

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management
Act 1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan)
Order 2014

AND

IN THE MATTER of the Specific Purposes (Flat
Land Recovery) Zone Proposal
(Stage 3)

**REBUTTAL EVIDENCE OF PETER NICHOLAS EMAN
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

PLANNING

30 November 2015



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1. INTRODUCTION

1.1 My full name is Peter Nicholas Eman. My experience and qualifications are set out in my evidence in chief dated 12 November 2015.

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

2. SCOPE

2.1 My rebuttal evidence is provided in response to the following evidence in chief filed on 24 November 2015:

- (a) Ms Whyte for the Crown (#3721)
- (b) Mr Rouse for the Crown (#3721)
- (c) Mr Tsao (#3261)

2.2 My evidence has the following attachments:

- (a) **Attachment A:** Specific Purpose (Flat Land Recovery) Zone amended provisions

3. CROWN EVIDENCE ON NON-RESIDENTIAL ACTIVITIES INFRASTRUCTURE, AND ACTIVITY STATUS

3.1 Mr Rouse at paragraph 4.3 of his executive summary states:

Significant repair or rebuilding of horizontal infrastructure or new or realigned infrastructure, prior to future land use decisions being made, is unlikely to deliver effective and efficient infrastructure. In my opinion, integrating land development with infrastructure provision delivers the best outcomes.

- 3.2** As I understand it, Mr Rouse's concern in relation to infrastructure is the amended provisions I recommend in my evidence in chief "*allowing for more intensive non-residential activities*"¹ as discretionary activities. These activities are pre-schools, health care facilities, veterinary care facilities, education activities, places of assembly, and spiritual activities.
- 3.3** I have addressed this issue first, rather than the issues relating to the objective and policies, because the resolution of this issue will affect the content of the objective and policies, and also raises overlapping issues.
- 3.4** I agree with Mr. Rouse's concerns in respect of significant repair or rebuild of infrastructure occurring prior to future land use decisions being made. I have recommended that the non-residential activities listed above be discretionary activities on remaining privately owned sites, rather than permitted as per the Residential Suburban zone, particularly because existing infrastructure may not be adequate for such activities².
- 3.5** I stress that my recommended provision applies only to the remaining privately owned sites. As stated in paragraph 8.3 of Mr Rouse's evidence, I also understand that, notwithstanding the high per unit cost of servicing sites in the Recovery Zone, the Council is legally obliged to provide infrastructure to privately owned sites, or at least would be unlikely to meet Local Government Act 2002 requirements if it were to discontinue services completely. The report to Council on the 27 August 2015³ did not propose discontinuing services to privately owned land. It is highly likely that infrastructure will be available to the remaining privately owned sites. The critical issue for any application will be whether the infrastructure that is available will be adequate for the nature and scale of any non-residential activity proposed on the privately owned sites.
- 3.6** Discretionary activity status would allow resource consents for such activities to be declined where adequate infrastructure was not available. The availability of adequate infrastructure may be dependent on decisions made by infrastructure providers (including the Council) as to where infrastructure investment could be best directed to achieve efficient outcomes.

¹ Paragraph 7.7.

² Paragraph 7.45 of my evidence in chief

³ Paragraph 7.3.7 of my evidence in chief

- 3.7** Discretionary activity status allows adequacy of infrastructure to be assessed on a site by site basis, reflecting the possibility that some sites may not have infrastructure issues, particularly towards the edges of the zone where there is access to infrastructure outside of the zone. It also allows the nature and scale of the proposed activity, and the adequacy of the infrastructure for that activity, to be assessed.
- 3.8** It would also allow consideration of on-site infrastructure solutions as identified by Mr Rouse as an alternative⁴.
- 3.9** The alternative proposed by Ms Whyte is that non-residential activities on existing privately owned sites are non-complying activities. In terms of the issue of integration of infrastructure and land use raised at paragraph 6.32 of Ms Whyte's evidence, I am of the opinion that discretionary activity status for the specified non-residential activities will not compromise that integration because no new infrastructure is being proposed other than what the Council is obligated to provide.
- 3.10** The provisions at issue are limited to privately owned sites, which will need to be provided with at least some level of infrastructure service. Making the non-residential activities a discretionary activity does not compel or require the Council or other infrastructure operators to provide any additional infrastructure over and above what is already there or the Council is obliged to provide in any event.
- 3.11** Paragraph 6.34 of Ms Whyte's evidence then goes on to consider the primary purpose of these activities occurring within residential zones. Paragraph 6.35 states:

A key reason for determining that non-complying activity status is appropriate for these activities within the FLRZ is that fundamentally the FLRZ is not a residential area and nor does it have a residential population that would necessitate new activities of this nature being needed.

⁴ Paragraph 7.3 of Mr. Rouse's evidence.

- 3.12** I agree that the Recovery Zone is not "a residential area" in terms of what most people would perceive it to be. It is such an unusual area that it is hard to categorize into any general land use type. I also agree that the Recovery Zone itself does not contain a residential population that on its own is likely to be able to support such activities. However, in my view even the Residential objectives and policies do not require that "the needs of the community"⁵ that such non-residential activities provide for must be only the needs of nearby residents. Moreover, there are still 87 properties in the zone not owned by the Crown, and the social and economic well-being of the owners and occupiers of these properties still needs to be considered.
- 3.13** The resource management question is not, in my opinion, whether these activities are needed in the Recovery Zone, but what is the "best" or "most appropriate" outcome in terms of the statutory tests?
- 3.14** The Residential Objective 14.1.6 - Non-residential activities, as mentioned in the evidence of Ms Whyte at paragraph 6.34, specifically seeks to limit non-residential activities to ensure "Residential activities remain the dominant activity in residential zones ...". Having agreed that this is not a residential area, nor a residential zone, that objective would not be relevant.
- 3.15** The range of community facilities that are proposed to be discretionary activities are permitted in a number of other zones in the pRDP, such as commercial zones. These also serve surrounding residential areas. Community facilities within the Recovery Zone (particularly on the edge of the zone) could likewise serve neighbouring residential areas, as well as residents within the Recovery Zone.
- 3.16** In the circumstances, where there is no impact on the integration of future land development with infrastructure provision, it is my opinion providing for community facilities as discretionary activities would more appropriately achieve the objectives of the RDP. In particular Strategic Directions Objective 3.3.11 which seeks "The expedited recovery and **establishment** of community facilities and education activities in existing and planned urban areas to meet the needs of the community ..." (my emphasis). I am not aware of any objective or policy that providing for community facilities as discretionary

⁵ Objective 3.3.11 and similar wording in Policy 14.1.6.2. as raised in the evidence of Ms Whyte at paragraph 6.34.

activities would be contrary to. In which case, community facilities would always meet one of the gateways of s104D for consent that applies to non-complying activities i.e. sub-section (1)(b). As such, I do not see it as being efficient or effective to require such activities to be assessed as a non-complying activity.

3.17 In light of the above conclusions in respect of infrastructure issues, and the limited application of the discretionary activity provisions to privately owned properties, I consider that discretionary activity status is the most appropriate in terms of the statutory tests.

4. CROWN EVIDENCE ON OBJECTIVE AND POLICIES

4.1 Attachment D of Ms Whyte's evidence (**Whyte Proposal**), includes amendments to some of the Recovery Zone provisions that were contained in Attachment A to my evidence in chief. Leaving aside the issue of non-residential activities, particularly community activities as discussed above, the principal amendments are to the objective and policies of the Recovery Zone.

4.2 Most of the differences were discussed at the formal mediation meeting on 17 November 2015, and in subsequent discussions with the Crown representatives. I agreed that some changes to the objective and policies were appropriate, in particular:

- (a) That the outcome expressed in the objective of a "very low density residential environment" would be better expressed along the lines of an open environment with a scattering of buildings and activities;
- (b) That the environment would potentially contain hazard mitigation works;
- (c) That the objective could be improved by explaining what the changed circumstances are; and
- (d) That the Non-residential Activities policy (21.11.1.1.2) should include provision for land management activities as contained in the notified version of Policy 21.11.1.1.1.

4.3 One of the actions coming from the mediation meeting was that the Council and Crown prepare amended objectives and policies. Other submitters at the

meeting asked if the amended objective and policies could be circulated to them prior to the deadline for submitter evidence on the 24 November. Although we attempted to achieve an agreed version of the objective and policies prior to that date, that was not achieved, and it was suggested that I should circulate my amended version of the objective and policies to the other submitters who attended the mediation meeting. I did this in an email on the 20 November 2015.

4.4 The main differences that remain between the amended objective and policies I emailed to the submitters (**Eman objectives and policies**) and those contained in the Whyte Proposal relate to the following issues:

- (a) Is it a function of the Recovery Zone objectives, policies and rules to manage natural hazard risks within the Zone, or is that a matter better left to the objectives, policies and rules of the Natural Hazard Chapter?
- (b) Is it appropriate that the objective clearly express the outcomes intended to be achieved, on the ground, within the zone?
- (c) Is it appropriate that the objective should make it clear that the outcomes expressed are for an interim period and are subject to change?

4.5 In terms of whether the management of natural hazards risks is a purpose and objective of the Recovery Zone provisions, the Whyte Proposal specifically includes the management of natural hazard risks in a. (iii) of the objective. In the Eman objectives and policies the objective simply "recognises" that the natural hazard risks which affect many properties in the Recovery Zone is one of the circumstances that have been, and will continue to be in the interim period before the long term use of the land is resolved, a reason why the outcome for the Recovery Zone will be a largely open environment with a scattering of buildings. This is similar to recognition in the objective of the fact that the Crown has purchased many properties and demolished many buildings in the Zone also resulting in such an open environment.

4.6 As stated in my evidence in chief, I consider it more appropriate that the management of natural hazard risks be left to the Natural Hazards Proposal, as well as Strategic Directions Objective 3.3.6. It is those provisions which

should state the objectives and policies that contain the outcomes and the policy directions intended for the management of the different natural hazard risks, as well as the rules that will apply if a property falls within an area that is at risk from a particular natural hazard. As also indicated in my evidence in chief, different properties in the Recovery Zone are subject to different natural hazards and not all of them are subject to natural hazard risks that justify significant limitations on activities. So an "across the zone" approach is not appropriate.⁶

- 4.7** In my opinion the natural hazard subclause in the objective (a. (iii)) in the Whyte Proposal does not assist in identifying the natural hazard outcomes that are intended to be achieved, as it simply requires that the risks of natural hazards are "managed". Likewise the related policy in the Whyte Proposal (21.11.1.1.1 Policy - Recognise risk) does not assist with policy direction as to how natural hazard risk is to be managed, as it simply directs:

Recognise that the Flat Land Recovery Zone is an area susceptible to the risk of natural hazards.

- 4.8** This compares with the more specific outcomes and directions already contained in Strategic Directions Objective 3.3.6, raised in Paragraph 19 of Attachment A of Ms Whyte's evidence. Objective 3.3.6 specifies how risks of natural hazards that are unacceptable should be managed, as distinct from other risks. There are no rules within the Recovery Zone that relate to particular natural hazards.
- 4.9** For these reasons I am of the opinion that the objective would better be phrased that the Recovery Zone will be a largely open environment with a scattering of buildings, partly in recognition of the fact that natural hazards risks affect many properties in the Recovery Zone.
- 4.10** In terms of the objective clearly expressing the outcomes intended to be achieved, my concern with the objective in the Whyte Proposal is that it does not clearly express the outcomes to be achieved on the ground. It requires management that "reflects changes that have occurred", that "do not compromise or impede options for long term recovery and future use",

⁶ Paragraph 7.27.

"manages the risks ... of natural hazards", and "recognises existing uses". These statements do not make it clear what overall outcome is sought.

- 4.11** Although the policies in the Whyte Proposal, when read together, provide some indication of what the outcome will be, there is no clear indication that during this interim period the area is intended to be largely open space with a small number of buildings and residential activities, as well as some temporary and hazard mitigation works and activities. In my opinion, it would assist to make this outcome clear within the objective.
- 4.12** In terms of the issue of the outcomes expressed in the objective being for an interim period, I consider it important that this is clearly stated. Ms Whyte uses the term "interim" in a number of places in her evidence, although the term "holding zone" is also referred to.⁷ The term "holding zone" can be interpreted as keeping everything exactly as it is, rather than what is agreed in this case, which is that the zone will allow some changes to activities. More importantly, I consider that including the term "in the interim" in the objective, makes it clear that the provisions applying to the Recovery Zone are to be reviewed, in accordance with the Recovery Strategy, and that this is likely to occur within the life of the District Plan.
- 4.13** Related to the issue of the interim period is the Whyte Proposal amendment to the Future Use Policy. In my opinion it would be helpful to retain the wording "The **longer-term** future use of the Flat Land Recovery Zone will be considered ..." (my emphasis). The wording "longer-term", in my opinion, helps make a distinction between future use of the Recovery Zone during the interim period and the future use of the Recovery Zone once the long term future use of the land is resolved.
- 4.14** One other matter is of concern which relates to an amendment in the Whyte Proposal to the Residential Activities policy in the Eman objectives and policies. This is the deletion of the words "existing privately owned properties" - being the sites that are intended to be able to be used for residential activities. I have no concern about the replacement of the word "property" with "site", as "site" is a term used more commonly elsewhere in the pRDP.

⁷ For example Paragraph 5.8.

4.15 However, removing the words "existing privately owned" leads to policy wording that states; "*Provide for continued use of sites in the Flat Land Recovery Zone for residential activities ...*". Such a policy is open to the interpretation that all properties in the Recovery Zone should be able to be used for residential activities during this interim period, irrespective of whether they are privately owned or not. Or at the very least, any property that has been previously used for residential activities. That is clearly not the intention. It has the potential to conflict with the agreed objective of not compromising longer term use of the Recovery Zone, and is not what has been agreed in respect of the rules.

4.16 I would recommend that for clarity, the words "existing privately owned" be included. I would also recommend that the word "continued" be removed, as the latter is inconsistent with the agreement to allow vacant privately owned sites to be used for residential activities. These changes would result in policy wording as follows:

Provide for use of privately owned sites in the Flat Land Recovery Zone for residential activities ...

4.17 Finally, I would recommend that if discretionary activities D2 to D6 are retained, these could simply be covered by policy wording as sub-clause (iv) under the Non-residential Activities policy, rather than a new separate policy. I would recommend the following;

iv. community facilities on privately owned sites assessed on a site by site basis, particularly in respect of the adequacy of infrastructure.

5. MR TSAO – EVIDENCE ON REZONING 123 HULVERSTONE DRIVE TO RESIDENTIAL SUBURBAN

5.1 Mr Tsao indicates in his evidence that he does not agree that it is necessary to impose a special zone on the residential red zone and seeks that his specific property be zoned Residential Suburban⁸. I have explained my concerns about providing for the full range of activities of the Residential Suburban Zone to the

⁸ Evidence of Mr. Tsao at paragraphs 3 and 20.

area covering the Recovery Zone generally, particularly for non-residential activities, in my evidence in chief starting at paragraph 7.45.

- 5.2** In my evidence in chief, at paragraph 3.3, I covered the issue of the need for the area generally to be covered by a zone that is not one of the more general residential zones.
- 5.3** As indicated in Mr Tsao's evidence, I have had further discussions with him about the prospect of rezoning his particular site, after my evidence in chief was lodged and since the formal mediation meeting. As expressed in my evidence in chief, my principal concern was to ensure that adequate infrastructure would be available for the range of activities provided for in the Residential Suburban Zone, particularly non-residential activities. Two possible options arose during those discussions that might have been able to overcome those concerns.
- 5.4** Mr. Tsao's property is a rear section coming off Hulverstone Drive, with the Avon River lying on the other side of that road. The rear of the property adjoins the Residential Suburban Zone, while all other adjoining properties are in the Recovery Zone. As indicated in my evidence in chief⁹, it is possible that infrastructure will not be an issue for some sites in the Recovery Zone that are located close to other urban areas and infrastructure outside of the Recovery Zone. In particular, if the infrastructure a property relied on was at, or being repaired to, normal urban residential standards because it also served other green zone land.
- 5.5** I consulted the Council's Assets and Network Unit and was advised that Mr Tsao's property relied on Hulverstone Dive for vehicle access to the site and that other infrastructure services for the site are located in that road. The road and other infrastructure in it were damaged and are definitely being reviewed as part of the Council's review of infrastructure within the residential red zone. No decisions have yet been made by the Council about infrastructure provision during the interim period before the future land use of the red zone is resolved. However, it was unlikely that the infrastructure serving Mr Tsao's property would be brought up to normal standards, particularly as it is the only privately owned property in quite a large block of residential red zone land along

⁹ Paragraph 7.46

Hulverstone Drive. Rather the property is more likely to only be serviced with infrastructure sufficient for a house, particularly in terms of road access and sewer.

- 5.6** The second option I investigated was the possibility of some form of private agreement that Mr Tsao, and any future landowner, would pay to upgrade infrastructure if a more intensive non-residential activity were to be proposed for the site.
- 5.7** Although the Asset and Network Unit considered that a private infrastructure agreement is possible in theory, any proposal would need to be considered on its merits, and there are some particular challenges and risks with this site. Due to the close proximity of the road to the river, the road and services are subject to liquefaction and lateral spread risks. The road is protected by temporary stop banks and at high tide the water in the river is higher than the road. Surface water on the road cannot drain freely because of this. The road, and any services in it, are also vulnerable to damage from the resulting high water table. Putting in upgraded roading access and other services, above the minimum necessary to cater for a single house, creates increased risk and potentially considerable ongoing maintenance costs for the wider community of such vulnerable infrastructure.
- 5.8** An alternative that might be possible would be to provide new road access and infrastructure from a road in the adjoining green zone across, and along the boundary of, the red zone. Infrastructure in such a location is likely to be far less at risk. However, that would rely on the Crown (who owns the red zone land that would be needed) granting an easement, or selling that land. Such an arrangement is unlikely to be able to be arranged until after decisions are made on the future use of the red zone.¹⁰
- 5.9** There was also a concern about whether such an arrangement is even feasible. It seems likely that it would require some sort of legal instrument on the title requiring the current, or any future, landowner to upgrade the infrastructure for any future use of the land, other than for a single residential unit. There would be a high level of uncertainty as to the content of such a document and any dollar value it should contain, as it would need to cover a

¹⁰ As indicated in Mr. Rouse's evidence at paragraph 7.9.

potential range of non-residential activities with different infrastructure requirements.

5.10 In the circumstances, it is my opinion that the need for, and extent of any upgrading, would be more appropriately dealt with through the resource consent process (e.g. possible conditions), based on the nature and scale of the activity proposed. As such I conclude that it would be more appropriate that this property remain within the Recovery Zone.

5.11 In terms of the concerns about uncertainty Mr Tsao raises in his evidence¹¹, I note that even if Mr. Tsao's property were zoned Residential Suburban, this would not take the property out of the residential red zone. It would still be potentially subject to the review of the long-term use of the land identified in the Recovery Strategy and that forms part of the Residential Red Zone Programme. This creates uncertainty for the owners of all privately owned land within the residential red zone.

6. CROWN EVIDENCE ON CENTRAL CITY PLANNING MAPS

6.1 At paragraphs 6.39 and 6.40, Ms Whyte's evidence mentions the fact that the Recovery Zone, as notified, includes a portion of the area of land that is subject to the Christchurch Central Recovery Plan (**CCRP**). I agree with her conclusion, that to be consistent with the CCRP that portion of the Recovery Zone would be more appropriately zoned Central City Residential Zone. Ms Whyte identifies in Paragraph 9 of her Attachment A that the Crown has lodged a general submission point on the Central City provisions to ensure that Proposal 13 (the whole Central City) achieves consistency with the CCRP and that there will be legal submissions to cover the potential scope issue.

¹¹ Paragraph 27 onwards.

7. CONCLUSIONS

- 7.1** For the above reasons I consider the proposed objectives, policies and rules I have outlined, and included in Attachment A, are consistent with the Recovery Strategy and Recovery Plans, appropriately have regard to the Statement of Expectations, achieve the Strategic Directions objectives and are the most appropriate in terms of the statutory tests.

A handwritten signature in black ink, appearing to read 'Peter Nicholas Eman', with a long horizontal flourish extending to the right.

Peter Nicholas Eman

30 November 2015

SPECIFIC PURPOSES CHAPTER 21

Specific Purpose (Flat Land Recovery) Zone

12/11/15

Key:

The following text is an extract from the notified version of the Christchurch City Council Replacement District Plan for the Stage 3 Specific Purpose (Flat Land Recovery) Zone with provisions in black text.

An amended version of the Proposal was attached to the evidence in chief for the Council in response to submissions, and those amendments are shown in **black bold underlined text** (for additions) and ~~**black bold strike through text**~~ (for deletions). The submission providing scope for the change is noted in square brackets beside the relevant change.

Further amendments were agreed through mediation and these are shown in **red bold underlined text** (for additions) and ~~**red bold strike through text**~~ (for deletions).

For completeness, defined terms are shown in **green text** and links to other parts of the Plan or other documents are in **blue text**.

21.11 Specific Purpose (Flat Land Recovery) Zone

Note: The ~~land within the~~ Specific Purpose (Flat Land Recovery) Zone is a ~~"holding" zone that will be subject to a later plan change to confirm the zoning pattern which will be informed by the outcome to be the subject of a separate process to determine its long term future use. This process was outlined in~~ the 'Residential Red Zone Programme' ~~in the Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha and referred to in the Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone. In the Greater Christchurch Earthquake Recovery: Transition to Regeneration (Transition Recovery Plan) 2015 it is stated that a new Crown-Council entity called 'Regenerate Christchurch' will oversee the long-term development and enhancement of Christchurch's residential red zone. Regenerate Christchurch has a role in developing plans and strategies for areas within its scope such as the residential red zone. The development of these plans and strategies will occur under a different~~ ~~This programme is a direction specified in the Government's Recovery Strategy for Greater Christchurch and the Land Use Recovery Plan. Through this programme, CERA will undertake a public engagement process to discuss the options for the future use of the 'Residential Red Zone'. This programme is occurring under a separate process and~~ timeframe to the Replacement District Plan process.

[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]

21.11.1 Objectives and Policies

21.11.1.1 Objective - ~~Protection of~~ Activities in the Flat Land Recovery Zone

- a. ~~Protect the Flat Land Recovery Zone from inappropriate subdivision, land use and development that will:~~
 - i. ~~compromise or impede options for the long term recovery and future use of the zone; or~~
 - ii. ~~increase the risk to people's safety, property and infrastructure from the effects of natural hazards.~~
- a. ~~In the interim, a largely open environment with a very low density of buildings and residential activities in the interim, and a limited range of other activities, environment that reflects the circumstances following the earthquakes that recognises:~~
 - i. ~~the purchase of properties and building clearance by the Crown,~~
 - ii. ~~the natural hazard risks affecting many properties, and~~
 - iii. ~~and the infrastructure limitations of the area,~~~~and which does not significantly compromise whilst recognising that the area is undergoing considerable change and the longer-term potential of the area to contribute to the recovery and future enhancement of Christchurch.~~

[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]

21.11.1.1.1 Policy - ~~Interim use of land~~ Residential Activities

- a. ~~Only activities comprising existing uses and their limited modification, temporary activities, and elements of immediate recovery activity, including land management activities will be accommodated within the Flat Land Recovery Zone.~~
- a. ~~Provide for the continued use of existing privately owned sites properties in the Flat Land Recovery Zone for low density residential activities, to the extent compatible with the natural hazard risks and infrastructure limitations.~~ [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]

21.11.1.1.2 Policy - ~~Recognise risk~~ Non-residential Activities

- a. ~~Recognise that the Flat Land Recovery Zone is an area susceptible to the risk of natural hazards.~~
 - a. ~~Only provide for existing privately owned properties to be used for the following non-residential activities that:~~
 - i. ~~are home based activities, market or community gardens occupations or provide community facilities and do not have significant adverse effects on residential activities or the transport network;~~
 - ii. ~~are existing commercial and community activities and their are subject to limited modification expansion; or~~
 - iii. ~~are temporary activities, land management activities, water or hazard management or mitigation activities, and~~
 - iv. ~~new community facilities on privately owned sites assessed on a site by site basis, particularly in respect of the adequacy of infrastructure.~~
- [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]

21.11.1.1.3 Policy - Management of effects

- a. Activities within the Flat Land Recovery Zone are managed to:
 - i. reduce adverse amenity effects on occupied residential properties and effects at the interface with surrounding residential zones;
 - ii. sustain the qualities and values of the natural environment.

21.11.1.1.4 Policy - Future use

- a. The longer-term future use of land in the Flat Land Recovery Zone will be considered ~~following the completion of the Residential Red Zone programme under a separate future process~~ which will inform future land use zoning and development options. [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]

21.11.2 Rules - Specific Purpose (Flat Land Recovery) Zone

21.11.2.1 How to use the rules

21.11.2.1.1 The rules that apply to activities in the Flat Land Recovery Zone are contained in:

- a. The Activity Status Tables (including Activity Specific Standards) in this chapter.
- b. The Activity Status Tables and Standards in the following chapters (where relevant):
 - 5 Natural Hazards;
 - 6 General Rules and Procedures where relevant below:
 - 6.1 Noise;
 - 6.3 Outdoor Lighting and Glare;

- 6.4 Temporary Earthquake Recovery Activities;
- 7 Transport;
- 8.6 Earthworks;
- 9 Natural and Cultural Heritage;
- 10 Designations;
- 11 Utilities and Energy;
- 12 Hazardous Substances and Contaminated Land;
- 19 Coastal Environment.

21.11.2.1.2 Note: where there is no reference to the Specific Purpose (Flat Land Recovery) Zone in the above chapters, the provisions relating to the Residential Zone shall apply.

21.11.2.2 Activity Status Tables

21.11.2.2.1 Permitted Activities

In the Flat Land Recovery Zone the activities listed below are permitted activities if they comply with the Activity Specific Standards set out in this table.

Activities may also be restricted discretionary or non-complying as specified in Rules 21.11.2.2.2, 21.11.2.2.3, 21.11.2.2.4, 21.11.2.2.5 and 21.11.2.2.6 respectively below.

Activity	Activity Specific Standards
<p>P1 Residential Activity that occur within an existing a residential unit on privately owned property as at 12 October 2015 .</p>	<p>a. NIL. The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (b) below.</p> <p>b. In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>
<p>P2 Commercial Activities that occur within an existing commercial building.</p>	<p>a. NIL.</p>
<p>P3 Alterations, additions, maintenance and repair of an existing residential unit, commercial building, accessory building, or built structure.</p>	<p>a. Any increase in gross floor area shall not exceed 25m² within any continuous period of 10 years.</p> <p>b. Where the activity relates to an existing residential unit, the activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13.</p> <p>c. Where the activity relates to an existing commercial building, the activity shall comply with the following Built Form Standards of the Commercial Local Zone: 15.4.3.1, 15.4.3.2, 15.4.3.3, and 15.4.3.4.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>
<p>P4 Relocation of an existing residential unit, building, or accessory building to another site outside the Flat Land Recovery Zone.</p>	<p>a. NIL.</p> <p>Note:</p> <p>1. The provisions of the site to which the building is to be relocated to shall apply.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>
<p>P54 Demolition and/or removal of existing buildings (including fencing, walls, paths, decks and pools).</p>	<p>a. NIL.</p> <p>Notes:</p> <p>1. The provisions within Chapter 6.1 shall apply.</p> <p>2. Noise from demolition activities shall comply with and be measured and assessed in accordance with New Zealand Standard NZS6803:1999 Acoustics - Construction Noise.</p>

P65	Use, repair and maintenance of Crown owned buildings and land management activities .	<p>a. Any activity on a site adjoining an occupied residential unit or residential zone shall comply with:</p> <ol style="list-style-type: none"> i. the relevant noise standards for the residential zone in Rule 6.1.4.1.1.1 which shall be met at the boundary of that site or zone; ii. all standards for the residential zone in the Outdoor Lighting and Glare provisions in Rule 6.3.2.3.1; iii. hazardous substance quantities for Group 3 listed in Table 12.1.2.3; and iv. all standards for the residential zone in the Signage provisions in Rule 6.8.3.1. <p>Note:</p> <ol style="list-style-type: none"> 1. An activity is exempt from the General Noise, Outdoor Lighting and Glare, and Signage provisions where the activity is not located in the areas specified above.
P76	<p>Temporary buildings and signage associated with:</p> <ul style="list-style-type: none"> - existing residential activities; - existing commercial activities; - relocation activities; - utilities and infrastructure; - existing recreation activities <p>- or that are ancillary to an approved building or construction project or maintenance, repair and demolition activities. [Regional Council #3629.119]</p>	<ol style="list-style-type: none"> a. Buildings must be relocatable. b. No building shall exceed 50m² in gross floor area, except where ancillary to approved building or construction project or maintenance, repair or demolition activity. [Council #3723.909] c. The following Built Form Standards of the Residential Suburban Zone shall be met where it relates to residential activity: 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13. d. The following Built Form Standards of the Commercial Local Zone shall be met where it relates to commercial activity: 15.4.3.1, 15.4.3.2, 15.4.3.3 and 15.4.3.4. e. Any buildings or signage associated with the activity shall be removed from the site within one month of the completion of the project.
P87	Use, maintenance and repair of community facilities and community infrastructure .	<ol style="list-style-type: none"> a. NIL.
P98	Operation, maintenance, repair, removal, replacement, relocation, and upgrading of existing utilities and roads ; new utilities and roads ; and ancillary temporary activities.	<ol style="list-style-type: none"> a. NIL.

<p>P109</p>	<p>Hazard management or mitigation works including river control and drainage works carried out by or on behalf of a Local Authority exercising its powers, functions and duties under the Resource Management Act 1991, Soil Conservation and Rivers Control Act 1941, Christchurch District Drainage Act 1951, or Land Drainage Act 1908, unless expressly provided for as a non-complying activity, where undertaken outside:</p> <ul style="list-style-type: none"> i. a Site of Ecological Significance listed in Appendix 9.1.4.1; ii. an Outstanding Natural or Significant landscape or feature listed in Appendix 9.2.5.1; iii. areas of Outstanding or High Natural Character in the coastal environment in Appendix 9.2.5.4 and remaining areas in the coastal environment. 	<p>a. NIL.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. The design of hazard management or mitigation works must be carried out by a Chartered Professional Engineer.
<p>P1410</p>	<p>Maintenance, repair, relocation and removal of flood protection and bank erosion protection works; and the maintenance of existing drains or ponds undertaken or authorised by the Crown, the Regional Council, or Christchurch City Council. [Regional Council #3629.120]</p>	<p>a. NIL.</p>
<p>P1211</p>	<p>Construction, maintenance and operation of structures, basins and wetlands for the conveyance, treatment, storage, retention or detention of water, wastewater, stormwater and land drainage water by the Christchurch City Council or a network operator.</p>	<p>a. NIL.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. The requirements of the Infrastructure Design Standard and/or Construction Specification Standard apply.

<p>P12 <u>Bed and Breakfast within a residential unit on privately owned property as at 12 October 2015 .:</u></p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>There shall be:</u></p> <ul style="list-style-type: none"> i. <u>a maximum of six guests accommodated at any one time</u> ii. <u>at least one owner of the residential unit residing permanently on the site; and</u> iii. <u>no guest given accommodation for more than 90 consecutive days</u> <p>b. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (c) below.</u></p> <p>c. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>
<p>P13 <u>Care for non-resident children within a residential unit in return for monetary payment to the carer on privately owned property as at 12 October 2015 .:</u></p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>There shall be:</u></p> <ul style="list-style-type: none"> i. <u>a maximum of four non-resident children being cared for in return for monetary payment to the carer at any one time, and</u> ii. <u>at least one carer residing permanently within the residential unit.</u> <p>b. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (c) below.</u></p> <p>c. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>
<p>P14 <u>Home occupation on privately owned property as at 12 October 2015 .</u></p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>The home occupation shall limit:</u></p> <ul style="list-style-type: none"> i. <u>the gross floor area of the building plus the area used for outdoor storage area occupied by the occupation to less than 40m²;</u> ii. <u>the number of FTE employed persons, who reside permanently elsewhere than on the site, to two;</u> iii. <u>any retailing to the sale of goods grown or produced on the site, or internet-based sales where no customer visits occur;</u> iv. <u>the hours of operation when the site is open to visitors, clients, and deliveries to between the hours of:</u> <u>0700 – 2100 Monday to Friday; and</u> <u>0800 – 1300 Saturday, Sunday and public holidays;</u> v. <u>visitor or staff parking area to outside the road boundary setback;</u> vi. <u>outdoor advertising to a maximum area of 2m².</u> <p>b. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (c) below.</u></p> <p>c. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>

P15	<p>Market gardens, community gardens and garden allotments.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (b) below.</u></p> <p>b. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>
P16	<p>Storage of heavy vehicles on privately owned property as at 12 October 2015 .</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>No more than one vehicle shall be stored on the site.</u></p> <p>b. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (c) below.</u></p> <p>c. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>
P17	<p>Dismantling, repair, or storage of motor vehicles and boats on privately owned property as at 12 October 2015 .:</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. <u>The vehicles and/or boats shall be owned by people who live on the same site.</u></p> <p>b. <u>The activity shall comply with the following Built Form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for in (c) below.</u></p> <p>c. <u>In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</u></p>

21.11.2.2.2 Controlled Activities

There are no controlled activities.

21.11.2.2.3 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 as set out in the following table.

Activity		The Council's Discretion shall be limited to the following matters:
RD1	<p>Non compliance with <u>Rule 21.11.2.2.1 P1, P3, or P76 or P12, P13, P14, P15, P16, or P17</u> where the site coverage is between 35% and 40%.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p>a. Site density and site coverage – 14.9.1.</p> <p>b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.</p>

RD2	<p>Non compliance with Rule 21.11.2.2.1 P1, P3, or P76 or P12, P13, P14, P15, P16, or P17 where built form standards 14.2.3.3, 14.2.3.6, 14.2.3.7 or 14.2.3.8 are not met.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<ul style="list-style-type: none"> a. Building height and daylight recession planes –14.9.2. b. Minimum building window and balcony setbacks from internal boundaries – 14.9.4. c. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD3	<p>Non compliance with Rule 21.11.2.2.1 P1, P3, or P76 or P12, P13, P14, P15, P16, or P17 where built form standards 14.2.3.5, 14.2.3.9 or 14.2.3.13 are not met.</p> <p>Any application arising from non-compliance with these standards will not require written approval and shall not be publicly or limited notified.</p> <p>[Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<ul style="list-style-type: none"> a. Street scene, road boundary, building setback, front doors, fencing and planting – 14.9.3. b. Outdoor Living Space – 14.9.5. c. Water supply for firefighting - 14.9.25. d. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD4	<p>Non compliance with Rule 21.11.2.2.1 P76, except as specified in RD1, RD2 or RD3.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion are set out in Section 6.2.3. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD5	<p>Land management and maintenance activities that exceed the activity specific standards in Rule 21.11.2.2.1 P65 by 10 dB or less.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion are set out in Section 6.1.4.3. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD6	<p>Land management and maintenance activities in Rule 21.11.2.2.1 P65 that do not comply with Outdoor Lighting and Glare provisions.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion are set out in Section 6.3.3. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD7	<p>Land management and maintenance activities in Rule 21.11.2.2.1 P65 that do not comply with Hazardous Substances provisions.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion are set out in Section 12.1.3. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD8	<p>Land management and maintenance activities in Rule 21.11.2.2.1 P65 that do not comply with Signage provisions.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion are set out in Section 6.8.5. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.
RD9	<p>Subdivision that involves conversion of the type of tenure from unit title or cross lease to fee simple, boundary adjustments, alteration of cross leases, company leases and unit titles, and where it is proposed to subdivide off land within the Flat Land Recovery Zone from an area of land not within the Flat Land Recovery Zone.</p> <p>Any application arising from non compliance with this rule will not require written approvals and shall not be publicly or limited notified.</p>	<ul style="list-style-type: none"> a. Matters over which the Council has restricted discretion set out in Section 8.5. b. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.

<p>RD10</p>	<p>Hazard mitigation works not provided as a permitted activity in Rule 21.11.2.2.1 P109.</p>	<ul style="list-style-type: none"> a. The significance of ecological, landscape or natural values, ecological corridors, indigenous fauna, and whether these would be adversely compromised by the activity. b. The risk to life, property and the environment posed by hazards. c. The extent to which the activity would remedy or mitigate the hazard or be compatible with existing mitigation works or structures. d. Whether or not the work would be carried out under the supervision of a Chartered Professional Engineer. e. The extent to which the activity would protect buildings and their occupants. f. The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery. g. <u>The extent to which the hazard risk may be increased or exacerbated in other locations</u> [Regional Council #3629.121]
<p>RD11 [Council #3723.907]</p>	<p><u>Non-compliance with Rule 21.11.2.2.1 P3 where any one or more of the built form standards 15.4.3.1, 15.4.3.2, 15.4.3.3, and 15.4.3.4 are not met.</u></p>	<ul style="list-style-type: none"> a. <u>Maximum building height - 15.8.3.1</u> b. <u>Minimum building setback from road boundaries/street scene - 15.8.3.3</u> c. <u>Minimum building setback from boundary with a residential zone - 15.8.3.4</u> d. <u>Sunlight and outlook at boundary with a residential zone - 15.8.3.5</u> e. <u>The extent to which the proposal will facilitate immediate recovery activity while not compromising long term recovery.</u>
<p>RD12 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p><u>Non-compliance with Rule 21.11.2.2.1 P14 Activity Specific Standard (a).</u></p>	<ul style="list-style-type: none"> a. <u>Scale of activity - 14.9.5</u> b. <u>Traffic generation and access safety - 14.9.6</u> c. <u>Non-residential hours of operation - 14.9.23</u>

21.11.2.2.4 Discretionary Activities

<p>Activity</p>	
<p>D1 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p><u>Bed and breakfasts, care for non-resident children, storage of heavy vehicles, dismantling, repair, or storage of motor vehicles and boats where the activity does not meet Activity Specific Standard (a) for that activity as a permitted activity in Rule 21.11.2.2.1 P12, P13, P16, or P17.</u></p>
<p>D2 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]</p>	<p><u>Pre-school activity on privately owned property as at 12 October 2015 .</u></p>

D3 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Health Care Facility on privately owned property as at 12 October 2015 .
D4 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Veterinary Care Facility on privately owned property as at 12 October 2015 .
D5 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Education activity on privately owned property as at 12 October 2015 .
D6 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Place of Assembly on privately owned property as at 12 October 2015 .
D7 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Spiritual activity on privately owned property as at 12 October 2015 .

21.11.2.2.5 Non-complying Activities

The activities listed below are non-complying activities.

Activity	
NC1	Any activity not listed as a permitted, controlled, restricted discretionary, discretionary or prohibited activity.
NC2 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	Additions to existing buildings which increase gross floor area by more than 25m².
NC3	Any land management activities that exceed the activity specific standards in Rule 21.11.2.2.1 P65 by more than 10dB.
NC4 [Burney #3232, Tsao #3261, Anderson #3295, Bourke #3476, Goppner-Bourke #3477, Sharlick #3548, Fulford # 3967, Griffiths #5075 and Wilkes #3975]	New residential units, conversion of residential units, minor residential units, multi-unit residential complexes and commercial buildings.
NC5	Subdivision, unless provided for as a restricted discretionary activity.
NC6 [Council #3723.908]	Coastal hazard mitigation works including earthworks associated with these works.

21.11.2.2.6 Prohibited Activities

There are no prohibited activities.

PLANNING MAPS

Remove the Specific Purpose Flat Land Recovery zoning within the Central City Planning maps and show the land as Central City Residential Zone.

Chapter 8 Subdivision, Development and Earthworks

Rule 8.8.2 Permitted Activities: Earthworks (With respect to the volume applying in the Specific Purpose (Flat Land Recovery) Zone only)

Table 1: Maximum volumes - earthworks

Zone / Overlay	Volume
Residential.	1. All residential zones and deferred residential zones. 20m ³ /site
Commercial / Industrial.	1. Commercial Fringe, Commercial Local, and Commercial Banks Peninsula zones. 20m ³ /site
	1. Commercial Core, Retail Park, Industrial General, Industrial Heavy, and Industrial Park zones. 100m ³ /site
Rural.	1. Rural zones (excluding excavation associated with quarrying activities) 100m ³ /ha
Open Space.	1. Open Space (Metropolitan Facilities) and Open Space (McLeans Island) zones. 500m ³ /ha
	1. Open Space (Community Park) zones. 20m ³ /site
	1. Open Space (Natural) and Open Space (Water and Margins) Zone zones. 50m ³ /ha
	1. Open Space (water and margins) zone at Lake Ellesmere / Te Waihora and Lake Forsyth / Wairewa. 10m ³ /ha
Specific Purpose.	1. Specific Purpose (Airport) and Specific Purpose (Hospital) zone. 150m ³ /ha
	1. Specific Purpose Lyttelton Port zone. 100m ³ /ha
	1. Specific Purpose Cemetery zone, except as at 8.6.4. 20m ² /site
	1. Specific Purpose (Resort) Zone 20m ² /site
	1. Specific Purpose Cemetery zone, except as at 8.6.4. 100m ³ /ha
	1. Specific Purpose (Flat Land Recovery) Zone. 50m ³ /ha
Transport	1. Transport zone No limit.

Coastal	1. Coastal zone	50m ³ /ha
Overlays	Outstanding Natural Landscapes, Areas of Outstanding Natural Character, Areas of Very High Natural Character, or Areas of High Natural Character	25m ³ /ha
	Coastal Environment	25m ³ /ha
	Sites of Ecological Significance.	Nil
	Outstanding Natural Features	Nil
	Important Ridgeline	Nil

Clarification:

1. The volume thresholds contained in Table 1 provide for that amount of fill and that amount of excavation.
2. Where a volume threshold in Table 1 is stated in m³/ha, this shall be applied as a ratio.
3. Where zone and overlay thresholds differ, the lower volume threshold shall apply.