include ancillary structures including ablution blocks, kitchens, laundries, and site management offices which;</p> <ol style="list-style-type: none"> 1. complies with the Activity specific standards for P67; 2. includes a concept plan showing proposed structures, access, services, car parking and amenities, and 	<ol style="list-style-type: none"> a. Whether the design and layout of the proposal minimises any potential nuisance on surrounding sites and areas. b. Whether the site management plan or agreement, outlining how day to day operations on site will be managed, and will minimise any potential nuisance on surrounding sites and areas.

	<p>3. includes a site management plan or agreement outlining how day to day operations on site will be managed to minimise any potential nuisance on surrounding sites and areas.</p> <p>The activity may include ancillary structures including ablution blocks, kitchens, laundries, and site management offices.</p> <p>Any application will not require written approvals and shall not be limited or publicly notified.</p>	
<u>RD4</u>	<p><u>Any Activity listed in 6.4.2.2.1 that does not comply with any one or more of the Activity Specific Standards set out in Rule 6.4.2.2.1.</u></p>	<p><u>a. The level of adverse effect on the amenity values of the immediate environment taking into account the length of time the adverse effect will be in place.</u></p> <p><u>b. The types of mitigation available, their practicality to implement and their effectiveness to mitigate the adverse effect.</u></p>
<u>RD5</u>	<p><u>Any activity listed in Rule 6.4.2.2.1 that cannot be a permitted activity due to all relevant standards not being operative.</u></p> <p><u>Any application will not require written approvals and shall not be limited or publicly notified.</u></p>	<p><u>a. The need for the activity to remain in its location for a longer period including:</u></p> <p><u>i. alternative locations available for the activity to relocate into and why these are not feasible or desirable options at this time;</u></p> <p><u>ii. how and in what timeframe the activity will transition to a permanent location;</u></p> <p><u>iii. the term of the consent.</u></p> <p><u>b. Any significant adverse effects of temporary activity on its immediate environment, including consideration of any compliance issues or breaches of standards that have arisen in the operation of the temporary activity.</u></p> <p><u>c. Any breach of the permitted activity or restricted discretionary standards relevant to the activity.</u></p> <p><u>d. Any implications for the recovery of areas that the activity is anticipated to be located in, if the temporary activity is to remain for the period sought in the consent.</u></p>

		<u>e. If necessary, the manner in which the site will be remediated following cessation of the activity.</u>
<u>RD6</u>	<u>Any Activity listed in 6.4.2.2.1 or 6.4.2.2.2 (RD1, RD2 and RD3) after 30 April 2018 until 30 April 2022.</u> <u>Any application will not require written approvals and shall not be limited or publicly notified.</u>	<u>a. The need for the activity to remain in its location for a longer period including:</u> <u>i. alternative locations available for the activity to relocate into and why these are not feasible or desirable options at this time;</u> <u>ii. how and in what timeframe the activity will transition to a permanent location;</u> <u>iii. the term of the consent.</u> <u>b. Any significant adverse effects of temporary activity on its immediate environment, including consideration of any compliance issues or breaches of standards that have arisen in the operation of the temporary activity.</u> <u>c. Any breach of the permitted activity or restricted discretionary standards relevant to the activity.</u> <u>d. Any implications for the recovery of areas that the activity is anticipated to be located in, if the temporary activity is to remain for the period sought in the consent.</u> <u>e. If necessary, the manner in which the site will be remediated following cessation of the activity.</u>

6.4.2.2.3 Discretionary activities

There are no Discretionary Activities in Rule 6.4.2.

6.4.2.2.34 Non-complying activities

Activity	
<u>NC1</u>	<u>Activities P2 to P6 listed in 6.4.2.2.1 that do not comply with activity specific standards P2 (x), P3 (p), P4 (p), P5 (u), P6 (m) and P7 (n) (Setback from the National Grid line and support structures).</u>
<u>NC1</u> <u>NC2</u>	<u>Any Activity listed in 6.4.2.2.1 that does not comply with the Activity Specific Standards set out in 6.4.2.2.1, or any Activity not listed in 6.4.2.2.1 or 6.4.2.2.2, unless otherwise specified in the District Plan as a permitted, restricted discretionary, discretionary, or prohibited activity.</u> <u>Any Activity listed in 6.4.2.2.1 or 6.4.2.2.2 (RD1, RD2 and RD3) after 30 April 2022.</u>

CHAPTER 14 Residential (part)

14.1.1.8 Policy - Temporary infringement for earthquake repairs

- a. Enable temporary infringement of ~~some~~ built form standards **relating to building height and recession planes** to facilitate the timely completion of repairs to earthquake damaged houses and ancillary buildings.

Note: This policy also applies to Objectives [14.1.2](#) and [14.1.3](#).

14.2.2 Activity status tables

14.2.2.1 Permitted Activities

In the Residential Suburban Zone and the Residential Suburban Density Transition Zone the activities listed below are permitted activities if they comply with the Activity Specific Standards set out in this table and the Built Form Standards in [Rule 14.2.3](#).

Activities may also be restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules [14.2.2.3](#), [14.2.2.4](#), [14.2.2.5](#), and [14.2.2.6](#).

Activity		Activity Specific Standards
P23	Temporary lifting or moving of earthquake damaged buildings where there is non compliance with one or more of Rules 14.2.3.3 , 14.2.3.4 , 14.2.3.5 , 14.2.3.6 , 14.2.3.7 .	<p>a. <u>Buildings</u> shall not be:</p> <ul style="list-style-type: none"> i. moved to within 1m of an internal <u>boundary</u> and/or within 3m of any <u>waterbody</u>, scheduled tree, listed heritage item, natural resources and <u>Council</u> owned structure, <u>archaeological site</u>, or the coastal marine area; ii. lifted to a <u>height</u> exceeding 2.5m 3.0m above the applicable recession plane or <u>height</u> control; <p>b. The <u>building</u> must be lowered back or moved back to its original position, or a position compliant with the <u>District Plan</u> or consistent with a resource consent, within eight 12 weeks of the lifting or moving works having first commenced.</p>

		<p>c. In all cases of a <u>building</u> being moved or lifted, the owners/occupiers of land adjoining the <u>sites</u> shall be informed of the work at least seven days prior to the lift or move of the <u>building</u> occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>d. The <u>Council's</u> Resource Consents Manager shall be notified of the lifting or moving the <u>building</u> at least seven days prior to the lift or move of the <u>building</u> occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
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14.2.2.3 Restricted Discretionary Activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [14.9](#) for each standard, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD11	<p>Temporary lifting or moving of earthquake damaged buildings that does not meet the standards in Rule 14.2.2.1 P23.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Temporary lifting or moving of earthquake damaged <u>buildings</u> - 14.9.23.</p>

14.3.2.1 Permitted Activities

In the Residential Medium Density Zone the activities listed below are permitted activities if they comply with any Activity specific standards set out in this table and the Built form

standards in [Rule 14.3.3](#) and the area specific standards in [Rule 14.3.4](#).

Activities may also be restricted discretionary, discretionary, non complying or prohibited as specified in Rules [14.3.2.3](#), [14.3.2.4](#), [14.3.2.5](#), and [14.3.2.6](#).

	Activity	Activity specific standards
16	Temporary lifting or moving of earthquake damaged buildings where there is non compliance with one or more of Rules 14.3.3.2 , 14.3.3.3 , 14.3.3.4 , 14.3.3.5 ; or 14.3.3.6 .	<p>a. <u>Buildings</u> shall not be:</p> <ul style="list-style-type: none"> a. moved to within 1m of an internal <u>boundary</u> and/or within 3m of any <u>waterbody</u>, scheduled tree, listed heritage item, natural resources and Council owned structure, <u>archaeological site</u>, or the coastal marine area; b. lifted to a <u>height</u> exceeding 2.5m 3.0m above the applicable recession plane or <u>height</u> control. <p>b. The <u>building</u> must be lowered back or moved back to its original position, or a position compliant with the <u>District Plan</u> or consistent with a resource consent, within eight 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a <u>building</u> being moved or lifted, the owners/occupiers of land adjoining the <u>sites</u> shall be informed of the work at least seven days prior to the lift or move of the <u>building</u> occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p>

		<p>d. The <u>Council's</u> Resource Consents Manager shall be notified of lifting or moving the <u>building</u> at least seven days prior to the lift or move of the <u>building</u> occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
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14.3.2.3 Restricted Discretionary Activities

The activities listed below are Restricted Discretionary Activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [14.9](#) for each standard, as set out in the following table.

Activity		The Council's discretion shall be limited to the following Matters:
RD9	<p>Temporary lifting or moving of earthquake damaged buildings that does not meet the standards in Rule 14.3.2.1 P16.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p>a. Temporary lifting or moving of earthquake damaged buildings - 14.9.23</p>

14.4.2.1 Permitted Activities

In the Residential Banks Peninsula Zone the activities listed below are permitted activities if they comply with any Activity Specific Standards set out in this table and the Built Form Standards in [Rule 14.4.3](#).

Activities may also be restricted discretionary, discretionary, non complying or prohibited as specified in Rules [14.4.2.3](#), [14.4.2.4](#), [14.4.2.5](#) and [14.4.2.6](#).

P13	<p>Temporary lifting or moving of earthquake damaged buildings where there is non compliance with one or more of: 14.4.3.2, 14.4.3.3, 14.4.3.4, 14.4.3.5.</p>	<p>a. <u>Buildings</u> shall not be:</p> <ul style="list-style-type: none"> a. moved to within 1m of an internal <u>boundary</u> and/or within 3m of any <u>waterbody</u>, scheduled tree, listed heritage item, natural resources and Council owned structure, <u>archaeological site</u>, or the coastal marine area; b. lifted to a <u>height</u> exceeding 2.5m <u>3.0m</u> above the applicable recession plane or <u>height</u> control. <p>b. The <u>building</u> must be lowered back or moved back to its original position, or a position compliant with the <u>District Plan</u> or consistent with a resource consent, within eight <u>12</u> weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a <u>building</u> being moved or lifted, the owners/occupiers of land adjoining the <u>sites</u> shall be informed of the work at least seven days prior to the lift or move of the <u>building</u> occurring. The information provided shall include details of a contact</p>
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		<p>person, details of the lift or move, and the duration of the lift or move. The <u>Council's</u> Resource Consents Manager shall be notified of lifting or moving the <u>building</u> at least seven days prior to the lift or move of the <u>building</u> occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>
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14.4.2.3 Restricted Discretionary Activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [14.9](#) for each standard, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD4	Temporary lifting or moving of earthquake damaged <u>buildings</u> that does not meet the standards in Rule 14.4.2.1 P13.	<p>a. Temporary lifting or moving of earthquake damaged <u>buildings</u> - 14.9.23.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>

14.5.2.1 Permitted Activities

In the Residential ~~Banks Peninsula~~ Conservation Zone the activities listed below are permitted activities if they comply with any Activity Specific Standards set out in this table and the Built Form Standards in [Rule 14.5.3](#).

Activities may also be restricted discretionary, discretionary, non complying or prohibited as specified in Rules [14.5.2.3](#), [14.5.2.4](#), [14.5.2.5](#), and [14.5.2.6](#).

	Activity	Activity Specific Standard
P13	Temporary lifting or moving of earthquake damaged buildings where there is non compliance with one or more of: 14.5.3.2 , 14.5.3.3 , 14.5.3.4 .	<p>a. Buildings shall not be:</p> <ul style="list-style-type: none"> c. moved to within 1m of an internal <u>boundary</u> and/or within 3m of any <u>waterbody</u>, scheduled tree, listed heritage item, natural resources and Council owned structure, <u>archaeological site</u>, or the coastal marine area; d. lifted to a <u>height</u> exceeding 2.5m 3.0m above the applicable recession plane or <u>height</u> control. <p>b. The <u>building</u> must be lowered back or moved back to its original position, or a position compliant with the <u>District Plan</u> or consistent with a resource consent, within eight 12 weeks of the lifting or moving works having first commenced.</p> <p>c. In all cases of a <u>building</u> being moved or lifted, the owners/occupiers of land adjoining the <u>sites</u> shall be informed of the work at least seven days prior to the lift or move of the <u>building</u> occurring. The information provided shall include details of a contact person, details of the lift or move, and the duration of the lift or move.</p> <p>1. The <u>Council's</u> Resource Consents Manager shall be notified of lifting or moving the <u>building</u> at least seven days prior to the lift or move of the <u>building</u> occurring. The notification must include details of the lift or move, property address, contact details and intended start date.</p>

14.5.2.3 Restricted Discretionary Activities

The activities listed below are Restricted Discretionary Activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 14.9 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
RD4	Temporary lifting or moving of earthquake damaged buildings that does not meet the standards in Rule 14.5.2.1 P13.	<p>a. Temporary lifting or moving of earthquake damaged buildings - 14.9.23.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>

14.9.23 Temporary lifting or moving of earthquake damaged buildings

Whether the temporary lifting or moving of the earthquake damaged building is appropriate taking into account:

1. The effect of reduced proximity on the amenity and/or operation of any neighbouring sites, water way, coastal marine area, archaeological site, or protected tree;
2. The duration of time that the building will intrude upon the recession plane;
3. Any adverse effects on adjoining owners or occupiers relating to shading and building dominance; and
4. Occupancy of the neighbouring properties of the duration of the works, the extent to which neighbouring properties are occupied for the duration of the works.