

Chapter 6

Key:

<u>Green underlined</u>	<u>Defined terms.</u>
<u>Red underlined</u>	<u>Topic 9.5 sites of Ngāi Tahu cultural significance cross-referencing.</u>
Red strikeout	Topic 9.5 sites of Ngāi Tahu cultural significance consequential amendments.
Blue text	Hyperlink
<i>Dark blue, underlined Italics</i>	Additions made by Ngāi Tahu to the Revised Proposal
Dark blue strikeout	Deletions made by Ngāi Tahu to the Revised Proposal

Note – black text and highlighted text relates to Chapter 6 revised proposal.

6.6 Water Body Setbacks

~~Note: Wording in *bold italics* is shown for context only and will be notified and open for submission at a later date (to be confirmed).~~ [Christchurch City Council, #2123.2, page 2]

6.6.1 Objectives and Policies

6.6.1.1 Objective – Protection of water bodies and their margins from inappropriate use **and development**. [13.14.6.1.1] [Te Runanga o Ngai Tahi #3722.111, page 34]

- a. ~~Activities and development in w~~Water body margins **are managed in a way that** protected ~~from activities that have adverse effects on~~ **and/or** enhances the values **and functions of the water body and its margins including** [Carter Group #2330.14, page 9; et al] flood management; water quality; riparian or aquatic ecosystems; the natural amenity and character of the water body; heritage or cultural values; and access **where appropriate** for recreation, **customary practices including mahinga kai** [Te Runanga o Ngai Tahi #3722.111, page 34] or maintenance; ~~and where possible these values or functions are enhanced.~~

6.6.1.1.1 Policy – Naturalisation of water bodies and their margins [Te Runanga o Ngai Tahi #3722.112, page 34] [13.14.6.1.1.1]

- a. Take a catchment-wide approach to protecting and **or** enhancing the natural form, function and ecology of water bodies and their margins [Te Runanga o Ngai Tahi #3722.113, page 34] **in order to maintain or improve (where degraded)** [Ryman #2347.5] water quality, flood control, biodiversity, bank stability, **mahinga kai**, [Te Runanga o Ngai Tahi #3722.113, page 34] and amenity values, while:
- i in City and Settlement areas, ~~recognising provisions for supporting the provision of~~ ecological corridors and public access **where possible while recognising this**

- [Styx Living Lab #2214.2, page 3] may not be fully achievable for some classifications of water body because of historic development patterns or adjoining land uses.
- ii in Rural areas, providing for rural activities ~~that will not adversely affect while~~ **ensuring adverse effects of land uses on the functions of** water bodies **are avoided, remedied or mitigated** [Te Runanga o Ngai Tahu #2458.10] and recognising that protecting or improving water quality is a priority matter.
 - iii in Natural areas, minimising development in water body setbacks.

6.6.1.1.2 Policy – Setbacks from water bodies [13.14.6.1.1.2]

- a. Avoid, remedy or mitigate adverse effects of activities on water bodies and their margins within setbacks consistent with the classification of water body.

	Water body classification (see Appendix 6.11.5.1 for characteristics)	Functions of the water body setback
i.	All	<p>A. Providing a buffer zone for natural erosion, sedimentation and land movement in the weak saturated soils that border water bodies; and minimising the risk that these processes pose to buildings or other structures.</p> <p>B. Minimising flood risk and damage by providing flood storage capacity, dispersal and effective land drainage; and avoiding, remedying or mitigating structures that transfer flood hazard.</p> <p>C. Improving water quality and catchment-wide ecosystem health by filtering potential contaminants.</p> <p>D. Allowing space for riparian planting where possible in a continuous corridor [Styx Living Laboratory Trust #2214.4] to improve ecological values, and bank and slope stability.</p> <p>E. Providing access for the maintenance of water bodies and any associated hazard protection works.</p>
ii.	Downstream waterway	<p>A. Providing Maintaining or enhancing [Ryman #2347.6, page 4] habitat for a wide range of terrestrial, and aquatic animals and plants species. [Crown #2387.140, page 74]</p> <p>B. Allowing space for Encouraging [Crown #2387.139, page 74] the establishment, retention and maintenance of significant location appropriate [Ryman #2347.23, page 4] riparian vegetation.</p> <p>C. Contributing to the open space character and amenity of the surrounding area.</p> <p>D. Sustaining cultural associations and providing opportunities for mahinga kai and customary use of native plants, animals and traditional materials. Supporting customary uses including mahinga kai within the water body, its margins and</p>
iii.	Upstream waterway	

	Water body classification (see Appendix 6.11.5.1 for characteristics)	Functions of the water body setback
		<p>catchment. [Te Runanga o Ngai Tahu #2458.11, page 5]</p> <p>E. Providing recreational opportunities for the public where this is consistent with the other functions of the setback.</p>
iii.	Environmental asset waterway	<p>A. Providing Maintaining or enhancing [Ryman #2347.6, page 4] habitat for terrestrial, and aquatic animals and plants species. [Crown #2387.140, page 74]</p> <p>B. Encouraging the establishment, retention and maintenance of location-appropriate [Ryman #2347.23, page 4] riparian vegetation.</p> <p>C. Contributing to the open space character and amenity of the immediate area.</p>
iv.	Network waterway	<p>A. Where feasible, creating or enhancing ecological corridors for terrestrial, and aquatic animals and plants species. [Crown #2387.140, page 74]</p>
v.	Hill waterway	<p>A. Contributing to the open space character and amenity of the surrounding area.</p> <p>B. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants. [Cook #2241.53, page 6; et al]</p>
vi.	Environmental asset standing water body	<p>A. Providing habitat for a wide range of terrestrial, and aquatic animals and plants species. [Crown #2387.140, page 74]</p> <p>B. Encouraging the establishment, retention and maintenance of location-appropriate [Ryman #2347.23, page 4] riparian vegetation.</p> <p>C. Contributing to the open space character and amenity of the surrounding area.</p> <p>D. Sustaining cultural associations and providing opportunities for mahinga kai and customary use of native plants, animals and traditional materials. Supporting customary uses including mahinga kai within the water body, its margins and catchment. [Te Runanga o Ngai Tahu #2458.11, page 5]</p> <p>E. Providing recreational opportunities for the public where this is consistent with the other functions of the setback.</p>
vii	<p>Banks Peninsula waterway</p> <p>[Crown #2387.145]</p>	<p>A. Providing interim protection of values for waterways on Banks Peninsula that have not yet been classified.</p> <p>B. Maintaining or enhancing habitat for terrestrial, and aquatic animals and plants.</p> <p>C. Encouraging the establishment, retention and maintenance</p>

Water body classification (see Appendix 6.11.5.1 for characteristics)	Functions of the water body setback
	<p>of appropriate riparian vegetation.</p> <p>D. Contributing to the open space character and amenity of the immediate area.</p>

6.6.1.1.3 Policy - Management of activities in water body setbacks [13.14.6.1.1.3]

- a. Where buildings, earthworks or other activities are **permitted undertaken** [Christchurch City Council, #2123.31, page 7; et al] within a water body setback, manage the activity so that:
- i any cultural significance of the water body to tangata whenua is appropriately recognised and provided for, **including provision for customary access and use where applicable;** [Te Runanga o Ngai Tahu #2458.12, page 6]
 - ii water quality, biodiversity, and mahinga kai values are maintained or enhanced;
 - iii connectivity between land, natural freshwater systems and the coast are retained or enhanced;
 - iv the stability of water body banks and adjacent land is maintained and sedimentation and erosion minimised;
 - v maintenance access is enabled;
 - vi the ability of water body margins, channels, or ponding areas to store and/or convey surface water safely and efficiently is not impeded;
 - vii flood events are not exacerbated;
 - viii adverse effects are not transferred to another site;
 - ix amenity and landscape values, including riparian planting, are retained or enhanced;
 - x activities do not, **to more than a minor extent,** [Two Degrees #3353.1, et al] disturb or visually detract from:
 - A. Sites of Ecological Significance;
 - B. Outstanding Natural Features and Landscapes;
 - C. Significant Features and Landscapes;
 - D. Areas of Outstanding, ~~Very High or High Natural Character;~~ **Natural Character and Areas of at least High Natural Character in the Coastal Environment;** [Chorus #3635.3, page 3; et al]
 - ~~E. Important Ridgelines;~~ [Chorus #3635.4, page 3; et al]
 - F. Heritage Items or Settings;
 - G. Significant Trees or Groups of Trees;
 - H. ~~Silent File areas Sites of Ngai Tahu Cultural Significance~~ **Sites of Ngai Tahu Cultural Significance** [Ngai Tahu #3722.65]
 - I. significant indigenous vegetation **and habitats of significant indigenous fauna;** [Crown #3721.254, page 59]

- xi provision is made for public access appropriate to the classification and location of the water body and having regard to:
- A. the relationship of tangata whenua with their ancestral lands, water and sites;
 - B. protection of Sites of Ecological Significance;
 - C. residential amenity;
 - D. Outstanding Natural Features and Landscapes;
 - E. bank and land stability;
 - F. public safety;
 - G. the operational or security requirements of infrastructure;
 - H. **property ownership and the safe and efficient operation of rural and industrial sites.** *[Federated Farmers #2288.13, page 5]*

6.6.2 Rules

6.6.2.1 How to use the rules [13.14.6.2.1]

6.6.2.1.1 The rules that apply within the water body setbacks are contained in:

	Area	Zones	Provisions
a	City and settlement area <i>[Isaac #2146.55]</i>	All Commercial; All Industrial; All Residential (except as below); Guest Accommodation; Papakainga; All Specific Purpose; Open Space – Metropolitan Facilities; Open Space – Community Parks; Avon River Precinct (Te Papa Otakaro) Zone; Open Space – Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity Status Tables in 6.6.2.2
b	Rural area <i>[Isaac #2146.55]</i>	All Rural; Residential Large Lot; Open Space McLeans Island; Open Space – Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity Status Tables in 6.6.2.3
c	Natural area <i>[Isaac #2146.55]</i>	Open Space Natural; Coastal; Open Space – Water and Margins (except as above); Transport (where adjacent to the above zones)	Activity Status Tables in 6.6.2.4

6.6.2.1.2 The rules that apply are based on the zoning of the site. [Ryman #2347.8-9] **For sites within the Transport and Open Space Water and Margin zones, the applicable rules are those for the adjoining zone on the landward side of the water body excluding any other Transport or Open Space Water and Margins zone.** [Crown #2387.6, page 28]

6.6.2.1.3 Ngā Wai sites of Ngāi Tahu cultural significance are identified in Chapter 9.5 Schedule 9.5.5.4 and shown on maps in 9.5.5.5.3.

(Consequential renumbering required)

6.6.2.1.2 3 The Activity Status Tables and Standards in the following chapters also apply to activities in water bodies setbacks where relevant:

5	Natural Hazards
8	Subdivision, Development and Earthworks
9	Natural and Cultural Heritage
11	Utilities, Energy and Infrastructure
12	Hazardous Substances and Contaminated Land
19	Coastal Environment

6.6.2.1.3 Where other chapters or zones specify water body setback distances or rules, those provisions supersede the provisions in section 6.6 with regard to any matters specified.

6.6.2.1.4 The following activities are exempt from section 6.6.2, the Water Body Setback rules **except where specified in 6.6.2.1.6 and point (p) below:** [Transpower #2218.15]

- a. post holes for the erection of permitted fences;
- b. planting holes for trees or other vegetation;
- c. excavation for any approved wells **where any necessary resource consents or building consents have been obtained:** [Crown #3721.1500]
- d. filling or excavation permitted pursuant to an approved building consent, except filling or excavation for building foundations;
- e. bridges or culverts with a regional consent;
- f. filling or excavation permitted pursuant to the repair of earthquake damaged land;
- g. **filling or excavation earthworks and structures** associated with permitted utilities **permitted or consented in accordance with the provisions of Chapter 11 Utilities, Energy and Infrastructure, or and** their replacement, repair or maintenance; [Orion NZ #2340.20]
- h. **filling or excavation Earthworks** associated with the maintenance, **upgrade or construction** of **flood or bank hazard mitigation and** protection works, **including defences against water, where** undertaken by any territorial or regional authority, the Department of Conservation or the Crown; [Crown #3721.1500]
- i. park management activities undertaken or coordinated by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;

- j. ~~otherwise permitted~~ vegetation management **otherwise permitted in the District Plan along water bodies and existing tracks, cycleways, roads or paths in the setback, except as restricted by other in the rules below in the District Plan.** [Canterbury Regional Council #3629.105]
- k. pervious surfaces;
- l. Permitted Activities in the Open Space – Water and Margins zone **and the Avon River Precinct (Te Papa Otakaro) Zone** [Crown #3721.1125, page 236] except for buildings;
- m. ~~construction of defences against water permitted by or consented under the Regional Plan,~~
- n. **signage otherwise permitted in the District Plan;** [Canterbury Regional Council #2249.24]
- o. **construction within a building platform identified in an approved subdivision consent.** [CDL #2275.6]
- p. *Within a Wāhi Tapu / Wāhi Taonga Schedule 9.5.5.1 or Ngā Wai Schedule 9.5.5.4 Sites of Ngāi Tahu Cultural Significance the exemptions listed in 6.6.2.1.4 c) to e) do not apply. only apply where earthworks and/or buildings disturb land which has been previously disturbed for construction or cultivation, or do not disturb the soil below 0.6m, measured from ground level.*

6.6.2.1.5 Earthworks in the vicinity of the National Grid that would be non-complying activities under Rule 8.8.4(NC1) are also non-complying activities within the water body setbacks notwithstanding Rule 8.8.1.3. [Transpower #2218.15]

6.6.2.1.6 Exemptions 6.6.2.1.4 (a-f,h-i, k-o) do not apply to earthworks, buildings and structures within 12 metres of the centre line of a 110kV or 220kV National Grid transmission line or within 10m of the centre line of a 66kV National Grid transmission line. [Transpower #2218.15]

Advice Notes:

6.6.2.1.5 1. Land use consents or water or discharge permits may also be required from the Regional Council for activities in, on, under or over the bed of water bodies or within close proximity to them.

6.6.2.1.6 2. The Building Act requires that land and other property be protected from erosion, falling debris, slippage, subsidence, inundation, alluvion or avulsion notwithstanding any other consent required for the proposed activity.

6.6.2.1.7 3. Attention is drawn to District and Regional Council bylaws relating to earthworks and stormwater management.

[Te Runanga o Ngai Tahu #2458.13-15, page 6]

6.6.2.2 Activity Status Tables - City and Settlement Water Body Setbacks

6.6.2.2.1 Area of Effect [13.14.6.2.2.1]

- a. The rules for city and settlement water body setbacks in section 6.6.2.2 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway (except Mona Vale)	30m	Measured from the banks of waterways indicated on the Planning Maps (see Appendix 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures; Maintenance <u>and enhancement</u> <i>[Canterbury Regional Council #2249.31, page 7]</i>
ii.	Downstream waterway (Mona Vale)	15m		
iii.	Downstream waterway (Christ’s College) <i>[Christ’s College #2019.1-2]</i>	See Appendix 6.11.12.1		
iii. iv.	Upstream waterway	10m		
iv. v.	Environmental asset waterway	7m		
v. vi.	Network waterway	5m	Measured from the banks of waterways falling under the definition of “network waterway”	
vi. vii.	Hill waterway	10m	Measured from the centreline of waterways falling under the definition of “hill waterway”	
vii. viii.	Environmental asset standing water body	7m	Measured from the banks of standing water bodies indicated on the Planning Maps (see Appendix 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	

- b. **Where more than one water body setback apply to the same area, the rules for the larger setback apply. Where the water body setbacks from two different water body classification overlap, the rules applying to the larger setback will apply.** *[Ryman #2347.8-9]*

6.6.2.2.2 Permitted Activities [13.14.6.2.2.2]

- a. Within the setbacks indicated in s.6.6.2.2.1, the following activities are permitted activities for the purposes of s6.6 if they comply with all relevant Activity Specific Standards set out in this table.
- b. Activities may also be Restricted Discretionary, Discretionary, **or Non-Complying** specified in Rules 6.6.2.2.4, 6.6.2.2.5, **and 6.6.2.2.6.**

Activity		Activity Specific Standards
<p><u>Earthworks</u></p> <p>For the purposes of these rules “<u>earthworks</u>” excludes quarrying</p>		
P1	Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
<p><u>Buildings and other structures</u></p> <p>For the purposes of these rules “<u>building</u>” includes “<u>accessory building</u>”. The definition of <u>building</u> includes decks.</p>		
P2	Use, maintenance or repair of lawfully-established <u>buildings</u> , fences and impervious surfaces [Silver Fern Farms #2365.4] existing at the time of notification of this plan for activities otherwise permitted by the Plan	a. NIL
P3	Extensions or alterations to existing <u>buildings</u> at least 1.8m above ground level	<ul style="list-style-type: none"> a. Where any such extensions or alterations increase the floor area of any <u>building</u>, they shall have a maximum additional area of 10m² within the <u>setback</u>. b. Any such extensions or alterations shall not include any struts, supports or other structures that come within 1.8m of the ground.
P4	Removal or demolition of any <u>building</u> or part of a <u>building</u> including associated <u>earthworks</u>	<ul style="list-style-type: none"> a. No lawfully established flood protection or erosion or bank stability control structures shall be removed. b. No parts of the structure shall remain in the <u>setback</u> that could catch debris or otherwise affect land drainage. <p><u>Notes:</u></p> <p><u>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</u></p>

Activity		Activity Specific Standards
		<p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>
P5	<p>Impervious surfacing</p> <p>Any application arising from non-compliance with this rule in the setback of a <u>network waterway</u> or <u>hill waterway</u> will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. <u>Impervious surfaces</u> shall not exceed 10% of the <u>water body setback area</u> within any <u>site</u> in any zone except an Open Space Zone or the Transport Zone where impervious surfaces are not restricted.</p> <p>Note:</p> <p>1. Standard (a) above controls the percentage of the <u>water body setback</u> on a <u>site</u> that may be covered with <u>impervious surfaces</u>. It does not permit additional surfacing.</p>
P6	<p>Fences</p> <p>Any application arising from non-compliance with this rule in the setback of a <u>network waterway</u> or <u>hill waterway</u> will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. Fences shall not be built over any part of a water body.</p> <p>b. Any fence shall allow access to the <u>water body</u> for maintenance purposes.</p> <p>c. Any fence shall not be located closer to the <u>water body</u> bank than 3m or 1/3 of the normal <u>setback</u> distance whichever is the greater.</p> <p>d. Any fence shall consist of no greater than 20% solid structure.</p> <p><i>Exceptions:</i></p> <p>1. Temporary fencing or construction hoarding remaining on a <u>site</u> for less than three months are exempt from the Activity Specific Standards.</p> <p>2. Where a legal road, esplanade reserve or esplanade strip exists between the <u>water body</u> and the fence, the Activity Specific Standards shall not apply.</p>
P7	<p>Culvert <u>crossings</u> <i>[Christchurch City Council, #2123.28, page 7]</i> for <u>network waterways</u></p>	<p>a. Culvert <u>crossings</u> <i>[Christchurch City Council, #2123.28, page 7]</i> for <u>network waterways</u> shall be designed in</p>

Activity	Activity Specific Standards	
	<p>Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.</p> <p>Note: Authorisation for culvert crossings is required from the Council Assets and Network Unit.</p> <p><i>[Christchurch City Council, #2123.29, page 7]</i></p>	<p>accordance with Christchurch City Council’s Waterways, Wetlands and Drainage Guide.</p>
<p>Maintenance and enhancement <i>[Canterbury Regional Council #2249.31, page 7]</i></p>		
<p>P8</p>	<p><u>Water body bank maintenance or enhancement works</u> where undertaken or authorised <i>[Canterbury Regional Council, #3629.107, page 28]</i> by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;</p>	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>c. Erosion and sediment controls in accordance with the Christchurch City Council’s “Waterways and Drainage Guide 2003” and the Canterbury Regional Council’s “Erosion and Sediment Control Guideline 2007” shall be installed on all earthworks.</p> <p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>
<p>P9</p>	<p>Any works related to the operation, repair or maintenance of <u>transport infrastructure</u></p>	<p>a. Erosion and sediment controls in accordance with the Christchurch City Council’s “Waterways and Drainage Guide 2003” and the Canterbury Regional Council’s “Erosion and Sediment Control Guideline 2007” shall be installed on all earthworks.</p> <p>b. The <u>carriageway</u> shall not be extended closer to the <u>water body</u> in such a way that it permanently removes or reduces</p>

Activity	Activity Specific Standards
	<p>vegetation between the existing paved area and the <u>water body</u>.</p> <p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>

6.6.2.2.3 Controlled Activities [13.14.6.2.2.3]

There are no Controlled activities.

6.6.2.2.4 Restricted Discretionary Activities [13.14.6.2.2.4]

- a. 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 6.6.3 for each standard, as set out in the following table.

Activity	The Council’s discretion shall be limited to the following Matters:
<p>RD1 <u>Earthworks</u> in a city and settlement <u>water body setback</u> not exempted by 6.6.2.1.4 or that exceed the Activity Specific Standards in P1.</p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</p> <p><i>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</i></p>	<p><i>All water body classifications</i></p> <ul style="list-style-type: none"> a. Natural Hazards – 6.6.3.1 b. Natural Values – 6.6.3.2 c. Maintenance Access – 6.6.3.5 d. Transmission Lines - 6.6.3.7 <i>[Transpower #2218.15]</i> <p><i>Additional for Downstream Waterways, Upstream Waterways, ngā wai and Environmental Asset Standing Water Bodies.</i></p> <ul style="list-style-type: none"> e. Amenity and Character – 6.6.3.3 f. Cultural Values – 6.6.3.4 g. Public / Recreational Access – 6.6.3.6

Activity		The Council’s discretion shall be limited to the following Matters:
	<p><u><i>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</i></u></p>	<p><i>Additional for Environmental Asset Waterways</i></p> <ul style="list-style-type: none"> h. Amenity and Character – 6.6.3.3 i. Cultural Values – 6.6.3.4 <p><i>Additional for Hill Waterways</i></p> <ul style="list-style-type: none"> j. Cultural Values – 6.6.3.4 <p><i>Exception for sites adjoining downstream waterways with features intervening between the site and the waterway</i></p> <ul style="list-style-type: none"> a. Where a: <ul style="list-style-type: none"> i legal road; or ii esplanade reserve; or iii esplanade strip wider than 10m exists between a downstream waterway and a site being assessed, Council’s discretion with respect to that part of the site separated from the water body is restricted to: iv Natural Hazards – 6.6.3.1
<p>RD2</p>	<p>New buildings or other structures in a city and settlement water body setback; and buildings or other structures that exceed the activity specific standards in P2-P7.</p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. <u>The Council shall, unless satisfied that an application is properly informed of Ngāi Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant rūnanga(s) for comment.</u></p> <p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</p> <p><u><i>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site</i></u></p>	<p><i>All water body classifications</i></p> <ul style="list-style-type: none"> a. Natural Hazards – 6.6.3.1 b. Natural Values – 6.6.3.2 c. Maintenance Access – 6.6.3.5 d. Transmission Lines - 6.6.3.7 [Transpower #2218.15] <p><i>Additional for Downstream and Upstream Waterways, ngā wai and Environmental Asset Standing Water Bodies</i></p> <ul style="list-style-type: none"> e. Amenity and Character – 6.6.3.3 f. Cultural Values – 6.6.3.4 g. Public / Recreational Access – 6.6.3.6 <p><i>Additional for Environmental Asset Waterways</i></p> <ul style="list-style-type: none"> h. Amenity and Character – 6.6.3.3

Activity		The Council’s discretion shall be limited to the following Matters:
	<u>of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</u>	i. Cultural Values – 6.6.3.4 <i>Additional for Hill Waterways</i> j. Cultural Values – 6.6.3.4 <i>Exception for sites adjoining downstream waterways with features intervening between the site and the waterway</i> k. Where a: l. legal road; or m. esplanade reserve; or n. esplanade strip wider than 10m exists between a downstream waterway and a site being assessed, Council’s discretion with respect to that part of the site separated from the water body is restricted to: o. Natural Hazards – 6.6.3.1
RD3	<u>Water body bank maintenance or enhancement works</u> not meeting the standards in P8	a. Natural Hazards – 6.6.3.1 b. Natural Values – 6.6.3.2

6.6.2.2.5 Discretionary Activities [13.14.6.2.2.5]

Activity	
D1	<p>Any activity within a <u>water body setback</u> that would otherwise be a restricted discretionary activity under Rule 6.6.2.2.4 when located adjacent to a <u>water body identified as a Site of Ecological Significance (except in the Central City)</u> or [Crown #3721.1135 p237; et al] in a <u>Site of Ngāi Tahu Cultural Significance</u> Silent File area <u>Site of Ngāi Tahu Cultural Significance</u> [Ngai Tahu #3722.66].</p> <p>Note:</p> <ol style="list-style-type: none"> C consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers. council shall The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment. [Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]

Activity	
D2	<p><u>The extension or widening, except for maintenance purposes, of any existing roadway, adjacent footpath, or parking area directly adjoining the Open Space Water and Margins Zone along:</u></p> <p>a. <u>the Avon River (Estuary – Fendalton Road) excluding the Central City;</u></p> <p>b. <u>the Heathcote River (Estuary – Cashmere Stream Confluence)</u></p> <p><u>in a way that reduces the distance between the edge of the roadway, adjacent footpath, or parking area and the waterway.</u></p> <p>Note:</p> <p><u>This rule does not apply to footpaths independent of the roadway corridor.</u></p> <p><i>[Crown #2387.3, 5, page2 27-28; #3721.1137, page 237]</i></p> <p><i><u>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</u></i></p>

6.6.2.2.6 Non-Complying Activities [13.14.6.2.2.6]

- a. **The activities listed below are non-complying activities:**

Activity	
NC1	<p>The extension or widening, except for maintenance purposes, of any existing roadway, adjacent footpath, or parking area directly adjoining the Open Space Water and Margins Zone along:</p> <p>a. the Avon River (Estuary – Fendalton Road) excluding the Central City;</p> <p>b. the Heathcote River (Estuary – Cashmere Stream Confluence)</p> <p>in a way that reduces the distance between the edge of the roadway, adjacent footpath, or parking area and the waterway.</p> <p>Note:</p> <p>1. This rule does not apply to footpaths independent of the roadway corridor.</p> <p><i>[Crown #2387.3, 5, page2 27-28; #3721.1137, page 237]</i></p>
NC1	<p><u>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</u></p> <p><u>i. within 12 metres of the centre line of a 110kV or a 220kV National Grid transmission line or within 12 metres of a foundation of an associated support structures; or</u></p>

Activity	
	<p>ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or</p> <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Notes:</p> <p>1. The National Grid transmission lines are shown on the planning maps.</p> <p>2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with the NZECP 34:2001.</p> <p><i>[Transpower #2218.16]</i></p>

6.6.2.2.7 Prohibited Activities [13.14.6.2.2.7]

There are no Prohibited activities.

6.6.2.3 Activity Status Tables - Rural Water Body Setbacks

6.6.2.3.1 Area of Effect

- a. The rules for rural water body setbacks in section 6.6.2.3 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway	30m	Measured from the banks of waterways indicated on the Planning Maps (see Appendix 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement <i>[Crown #2387.6, page 28]</i>
ii.	Upstream waterway	20m		Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement <i>[Crown #2387.6, page 28]</i>
iii.	Environmental asset waterway	10m		Earthworks; Buildings and other structures; Plantation forestry;

	Water body classification	Setback width	Area of effect	Activities controlled
				Maintenance and enhancement [Crown #2387.6, page 28]
iv.	<u>Network waterway</u>	5m	Measured from the banks of waterways falling under the definition of “ <u>network waterway</u> ”	Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
v.	<u>Hill waterway</u>	10m 15m	Measured from the centreline of waterways falling under the definition of “ <u>hill waterway</u> ”	Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement [Crown #2387.6, page 28]
vi.	Environmental asset standing water body	20m	Measured from the banks of water bodies indicated on the Planning Maps (see Appendix 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement [Crown #2387.6, page 28]
vii.	<u>Banks Peninsula waterway</u> [Crown #2387.145]	15m	Measured from the banks of rivers and streams on Banks Peninsula that are not classified on the Planning Maps and do not fit the definition of hill waterway or network waterway	Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement

- b. **Where more than one water body setback apply to the same area, the rules for the larger setback apply. Where the water body setbacks from two different water body classification overlap, the rules applying to the larger setback will apply.** [Ryman #2347.8-9]

6.6.2.3.2 Permitted Activities

- a. Within the setbacks indicated in 6.6.2.3.1, the following activities are permitted activities for the purposes of section 6.6 if they comply with all relevant Activity Specific Standards set out in this table.
- b. Activities may also be Restricted Discretionary, Discretionary, or Non-Complying as specified in Rules 6.6.2.3.4, 6.6.2.3.5, and 6.6.2.3.6.

Activity		Activity Specific Standards
<p>Earthworks</p> <p>Note: For the purposes of these rules “<u>earthworks</u>” excludes quarrying</p>		
P1	Any test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
<p>Buildings and other structures</p> <p>Note: For the purposes of these rules “<u>building</u>” includes “<u>accessory building</u>”. The definition of <u>building</u> includes decks.</p>		
P2	Use, maintenance or repair of lawfully-established <u>buildings</u> , fences and impervious surfaces [Silver Fern Farms #2365.4] existing at the time of notification of this plan for activities otherwise permitted by the Plan	a. NIL
P3	Extensions or alterations to existing <u>buildings</u> at least 1.8m above ground level	<p>a. Where any such extensions or alterations increase the floor area of any <u>building</u>, they shall have a maximum additional area of 10m² within the <u>setback</u>.</p> <p>b. Any such extensions or alterations shall not include any struts, supports or other structures that come within 1.8m of the ground.</p>
P4	Removal or demolition of any <u>building</u> or part of a <u>building</u> including associated <u>earthworks</u>	<p>a. No lawfully established flood protection or erosion or bank stability control structures shall be removed.</p> <p>b. No parts of the structure shall remain in the <u>setback</u> that could catch debris or otherwise affect land drainage.</p> <p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p>

Activity		Activity Specific Standards
		[Ngai Tahu Property #2235.69, et al]
P5	<p>Impervious surfacing</p> <p>Any application arising from non-compliance with this rule in the setback of a <u>network waterway</u> or <u>hill waterway</u> will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. <u>Impervious surfaces</u> shall not exceed 10% of the <u>water body setback</u> area within any <u>site</u> in any zone except an Open Space Zone or the Transport Zone where impervious surfaces are not restricted.</p> <p>Note:</p> <p>1. Standard (a) above controls the percentage of the <u>water body setback</u> on a <u>site</u> that may be covered with <u>impervious surfaces</u>. It does not permit additional surfacing.</p>
P6	<p>Fences</p> <p>Any application arising from non-compliance with this rule in the setback of a <u>network waterway</u> or <u>hill waterway</u> will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. Fences built over any part of a water body shall be no more than 20% solid structure.</p> <p>b. Any fence shall allow access to the <u>water body</u> for maintenance purposes.</p> <p>c. Any fence shall not be located closer to the <u>water body</u> bank than 3m or 1/3 of the normal <u>setback</u> width, whichever is the greater.</p> <p>d. Any fence shall consist of no greater than 20% solid structure.</p> <p><i>Exceptions:</i></p> <p>1. Temporary fencing or construction hoarding remaining on a <u>site</u> for less than three months are exempt from the Activity Specific Standards.</p> <p>2. Where a legal road, esplanade reserve or esplanade strip exists between the <u>water body</u> and the fence, the Activity Specific Standards shall not apply.</p>
P7	<p>Water storage tanks up to 30,000 litres; water troughs; pumps and pump sheds under 10m² and associated power poles or pipes</p>	<p>a. NIL</p>
P8	<p>Culvert <u>crossings</u> [Christchurch City Council, #2123.28, page 7] for <u>network waterways</u></p> <p>Any application arising from non-compliance with this rule will not require written approvals and shall</p>	<p>a. Culvert <u>crossings</u> [Christchurch City Council, #2123.28, page 7] for <u>network waterways</u> shall be designed in accordance with Christchurch City Council's Waterways, Wetlands and Drainage Guide.</p>

Activity	Activity Specific Standards
<p>not be limited or publicly notified.</p> <p>Note: Authorisation for culvert crossings is required from the Council Assets and Network Unit.</p> <p><i>[Christchurch City Council, #2123.29, page 7]</i></p>	
<p>Maintenance and enhancement <i>[Canterbury Regional Council #2249.31, page 7]</i></p>	
<p>P9</p> <p><u>Water body bank maintenance or enhancement works</u> where undertaken or authorised <i>[Canterbury Regional Council, #3629.107, page 28]</i> by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;</p>	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>c. Erosion and sediment controls in accordance with the Christchurch City Council's "Waterways and Drainage Guide 2003" and the Canterbury Regional Council's "Erosion and Sediment Control Guideline 2007" shall be installed on all earthworks.</p> <p>Notes:</p> <p>1. The Council's Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>
<p>P10</p> <p>Any works related to the operation, repair or maintenance of <u>transport infrastructure</u></p>	<p>a. Erosion and sediment controls in accordance with the Christchurch City Council's "Waterways and Drainage Guide 2003" and the Canterbury Regional Council's "Erosion and Sediment Control Guideline 2007" shall be installed on all earthworks.</p> <p>b. The <u>carriageway</u> shall not be extended closer to the <u>water body</u> in such a way that it permanently removes or reduces vegetation between the existing paved area and the <u>water body</u>.</p> <p>Notes:</p> <p>1. The Council's Water Supply, Wastewater and</p>

Activity	Activity Specific Standards
	<p>Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>

6.6.2.3.3 Controlled Activities

There are no Controlled activities.

6.6.2.3.4 Restricted Discretionary Activities

- a. 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 6.6.3 for each standard, as set out in the following table.

Activity	The Council’s discretion shall be limited to the following Matters:
<p>RD1 <i>Earthworks in a city and settlement rural[Crown #2387.147, page 75, et al.] water body setback not exempted by 6.6.2.1.4; or that exceed the Activity Specific Standards in P1.</i></p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</p>	<p><i>All water body classifications</i></p> <ol style="list-style-type: none"> a. Natural Hazards – 6.6.3.1 b. Natural Values – 6.6.3.2 c. Maintenance Access – 6.6.3.5 d. Transmission Lines - 6.6.3.7 <i>[Transpower #2218.15]</i> <p><i>Additional for Downstream Waterways, Upstream Waterways, ngā wai and Environmental Asset Standing Water Bodies</i></p> <ol style="list-style-type: none"> e. Amenity and Character – 6.6.3.3 f. Cultural Values – 6.6.3.4 g. Public / Recreational Access – 6.6.3.6 <p><i>Additional for Environmental Asset Waterways and Banks Peninsula Waterways</i> <i>[Crown #2387.145]</i></p> <ol style="list-style-type: none"> h. Amenity and Character – 6.6.3.3 i. Cultural Values – 6.6.3.4

Activity		The Council’s discretion shall be limited to the following Matters:
	<p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</p> <p><u><i>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</i></u></p>	<p><i>Additional for Hill Waterways</i></p> <p>j. Cultural Values – 6.6.3.4</p> <p><i>Exception for sites adjoining downstream waterways with features intervening between the site and the waterway</i></p> <p>l. Where a:</p> <p style="padding-left: 40px;">a. legal road; or</p> <p style="padding-left: 40px;">b. esplanade reserve; or</p> <p style="padding-left: 40px;">c. esplanade strip wider than 10m exists between a downstream waterway and a site being assessed, Council’s discretion with respect to that part of the site separated from the water body is restricted to:</p> <p>k. Natural Hazards – 6.6.3.1</p>
<p>RD2</p>	<p>New buildings and other structures in a city and settlement urban water body setback; and buildings or other structures that exceed the activity specific standards in P2-P8.</p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. The Council shall, unless satisfied that an application is properly informed of Ngāi Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</p> <p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript</p>	<p><i>All water body classifications</i></p> <p>a. Natural Hazards – 6.6.3.1</p> <p>b. Natural Values – 6.6.3.2</p> <p>c. Maintenance Access – 6.6.3.5</p> <p>d. Transmission Lines - 6.6.3.7 [Transpower #2218.15]</p> <p><i>Additional for Downstream Waterways, Upstream Waterways, ngā wai and Environmental Asset Standing Water Bodies</i></p> <p>e. Amenity and Character – 6.6.3.3</p> <p>f. Cultural Values – 6.6.3.4</p> <p>g. Public / Recreational Access – 6.6.3.6</p> <p><i>Additional for Environmental Asset Waterways and Banks Peninsula Waterways</i> [Crown #2387.145]</p> <p>h. Amenity and Character – 6.6.3.3</p> <p>i. Cultural Values – 6.6.3.4</p> <p><i>Additional for Hill Waterways</i></p> <p>j. Cultural Values – 6.6.3.4</p> <p><i>Exception for sites adjoining downstream waterways with features intervening between the</i></p>

Activity		The Council’s discretion shall be limited to the following Matters:
	<p>page 1403]</p> <p><u><i>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</i></u></p>	<p><u>site and the waterway</u></p> <p>k. Where a:</p> <ul style="list-style-type: none"> i. legal road; or ii. esplanade reserve; or iii. esplanade strip wider than 10m <p>exists between a downstream waterway and a <u>site</u> being assessed, Council’s discretion with respect to that part of the <u>site</u> separated from the water body is restricted to:</p> <ul style="list-style-type: none"> iv. Natural Hazards – 6.6.3.1
<p>RD4 RD3</p>	<p>Plantation forestry</p>	<p>In addition to the Matters of Discretion for Plantation Forestry in 17.8.2.4:</p> <ul style="list-style-type: none"> a. Natural Hazards – 6.6.3.1
<p>RD5 RD4</p>	<p>Water body bank maintenance or enhancement works not meeting the standards in P7</p>	<ul style="list-style-type: none"> c. Natural Hazards – 6.6.3.1 d. Natural Values – 6.6.3.2

6.6.2.3.5 Discretionary Activities

Activity	
<p>D1</p>	<p>Any activity within a <u>water body setback</u> that would otherwise be a restricted discretionary activity under Rule 6.6.2.2.4 when located adjacent to a <u>water body identified as a Site of Ecological Significance or in a Silent File area <u>Wāhi Tapu / Wāhi Taonga Site of Ngāi Tahu Cultural Significance</u> Site of Ngāi Tahu Cultural Significance <u>Site of Ngāi Tahu Cultural Significance</u> [Ngāi Tahu #3722.66].</u></p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. <u>The Council shall, unless satisfied that an application is properly informed of Ngāi Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</u></p> <p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</p>

6.6.2.3.6 Non-Complying Activities

~~There are no Non-complying activities.~~

- a. **The activities listed below are non-complying activities:**

Activity	
NC1	<p>a. Sensitive activities and buildings (excluding accessory buildings associated with an existing activity):</p> <ul style="list-style-type: none"> i. within 12 metres of the centre line of a 110kV or a 220kV National Grid transmission line or within 12 metres of a foundation of an associated support structures; or ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The National Grid transmission lines are shown on the planning maps. 2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. 3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with the NZECP 34:2001. <p><i>[Transpower #2218.16]</i></p>

6.6.2.3.7 Prohibited Activities

There are no Prohibited activities.

6.6.2.4 Activity Status Tables - Natural Area Water Body Setbacks

6.6.2.4.1 Area of Effect

- a. The rules for Natural area water body setbacks in Rule 6.6.2.4 apply within the following areas:

	Water body classification	Setback width	Area of effect	Activities controlled
i.	Downstream waterway	30m	Measured from the banks of waterways indicated on the Planning Maps (see Appendix 6.11.5.3 for interpretation of	Earthworks; Buildings and other structures; Maintenance and enhancement <i>[Crown</i>

	Water body classification	Setback width	Area of effect	Activities controlled
			“bank”)	#2387.6, page 28]
ii.	Upstream waterway	20m		Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
iii.	Environmental asset waterway	20m		Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
iv.	<u>Network waterway</u>	5m	Measured from the banks of waterways falling under the definition of “ <u>network waterway</u> ”	Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
v.	<u>Hill waterway</u>	20m	Measured from the centreline of waterways falling under the definition of “ <u>hill waterway</u> ”	Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
vi.	Environmental asset standing water body	20m	Measured from the banks of water bodies indicated on the Planning Maps (see Appendix 6.11.5.2 and 6.11.5.3 for interpretation of “bank”)	Earthworks; Buildings and other structures; Maintenance and enhancement [Crown #2387.6, page 28]
vii.	Banks Peninsula waterway [Crown #2387.145]	20m	Measured from the banks of rivers and streams on Banks Peninsula that are not classified on the Planning Maps and do not fit the definition of hill waterways	Earthworks; Buildings and other structures; Plantation forestry; Maintenance and enhancement

- b. **Where more than one water body setback apply to the same area, the rules for the larger setback apply. Where the water body setbacks from two different water body classification overlap, the rules applying to the larger setback will apply.** [Ryman #2347.8-9]

6.6.2.4.2 Permitted Activities

- a. Within the setbacks indicated in s.6.6.2.4.1, the following activities are permitted activities for the purposes of s6.6 if they comply with all relevant Activity Specific Standards set out in this table.
- b. Activities may also be Restricted Discretionary, Discretionary, or Non-Complying as specified in Rules 6.6.2.4.4, 6.6.2.4.5, and 6.6.2.4.6.

Activity	Activity Specific Standards
<p>Earthworks</p>	
<p>Note: For the purposes of these rules “<u>earthworks</u>” excludes quarrying</p>	
<p>P1</p>	<p>Any test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment</p> <p>a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.</p>
<p>Buildings and other structures</p>	
<p>Note: For the purposes of these rules “<u>building</u>” includes “<u>accessory building</u>”. The definition of <u>building</u> includes decks.</p>	
<p>P2</p>	<p>Use, maintenance or repair of lawfully-established <u>buildings</u>, <u>fences and impervious surfaces</u> [Silver Fern Farms #2365.4] existing at the time of notification of this plan for activities otherwise permitted by the Plan</p> <p>a. NIL</p>
<p>P3</p>	<p><u>Except within a Schedule 9.5.5.1 Table 1 Wāhi Tapu / Wāhi Taonga Site of Ngāi Tahu Cultural Significance</u> the a-Removal or demolition of any <u>building</u> or part of a <u>building</u> including associated <u>earthworks</u></p> <p>a. No lawfully established flood protection or erosion or bank stability control structures shall be removed.</p> <p>b. No parts of the structure shall remain in the <u>setback</u> that could catch debris or otherwise affect land drainage.</p> <p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p>[Ngai Tahu Property #2235.69, et al]</p>
<p>P4</p>	<p>Fences</p> <p>a. Fences shall not be built over any part of a <u>water body</u>.</p> <p>b. Any fence shall allow access to the <u>water</u></p>

Activity	Activity Specific Standards
	<p><u>body</u> for maintenance purposes.</p> <p>c. Any fence shall not be located closer to the <u>water body bank</u> than 3m or 1/3 of the normal <u>setback</u> width, whichever is the lesser.</p> <p>d. Any fence shall consist of no greater than 20% solid structure.</p> <p><i>Exceptions:</i></p> <ol style="list-style-type: none"> 1. Temporary fencing or construction hoarding remaining on a <u>site</u> for less than three months are exempt from the Activity Specific Standards. 2. Where a legal road, esplanade reserve or esplanade strip exists between the <u>water body</u> and the fence, the Activity Specific Standards shall not apply.
<p>P5</p> <p>Culvert <u>crossings</u> [Christchurch City Council, #2123.28, page 7] for <u>network waterways</u></p> <p>Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.</p> <p>Note: Authorisation for culvert crossings is required from the Council Assets and Network Unit.</p> <p>[Christchurch City Council, #2123.29, page 7]</p>	<p>a. Culvert <u>crossings</u> [Christchurch City Council, #2123.28, page 7] for <u>network waterways</u> shall be designed in accordance with Christchurch City Council’s Waterways, Wetlands and Drainage Guide.</p>
<p>Maintenance and enhancement [Canterbury Regional Council #2249.31, page 7]</p>	
<p>P6</p> <p><u>Water body bank maintenance or enhancement works</u> where undertaken or authorised [Canterbury Regional Council, #3629.107, page 28] by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;</p>	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>c. Erosion and sediment controls in accordance with the Christchurch City Council’s “Waterways and Drainage Guide 2003” and the Canterbury Regional Council’s “Erosion and Sediment Control Guideline 2007” shall be installed on all earthworks.</p>

Activity		Activity Specific Standards
		<p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>
P7	Any works related to the operation, repair or maintenance of <u>transport infrastructure</u>	<p>a. Erosion and sediment controls in accordance with the Christchurch City Council’s “Waterways and Drainage Guide 2003” and the Canterbury Regional Council’s “Erosion and Sediment Control Guideline 2007” shall be installed on all earthworks.</p> <p>b. The <u>carriageway</u> shall not be extended closer to the <u>water body</u> in such a way that it permanently removes or reduces vegetation between the existing paved area and the <u>water body</u>.</p> <p>Notes:</p> <p>1. The Council’s Water Supply, Wastewater and Stormwater Bylaw 2014 applies.</p> <p>2. The Regional Plan includes provisions for earthworks in riparian margins and provisions in relation to dust control.</p> <p>3. Erosion and sediment control guidance is available from the Regional Council and may be of assistance.</p> <p><i>[Ngai Tahu Property #2235.69, et al]</i></p>

6.6.2.4.3 Controlled Activities

There are no Controlled activities.

6.6.2.4.4 Restricted Discretionary Activities

- a. 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 6.6.3 for each standard, as set out in the following table.

Activity		The Council’s discretion shall be limited to the following Matters:
RD1	<p>Earthworks in a Natural area water body setback not exempted by 6.6.2.1.4 or that exceed the Activity Specific Standards in P1 <u>and P3</u></p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</p> <p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</p> <p><u>a. Any resource consent application within a Schedule 9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Ngā Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</u></p>	<p>All water body classifications</p> <p>a. Natural Hazards – 6.6.3.1</p> <p>b. Maintenance Access – 6.6.3.5</p> <p>c. Natural Values – 6.6.3.2</p> <p>d. Amenity and Character – 6.6.3.3</p> <p>e. Cultural Values – 6.6.3.4</p> <p>f. Public / Recreational Access – 6.6.3.6</p> <p>g. Transmission Lines - 6.6.3.7 [Transpower #2218.15]</p>
RD2	<p>New buildings and other structures in a city and settlement Natural area water body setback; and buildings or other structures that exceed the Activity Specific Standards in P2-P5.</p> <p>Note:</p> <p>1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers.</p> <p>1. The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment.</p> <p>[Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]</p> <p><u>a. Any resource consent application within a Schedule</u></p>	<p>All water body classifications</p> <p>a. Natural Hazards – 6.6.3.1</p> <p>b. Maintenance Access – 6.6.3.5</p> <p>c. Natural Values – 6.6.3.2</p> <p>d. Amenity and Character – 6.6.3.3</p> <p>e. Cultural Values – 6.6.3.4</p> <p>f. Public / Recreational Access – 6.6.3.6</p>

Activity		The Council’s discretion shall be limited to the following Matters:
	<u>9.5.5.1 Wāhi Tapu / Wāhi Taonga or Schedule 9.5.5.4 Nga Wai Site of Ngāi Tahu Cultural Significance shall be limited notified to the relevant rūnanga, unless the relevant rūnanga have provided written approval.</u>	g. Transmission Lines - 6.6.3.7 [Transpower #2218.15]
RD4 RD3	<u>Water body bank maintenance or enhancement works not meeting the standards in P7</u>	a. Natural Hazards – 6.6.3.1 b. Natural Values – 6.6.3.2

6.6.2.4.5 Discretionary Activities

Activity	
D1	<p>Any activity within a <u>water body setback</u> that would otherwise be a restricted discretionary activity under Rule 6.6.2.2.4 when located adjacent to a water body identified as a Site of Ecological Significance or in a Silent File area <u>Wāhi Tapu / Wāhi Taonga Site of Ngāi Tahu Cultural Significance</u> Site of Ngai Tahu Cultural Significance [Ngai Tahu #3722.66].</p> <p>Note:</p> <ol style="list-style-type: none"> 1. Council shall consult with tangata whenua upon any application being required under these rules in respect to upstream or downstream rivers. 2. The Council shall, unless satisfied that an application is properly informed of Ngai Tahu values, provide any application with respect to upstream or downstream or ngā wai waterways to the relevant runanga(s) for comment. [Kennaway Park Joint Venture Partnership #2368.4; Hearing transcript page 1403]

6.6.2.4.6 Non-Complying Activities

~~There are no Non-complying Activities.~~

- a. **The activities listed below are non-complying activities:**

Activity	
NC1	a. Sensitive activities and buildings (excluding accessory buildings associated with an

<p>existing activity):</p> <p>i. within 12 metres of the centre line of a 110kV or a 220kV National Grid transmission line or within 12 metres of a foundation of an associated support structures; or</p> <p>ii. within 10 metres of the centre line of a 66kV National Grid transmission line or within 10 metres of a foundation of an associated support structure; or</p> <p>b. Fences within 5 metres of a National Grid transmission line support structure foundation.</p> <p>Notes:</p> <p>1. The National Grid transmission lines are shown on the planning maps.</p> <p>2. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</p> <p>3. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to National Grid transmission lines. Buildings and activity in the vicinity of National Grid transmission lines must comply with the NZECP 34:2001.</p> <p>[Transpower #2218.16]</p>

6.6.2.4.7 Prohibited Activities

There are no Prohibited activities.

6.6.3 Matters of Discretion – Water Body Setbacks

6.6.3.1 Natural hazards [13.14.6.3.1]

All activities

- a. Any adverse effects on surface drainage.
 - i. Earthworks, buildings, or other structures including fences, decks, posts and struts, located in water body setbacks shall not impede the capability of waterway channels or ponding areas to store or convey surface water.
 - ii. Adverse effects shall not be displaced to adjacent properties.
- b. The cumulative effect of developments adjacent to the water body on land drainage or flood risk.
- c. Any adverse effects likely as a result of tidal influences during flood periods including the potential for exacerbation of effects with sea level rise.
- d. The likely effects on the natural functioning of the water body, including any likelihood of work undertaken exacerbating inundation, erosion, alluvion or avulsion whether upstream or downstream of the site.
- e. ~~Any adverse effects on access to and along the water body for maintenance of natural hazard protection works.~~ [Christchurch City Council, #2123.32, page 7]

- f. Any beneficial effects of the proposal for the function of the water body such as decreased likelihood of blockage or improved surface drainage where these effects remain consistent with protecting the ecological health of the water body.
- g. **Any functional necessity for the activity to locate within the setback.** [Akaroa Civic Trust #2285.85, et al]

Additional for buildings

- h. The risk of damage to buildings and property posed by natural hazards including flooding, liquefaction (including lateral spread) and slumping and the scale and likelihood of that potential damage.

Additional within a Floor Level and Fill Management Area:

- h. Refer also to the Matters of Discretion for filling, excavation and building in a Floor Level and Fill Management Area (5.8.1.2).

6.6.3.2 Natural values [13.14.6.3.2]

- a. Any beneficial or adverse effects on the natural qualities of the water body and the ecology of areas within and adjacent to the water body including cumulative effects.
- ~~b. The degree of protection, enhancement and provision for diverse habitats of indigenous plants and animals. [Crown #3721.1139, 1140, 1141, p 237]~~
- c. The extent to which naturalisation of the water body is achieved at the time of development or potential for naturalisation in the future is retained.
- ~~d. The extent to which the water body is part of an established ecological corridor or has the potential to connect with existing ecological corridors. [Crown #3721.1139, 1140, 1141, p 237]~~
- e. Any adverse effects of discharge of sediment to the water body and the downstream receiving environment.
- f. The timing and duration of any proposed earthworks or construction and its implication for seasonal and long-term natural cycles in the water body habitat.
- g. Proximity of any proposed earthworks or buildings to significant trees.
- h. The extent to which the proposal ~~is consistent with~~ **has regard to** [Ryman #2347.11, page 6] any relevant operative Council-approved master plans or management plans.
- i. The extent to which the proposal avoids, or has minimal adverse effect (including cumulative effects) on the natural values of the area including:
 - i. biodiversity **and any measures proposed to protect, enhance and provide for indigenous plants and animals;** [Crown #3721.1139, 1140, 1141, p 237]
 - ii. nesting, feeding and breeding areas;
 - iii. the habitat of threatened or protected species, both terrestrial and aquatic;
 - iv. disruption of ecological corridors or other **potential** connections between ecosystems. [Crown #3721.1139, 1140, 1141, p 237]

6.6.3.3 Amenity and character [13.14.6.3.3]

- a. Any beneficial or adverse visual impacts on the natural form and character of the water body including landscape treatment, screening, site layout and design and preservation of viewing opportunities of the water body from adjoining sites.
- ~~b. The proximity of any buildings to significant landscape features including areas of Outstanding, Very High or High Natural Character. [Crown #3721.266]~~
- c. The degree to which the proximity or bulk of any structure dominates or otherwise detracts from the spaciousness and open character of the water body.
- d. The extent to which the proposal ~~is consistent with~~ **has regard to** [Ryman #2347.11, page 6] any relevant operative Council-approved master plans or management plans.

6.6.3.4 Cultural values ~~and practices~~ [13.14.6.3.4]

- a. Any beneficial or adverse effects on **cultural practices including** [Te Runanga o Ngai Tahu #3722.115, page 34] mahinga kai or customary harvesting use. [Crown #2387.8, page 29]
- b. Any beneficial or adverse effects on wahi tapu, ~~or~~ wahi taonga **or other sites of Ngai Tahu cultural significance**. [Te Runanga o Ngai Tahu #3722.116, page 34]
- ~~c. The degree to which the proposal has regard to the objectives and policies of the Mahaanui Iwi Management Plan. [Te Runanga o Ngai Tahu #3722.117, page 34]~~
- d. Any adverse effects on sites of archaeological significance or historic heritage.
- e. **Any adverse effects on customary access where applicable**. [Te Runanga o Ngai Tahu #3722.117, page 34]
- f. **The degree to which the proposal on Māori land in the Papakāinga / Kāinga Nohoanga Zone is in accordance with Tikanga Māori**. [Joint Memorandum for the Papakainga Hearing dated 15 December 2015]
- g. **Sites of Ngai Tahu cultural significance**
Within a Site of Ngai Tahu cultural significance the matters set out at 9.0.4 as relevant:
 - i. 9.5.4.19-0.4.1 - Wāhi Tapu / Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit;
 - ii. 9.5.4.2-9.0.4.2 - Ngā Tūranga Tūpuna;
 - iii. 9.5.4.3-9.0.4.3 - Ngā Wai.

6.6.3.5 Maintenance access [13.14.6.3.5]

- a. Any adverse effects on access to or along the water body for maintenance **of the water body or any associated natural hazard protection works**. [Christchurch City Council, #2123.33, page 7]

6.6.3.6 Public/Recreational access [13.14.6.3.6]

- a. Any beneficial or adverse effects on legal public or recreational access to or along the water body.

6.6.3.7 Transmission lines

- a. **The risk to the structural integrity of the National Grid lines;**
- b. **Compliance with NZECP 34:2001;**
- c. **The effects on the ability of Transpower to operate, upgrade and develop the National Grid and/or electricity distribution lines, including on-going safe and direct access; and**

The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

[Transpower #2218.15]