



9. PLAN CHANGE 19: ISLINGTON PARK LTD – FINAL APPROVAL

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager District Planning
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PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by decisions on Plan Change 19.

EXECUTIVE SUMMARY

2. Private Plan Change 19 was initiated by Islington Park Limited and sought the rezoning of approximately 114 hectares of land bounded by Pound Road, Waterloo Road, the Islington residential and business area and an area of Rural 5 land to the north. This land was formerly occupied by the Islington Freezing Works. The plan change rezoned the site from a combination of Rural and Business 4 and 5 zones to a new Business 8 zone with provisions similar to those of the Business 4 (Suburban Industrial) zone. It is anticipated the zone will provide for a range of dry, light industrial, commercial, transport, business and warehousing activities.
3. The site is identified in Proposed Change 1 to the Regional Policy Statement (PC1) as being within the Urban Limits and as being suitable for business development.
4. Public notification of the plan change on 17 July 2010 attracted 23 submissions. Commissioner Ken Lawn conducted a hearing over four days in May and July 2011. His recommendation that the plan change be approved with modification was adopted by the Council as its decision on 25 August 2011.
5. One appeal against the decision was received. It sought relief that would provide greater building setbacks, more landscape treatment and a reduced building height along the Pound Road frontage, particularly in the area opposite two rural dwellings.
6. The District Plan Appeals Subcommittee authorised staff to participate in mediation on the appeal and in June 2012, after three mediation meetings had taken place, staff were authorised to settle the appeal by way of consent order. The Environment Court has issued the consent order and, as the matter is now beyond challenge, the Council can take the steps to make the change operative. The effect of the consent order is to retain the building setback and height provisions from the Council's decision and to add provisions for specific detailed landscape design along the Pound Road frontage opposite the two rural dwellings.
7. As part of the mediated settlement the parties agreed that some minor amendments should be made to the City Plan. The Court ruled it could not make these minor amendments as they were beyond the scope of the appeal but the Council should make the changes under the provisions of Clause 16(2) of Schedule 1 of the Resource Management Act 1991. This clause provides that the Council may make amendments to its proposed District Plan for the purpose of altering any information where such alteration is of minor effect. The amendments sought, which are set out in the table below, are considered to be matters to which Clause 16(2) can apply.

Provision in Volume 3 Part 3 Business	Change to be made
Clause 1 1.1(i) General Description	" - - - old former Islington Freezing Works"
Clause 1.16 Business 8 (Islington Park) Zone	" - - - old former Islington Freezing Works"
Provision in Volume 3 Part 14 Subdivision	Change to be made
Assessment Matters - (c)	Re-number second (c) as (d) and amend frontrage to <u>frontage</u> .
Planning Maps	Change to be made
Outline Development Plan	Amend the references to rules in the Outline Development Plan to read "5.2.3, 5.2.7(viii), 5.2.9, 5.2.10 and 5.4.36"

9 Cont'd

FINANCIAL IMPLICATIONS

8. There are no direct financial implications.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. The recommendation will not impose on the LTCCP budget.

LEGAL CONSIDERATIONS

10. The main recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by decisions on Plan Change 19. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice. This plan change has reached the stage where it can be made operative.

Have you considered the legal implications of the issue under consideration?

11. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Aligns with District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. Yes. Supports the maintenance and review of the District Plan.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

14. Yes. The recommendation is consistent with the Greater Christchurch Urban Development Strategy and the Council's position on Proposed Change 1 to the Regional Policy Statement.


CONSULTATION FULFILMENT

15. Making alterations of minor effect under clause 16(2) and approving changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 are processes that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Make alterations to the Christchurch City District Plan in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991 by amending provisions in the manner shown in the table above.
- (b) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by its decision on Plan Change 19 Islington Park.
- (c) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 19 become operative.

	<p>Resource Management Act 1991</p> <p>Christchurch City Plan</p> <p>Plan Change as amended by Council Decision and Consent Order</p>	<h1>19</h1>
<p align="center">REZONING OF LAND LOCATED AT 400 WATERLOO ROAD – THE FORMER ISLINGTON FREEZING WORKS SITE</p> <p>Explanation</p> <p>The purpose of this Proposed Plan Change is to create a new business zone on the south western edge of the City at Islington. The land comprises an area of approximately 114 ha and is bounded to the west by Pound Road, to the south by Waterloo Road, to the east by a small pocket of existing B4 and B5 zones and the Islington residential area, and to the north by land owned by Transpower and traversed by transmission lines converging on the Islington substation.</p> <p>The new business zone is based around the old Islington Freezing Works that has now largely ceased operations. The building complex occupied by the freezing works is located on the eastern side of the site with access from Waterloo Road. However the majority of the old freezing works site comprised rural land used for grazing purposes.</p> <p>That site is currently made up of a mix of different zones. The 33 ha central portion is currently zoned Business 5, which is a ‘heavy’ industrial business zone. Part of the zone comprises grazing land, but much of it is occupied by numerous buildings, tenanted for a variety of industrial activities, the most significant of which is a Silver Fern Farms meat processing operation and associated cool stores. The buildings on the site vary substantially in scale, height, and general quality and state of repair. The proposed Plan Change will help facilitate the regeneration of this large ‘brownfield’ industrial site into a modern business park with higher standards of amenity and substantial limitations on heavy or noxious industry.</p> <p>Adjacent to the Business 5 zone to the south is a small 1 ha block of vacant land on Waterloo Road zoned Business 4, with a 1 ha strip of Business 4 land located between the B5 zone and the Living Zone in Brixton Street. An extensive area of grazing land zoned Rural 2 occupies approximately 42 ha in the southern triangle between Pound Road and Waterloo Road. To the north of the Business 5 zone is another large area of grazing land currently zoned Rural 5 comprising approximately 37 ha.</p> <p align="right">Continue...</p>		
<p>Date Publicly Notified: 17 July 2010</p> <p>Environment Court Decision: 13 August 2012</p> <p>Plan Details: Planning Maps 36A and 43A, Appendix 18, 18a and 18b</p>		<p>Council Decision: 25 August 2011</p> <p>Date Operative:</p> <p>File No: PL/CPO/3/19</p>

...Continued

The proposed new Business 8 (Islington Park) zone is proposed to replace all of these existing Business and Rural zones. The redevelopment of the majority of the zone is intended to accommodate light industrial, commercial, transport, business, or warehousing activities in a modern business park. The range of new business activities that can establish in the zone will be subject to specific City Plan rules to ensure that potential adverse environmental effects are able to be appropriately managed.

Parts of the current rural zoned land are contaminated with waste products associated with the former Freezing Works. The contaminated areas are currently unmanaged and are open to rainwater percolation. The costs of capping and managing these contaminated areas is considerable and is not financially viable under the current rural zoning. To enable capping and proper management to occur it is of critical importance that the rezoning of the entire site occurs to enable the cross-subsidisation of the considerable works necessary to contain and manage the contaminated areas. The proposed zone will provide a comprehensive solution to what is currently a large, obsolete industrial brownfield site.

It is recognised that the site (including the existing heavy industrial zone) is located over the Groundwater Recharge Zone to the west of the city, and for this reason activities which have the potential to contaminate groundwater will not be allowed to establish in the new Business 8 zone. This will be achieved by a restriction on certain categories of hazardous substances, by not permitting underground storage of hazardous substances, and by the setting of very low threshold levels for the use and storage of such substances both on a site and zone wide basis. The manufacture of hazardous substances will not be provided for in the zone. The proposed rule package is therefore significantly more restrictive than the current zone provisions in terms of the use and quantities of hazardous substances that can be present on the site. A specific environmental objective fundamental to the management of activities in this expanded 114 ha zone will be that the number and scale of activities having the potential to create a risk to groundwater will be limited to a level less than that which could realistically have been expected within the 35 hectares currently zoned for business activities. The restrictions on activities, combined with the capping and management of contaminated areas, means that the proposed zone change will result in a significantly better outcome in terms of ground water management than the current mix of heavy industrial uses and contaminated rural areas.

There is a demonstrated shortage of land for business purposes in and adjacent to the City, with the site ideally placed in respect to road and rail transport links to the north south and west, and to Christchurch International Airport. The development of this area provides an opportunity to provide an improved roading link between the Hornby industrial area to the south and Pound Road. The rezoning also provides the opportunity to improve the interface between the existing business activities and the neighbouring Living zone in Brixton, Wilson, and Mortlake Streets by restricting vehicular traffic from the site to these adjoining residential streets and through the location of stormwater detention basins and recreational open space between the business activities and the residential area. The opportunity will also be taken to

provide a cycle/pedestrian linkage through the block from Islington and Waterloo Road to Pound Road, the Templeton Golf Course and the Pound Road Quarry, which is ultimately expected to be redeveloped for recreational purposes.

Plan Change 19 includes the following amendments to the City Plan;

- the creation of the new Business 8 (Islington Park) Zone
- a new Zone Statement and Environmental outcomes anticipated
- amendments and additions to the rules for the existing Business 3- 7 Zones through the addition of the Business 8 Zone
- a new rule restricting vehicular access from the proposed Business 8 Zone to adjoining residential streets in Islington
- the provision of an Outline Development Plan to show the general location of stormwater swales and landscaped buffer areas, key road and access links, and pedestrian and cycle linkages
- adding new rules for the Business 8 zone into the rules on Filling and Excavation in Volume 3 Part 9, on Signage in Part 10, on Noise and Glare in Part 11, and on Subdivision in Part 14
- an extensive set of rules relating to the use, storage, manufacture and disposal of hazardous substances for the Business 8 zone in Volume 3, Part 11
- amendments to the parking rates for warehouse and distribution centre activities in the B8 zone in Volume 3, Part 13
- amendments to Planning Maps 36A and 43A to replace the existing Rural 2, Rural 5, Business 4, and Business 5 Zones with the proposed Business 8 Zone.

CITY PLAN AMENDMENTS

Note: For the purposes of this plan change, any text amended as a result of other decisions is shown as “normal text”. Any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~. Any text added by the Council’s Decision is shown as **bold double underlined** and text deleted is shown as ~~**bold double strikethrough**~~. Any text added by the Environment Court’s Decision is shown as **bold double underlined and shaded** and text deleted is shown as ~~**bold double strikethrough and shaded**~~.

AMEND THE CITY PLAN AS FOLLOWS

VOLUME 2, PART 8 UTILITIES

Amend Objective 8.3 by adding Business 8 to clause (c) and the Reasons as follows:

8.3 Objective : Adverse environmental effects

- (c) Avoid, remedy, or mitigate adverse effects in the Business 7, **Business 8**, Open Space 3 Carrs Road, and Living G Awatea zones in instances where new development occurs near existing electricity transmission line utilities.

Urban development within the Business 7, **Business 8** and Living G Awatea zones is projected by proposed Change 1 to the Regional Policy Statement. Existing high voltage transmission line (...)

Amend Policy 8.3.7 and the second paragraph of the accompanying Reasons by adding reference to Business 8 as follows:

Policy 8.3.7 Development adjacent to electricity transmission lines in the Business 7, **Business 8**, Open Space 3 Carrs Road and Living G (Awatea) zones

In the Business 7, **Business 8**, Open Space Carrs Road and Living G Awatea zones avoid, remedy, or mitigate adverse effects from new development on the existing high voltage electricity transmission lines traversing those zones.

Reasons

The reverse sensitivity effects generated by subdivision and land use adjacent to the transmission lines, including within the identified corridor, need to be managed in order to avoid, remedy, or mitigate the adverse effects on both the safe, secure and efficient use and development of the transmission lines and the safety and amenity

values of the community. The electricity transmission line corridor will be managed by set minimum buffer distances from the transmission line assets to manage activities in both the immediate proximity of and adjacent to the lines. The position of the transmission power lines is shown on planning maps 44B and 51B (for Awatea) **and 36B and 43B (for Islington)**.

Amend Section 8 - Implementation by including reference to Islington at the end of the section as follows:

Rules for the avoidance remedy and mitigation of adverse reverse sensitivity effects on electricity transmission infrastructure shown on planning maps 44A, 51A)(for Awatea), **and 36B and 43B (for Islington)**.

VOLUME 2, PART 12 BUSINESS

12.10 Industrial areas objective: Role of industrial areas

Reasons

add new last paragraph as follows:

In some areas of the City, business areas are located above the groundwater recharge zone. Business activity in such areas is only appropriate provided the potential effects on groundwater are adequately controlled, including limitations on the quantity of hazardous substances that can be manufactured, stored, or used on sites and limitations on underground storage of hazardous substances.

Implementation

Objective 12.10 and associated policies will be implemented through a number of methods including the following:

District Plan

- The identification of the Business 3 (Inner City Industrial) Zone; Business 3B (Inner City Industrial – Buffer) Zone; Business 4 (suburban Industrial) Zone; and the associated Business 4 zones for the Technology and Produce Parks; Business 5 (General Industrial) Zone; the Business 6 (Rural Industrial) Zone; **and the Business 8 (Islington Park) Zone.**

Implementation

Objective 12.11 and associated policies will be implemented through a number of methods including the following:

District Plan

Amend third bullet point

- Zone rules for Business 3-6 **and 8** Zones, e.g. for site density, open space, street scene, visual amenity and landscaped areas.

Other Methods

Add a new fourth bullet point

- Developer-initiated design codes or covenants

12.11.6 Policy: High amenity industrial areas

(...)

(b) To ensure that development in the Business 7 Zone and sites fronting Pound Road in the Business 8 zone is in accordance with principles of good urban design and appearance by ensuring that:

- Development in the Business 7 zone considers the amenity values of neighbouring properties, nearby residents and the wider community, and having regard to amenity, cultural and heritage/historical values positively responds to the development site's location features and its wider context.
- Development in the Business 7 zone avoids excessive bulk or repetition, is of a human scale and is visually interesting, and is that areas of public and residential frontage are not dominated by car parking, security fencing, storage and hard standing areas;
- Development in the Business 7 zone is softened by trees and other landscaping while maximising the safety of occupants and visitors.
- Development of sites with frontage to Pound Road in the Business 8 Zone present a quality interface to the rural area and the road network in terms of built outcomes and landscape treatment.

Explanation and reasons

Add a further paragraph

(...). Similarly, those sites in the Business 8 Zone which front Pound Road form part of the rural/urban edge of the City. A higher standard of visual amenity is appropriate in this location having regard to the interests of residents residing within the rural zone and the users of Pound Road. Controls relating to the design and appearance of buildings, storage, fencing and landscape treatment along this frontage will enable amenity values to be maintained.

VOLUME 3, PART 1 DEFINITIONS

Amend Part 1 Definitions by adding a new definition as follows:

Warehousing and Distribution Activities: For the purposes of calculating parking numbers in the Business 8 zone only means a building used for the storage and sorting of materials, goods, or products pending distribution.

VOLUME 3, PART 3 BUSINESS ZONES

1.0 Zone descriptions

1.1 General description and purpose

(j) The Business 8 (Islington Park) Zone includes an area of land bounded by Pound Road and Waterloo Road and is based around the former Islington Freezing works. This area is to redevelop as a modern business park and contains provisions designed to ensure groundwater is adequately protected.

1.14 Business 8 (Islington Park) Zone

Zone description and purpose

The Business 8 Zone is a large new business zone in the southwest of the city, is generally bounded by Pound Road, Waterloo Road and the suburb of Islington, and is based around the former Islington Freezing Works complex that previously had a general industrial Business 5 zoning.

The zone provisions are tailored to ensure that the underlying Groundwater Recharge Zone is adequately protected from potential contamination and are considerably more restrictive than the earlier Business 5 provisions that covered a third of the zone. These measures include restrictions on categories of hazardous substances used or stored in the Business 8 Zone, low threshold quantity limits for other hazardous substances which could have potential adverse effects on groundwater, and a restriction on both the manufacturing and underground storage of hazardous substances. The provisions of the Natural Resources Regional Plan administered by the Canterbury Regional Council also have a direct bearing on the sorts of activities that can occur within the zone and form part of the regulatory framework governing groundwater.

The zone will enable the regeneration of the existing large ‘brownfield’ industrial complex based on the old freezing works, with the possible retention of good quality existing buildings that are capable of adaptive reuse, and the removal of the obsolete structures that comprise the majority of the existing complex, and their replacement with modern buildings and landscaping. The zone will also facilitate the remediation and capping of areas contaminated by the old freezing works activity. The zone will make provision for pedestrian and cycle linkages

between the existing Hornby area to the south and existing or prospective recreational development to the west of Pound Road and has been designed to ensure adequate buffers are provided between business activity and adjoining Living Zones.

The site is suitable for business activities in terms of its location in relation to transport links to the north, west and south, along with close proximity to the airport and to the rail corridor. The site will be serviced by internal roading in order to protect the residential character of existing streets in Islington as well as providing the opportunity for a new strategic road link between Pound Road and Hornby. Development within the zone is subject to an outline development plan to ensure that the zone is developed in a comprehensive, integrated manner.

Islington Park is traversed by a high voltage transmission line (BRY-ISL 220kV Line). In accordance with the National Policy Statement on Electricity Transmission 2008 (NPSET) the Council is required to manage development to ensure that any third party development in the transmission corridor does not affect the on-going operation, maintenance, up-grading and development of the line or result in any reverse sensitivity effects.

Environmental results anticipated

(a) A range of 'dry' light industrial, commercial, transport, business, and warehousing activities with convenient access to major transport routes and Christchurch International Airport.

(b) the maintenance of the quality of Christchurch groundwater through restrictions on the use, storage, manufacturing, or disposal of hazardous substances or other potential threats to groundwater quality.

(c) The regeneration of an obsolete industrial 'brownfield' site and low productivity grazing activities with a modern business park.

(d) The capping and remediation of areas of existing ground contamination.

(e) Relatively high levels of traffic generation including heavy vehicles, with controlled direct access points to the strategic road network and the avoidance of vehicular access to adjoining Living Zones.

(f) Noise, glare, and access to sunlight outcomes limited at Living Zone boundaries to levels consistent with the levels of amenity anticipated in Living Zones.

(g) Provision for pedestrian and cycle linkages between Hornby and existing and prospective recreational activities west of Pound Road.

(h) Avoidance of activities that may constitute a birdstrike hazard or reverse sensitivity issues for aircraft using Christchurch International Airport.

(i) Avoidance of sensitive activities that may result in reverse sensitivity issues for lawfully established operations in the nearby Rural Quarry Zone.

(j) The protection of the security of supply of electricity to the City and prevention of reverse sensitivity effects in respect of the National Grid.

(k) A high level of visual amenity at the urban-rural interface along Pound Road.

VOLUME 3 STATEMENT OF RULES

PART 3 BUSINESS ZONES

Clause 5.1.1

5.1.1 Business 3, 3B 4, 4P, 4T, 5, 6, ~~and 7~~ and 8 Zones

5.2 Development standards -- Business 3, 3B, 4, 4P, 4T, 5, 6, ~~and 7~~ and 8 Zones

5.2.1 Site density

The maximum plot ratio per site shall be:

Business 3 and 5 Zones:	1.5
Business 3B (except in the area bounded by Moorhouse Avenue, Carlyle Street, Waltham Road and Colombo Street, and 4,7 <u>and 8</u> Zones	1.0

5.2.3 Street scene

(a) The minimum building set back from road boundary shall be:

Business 3 and 3B:	3 m
Business 4, 5, and 7 and <u>8</u> :	6m
<u>Business 8 Zone Pound Road frontage</u>	
<u>North of Setback Line as shown in Appendix 18, Part 3</u>	<u>10m</u>
<u>South of Setback Line as shown in Appendix 18, Part 3</u>	<u>20m</u>

Business 4P Zone (Main South Road, Halswell Junction Road, Shands Road):	12 m
Internal roads:	6 m
Business 4T Zone:	15 m
Business 6 Zone:	15 m

except that

- (i) the minimum building setback from road boundaries for service station canopies shall be 3m.
- (ii) for sites with more than one road boundary, the setback from one road boundary may be reduced to 1.5m, apart from the Business 8 zone where buildings shall be set back a minimum of 6m from all road boundaries, and 10m from Pound Road.

5.2.4 Separation from neighbours

(a) The minimum building set back from the boundary with a living zone shall be:

Business 3B Zone 3m

The minimum building setback from the boundary with a living, conservation, open space or cultural zone shall be:

Business 4 **and Business 8** Zones: 5 m

5.2.5 Sunlight and outlook for neighbours

(a) Buildings shall not project beyond a building envelope constructed by recession planes from points 2.3 metres above the boundary with a living, cultural, conservation or open space zone, except for buildings erected on the Business 4 zoned land adjoining the Open Space 3 zone containing the Addington league grounds of the Open Space 3B Zone identified as Addington Racecourse on Planning Map 45A.

(b) (i) Where a site in the Business 3, 3B, 4, 4P, 4T, 5, ~~or 6~~, **or 8** zone adjoins a site in the Cultural, Conservation, or Open Space zone, Diagram C in Appendix 1 to Part 2, Volume 3 of the plan applies.

(ii) Where a site in the Business 3, 3B, 4, 4P, 4T, 5, 6, ~~or 7~~, **or 8** zone adjoins a site in a living zone or special purpose (Wigram) or (Hospital) zone where living zone standards apply the appropriate living zone recession plane shall apply in accordance with the diagrams in Appendix 12 Part 2, Volume 3 of the Plan.

(iii) There is no recession plane requirement for sites located in the Business 3, 3B, 4, 4P, 4T, 5, ~~or 6~~ **or 8** zone that adjoins only sites that are not zoned Living, Cultural, Conservation or Open Space or that adjoin sites within the Special Purpose (Wigram) or (Hospital) Zone where living zone standards do not apply.

5.2.6 Visual amenity

(a) Location of offices and showrooms –
Offices and showrooms (except on rear sites) shall be located at the front of buildings and facing the street.

(In the Business 4P Zone, where a site has frontage to both an internal and an external road, the street shall be deemed to be the external road).

Except that in the Business 8 zone, where a site has frontage to both a street and Pound Road, or a stormwater basin/ open space as shown in Appendix 18, Part 3, offices and showrooms may be located so as to face either the street, Pound Road, or the stormwater basin/ open space. Where a site has frontage to both an

~~internal street and to Pound Road, the street shall be deemed to be the internal road.~~

- (b) Outdoor storage areas
- (i) Any outdoor storage area shall not be located within the setbacks specified in Clause 5.2.4.
 - (ii) Any outdoor storage area, except those for the sale of vehicles, machinery, boats and caravans, shall be located behind the setbacks specified in Clause 5.2.3.

5.2.7 Landscaped areas

- (a) Area and location of landscaping

The minimum percentage of the site to be set aside as a landscaped area shall be as follows:

Business 3B Zone (on sites on the opposite side of a road to a living zone): 5%

Business 3B Zone (area bounded by Moorhouse Avenue, Carlyle Street, Waltham Road and Colombo Street): 10%

Business 4, 6, ~~and 7~~ and 8 Zones excluding that area shown as hatched on Part 3, Appendix 12 and in the Business 5 Zone on the land known as the Musgroves site, which is legally described as Lot 6 DP 73928 (CT 42C/1207) and shown on Part 3, Appendix 10: 10%

Business 5 Zone and that area of the Business 7 Zone shown as hatched on Part 3, Appendix 12: 7.5%

Business 4T and 4P Zones: 20%

and

on sites, other than rear sites and sites within the Business 8 zone, all required landscaping shall be located along the road frontage of the site. A landscaping strip with a minimum average width of 1.5 metres and a minimum width of 0.6 metres shall be provided along all road frontages except across vehicle crossings and

- (i) In the Business 4P Zone
 - at least half of the required landscaping area shall be along the road frontage of Shands, Halswell Junction and Main South Roads **except that** where sites do not have frontage to these roads all the required landscaping shall be along any other road boundary; and
 - on sites with frontage to Shands, Halswell Junction and Main South Roads, a landscaping strip shall be provided with a minimum width of 12 metres along these road frontages.
- (ii) In the Business 4 Zone, sites with frontage to Ferry Road between Charlesworth Street and the Heathcote River bridge (at Ferrymead), the front 10m depth of the site shall be landscaped.

- (iii) On sites, or parts of sites, on the opposite side of a road to a living zone the landscaping strip shall have a minimum average width of 4.5 metres and a minimum width of 1.5 metres along the road frontage, except
- across vehicle crossings; or
 - where the separating road has more than two lanes or is an arterial road; or
 - for service station canopies in the Business 3, 3B, 4, 4T, 4P, 5 and 6 zones, where the landscaping strip shall have a minimum average width of 3m and a minimum width of 1.5m along the road frontage.
- (iv) On sites adjoining a living, cultural, open space, or conservation zone:
- at least half of the required landscaping shall be located along the zone boundary and;
 - provision shall be made for landscaping, fence(s), wall(s) or a combination to at least 1.8 metres in height along the length of the zone boundary. Where landscaping is provided it shall be for a minimum depth of 1.5 metres along the zone boundary.
- (v) In the Business 5 Zone on the land known as the Musgroves site, which is legally described as Lot 6 DP 73928 (CT 42C/1207) and shown on Part 3, Appendix 10, the landscaping strip shall have a minimum average width of 4.5m and a minimum width of 1.5m along the road frontage.
- (vi) In the Business 7 Zone
- at least half of the required landscaping area shall be located along the Special Purpose (Awatea) Zone boundary and where landscaping is provided it shall be of a minimum depth of 4m along the zone boundary; and
 - on sites with frontage to Halswell Junction Road, a landscaping strip shall be provided with a minimum width of 4m along this road frontage.

(vii) In the Business 8 Zone

- **a landscaping strip with a minimum width of 3 metres shall be provided along all road frontages apart from along Pound Road where the minimum width shall be 10m. The landscaping strip excludes vehicle crossings. The balance of the landscaping shall be located forward of the street-facing building line (apart from rear sites), and along internal boundaries where these are visible from a public place.**
- **On sites with frontage to Pound Road and within the area identified as requiring specific landscape treatment in Appendix 18(a) or 18(b), all landscape planting shall be in accordance with the relevant design in Appendix 18. Appendix 18(a) shall apply if realignment of Pound Road does not proceed. Appendix 18(b) shall apply if the realignment of Pound Road is implemented.**

Notes:

The minimum average width of a landscape strip shall be calculated by excluding any part of the strip that is further back than the minimum required building setback for the site.

In the Business 8 zone, the design of landscaping along the Pound Road frontage is subject to clause 14-20.18, with a portion of this frontage also subject to the specific landscape design shown in Appendix 18(a) and 18(b).

(b) Trees

(i) Sites with road frontages of at least 10 metres shall be planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (e.g. 10 metres frontage - 2 trees, 20 metres frontage - 3 trees, etc.).

(ii) Where three or more trees are required these trees shall be planted no more than 15 metres apart, or closer than 5 metres apart.

(iii) Any trees required shall be planted along the road frontage and in front of any buildings on the site.

(iv) In addition to (i) - (iii) above, one tree shall be planted for every 5 parking spaces required on the site. Trees shall be planted within or adjacent to the carparking area

(v) Any trees required by this rule shall be of a species capable of reaching a minimum height at maturity of 8 metres and shall be not less than 1.5 metres high at the time of planting. Any trees listed in Part 3, Appendix 3 are deemed to comply with this rule.

~~(vi) Within the Business 8 Zone, where any trees required by this rule are located within 18m of the centreline of the electricity transmission line shown in the Outline Development Plan in Part 3, Appendix 13, they shall be species that have a maximum height of no more than 10m at maturity.~~

Advice Note: Vegetation in close proximity to the transmission corridor is also subject to the Electricity (Hazards from Trees) Regulations 2003. Within the Business 8 Zone, where any trees are located within 18m of the centreline of the electricity transmission line shown on the Outline Development Plan in Part 3, Appendix 18, they should be species that have a maximum height of no more than 10m at maturity.

(c) Protection of trees and landscaping

(i) Any trees required under Clause (b) above shall be located within a landscaping strip (see Clause (b)), or within a planting protection area around each tree, with a minimum dimension or diameter of 1.5 metres.

(ii) No more than 10% of any landscaping strip (see Clause (a) and planting protection area shall be covered with any impervious surfaces.

(iii) Landscaping strips or planting protection areas adjacent to a road boundary or adjacent to or within a carparking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1 metre from any tree.

(d) Maintenance of landscaping

(i) Any landscaping or trees required by these rules shall be maintained, and if dead, diseased, or damaged, shall be replaced. (Variation 86)

(ii) All landscaping established in accordance with the landscape plans shown in Appendix 18(a) or (b), Part 3, and along the balance of the Pound Road frontage in the Business 8 zone, shall be irrigated for a minimum of 5 years from the time of planting.

5.2.8 Outline Development Plans

(a) Within the Business 4 zone the development of land in the area bounded by Deans Avenue, Blenheim Road, Whiteleigh Avenue and the railway line shall be in general accordance with the development plan contained in Appendix 5, Part 3.

(b) Any development not in conformity with the development plan shall be a controlled activity with the exercise of the Council's discretion limited to access, open space links and landscape buffers.

(c) Within the Business 8 Zone the development of land shall be in general accordance with the outline development plan contained in Appendix 18, Part 3. Any development not in general accordance with the outline development plan shall be a restricted discretionary activity, with the Council's discretion limited to:

- **Access;**
- **The amenity of adjoining living zones;**
- **The location of convenience facilities;**
- **The adequate provision of pedestrian and cycle connectivity, and open space links;**
- **Effects on the high voltage transmission line and landscape buffers. An exemption to this is where buildings and structures are proposed within 0-12m either side of the centreline of a high voltage transmission line and where such activities are non-complying activities.**

5.2.9 Height

The maximum height of any building shall be:

Business 4 Zone (except the Business 4 zone at Ferrymead)	15m
Business 4 Zone at Ferrymead	11m
<u>Business 8 Zone (within 50m of a living zone boundary or Pound Road)</u>	<u>15m</u>
<u>Business 8 Zone (in all other situations)</u>	<u>20m</u>

~~5.2.10 Electricity transmission line corridor~~

~~Within the Business 8 Zone, any building located adjacent to the electricity transmission corridor shown on the Outline Development Plan in Appendix 13, Part 3, shall be a restricted discretionary activity where any part of that building is located within:~~

- ~~a) 18m of the centreline of the transmission line between point 'A' and point 'B';~~
- ~~or~~
- ~~b) 15m of the centreline of the transmission line between point 'B' and point 'C';~~
- ~~or~~
- ~~c) Within 12m of the base of a pylon tower~~

5.2.14 Design and amenity for development in the Business 7 and 8 Zones

The erection of new buildings and additions to existing buildings shall be a controlled activity, with the exercise of the Council's control limited to the design and amenity of the site and development thereon in all of the Business 7 Zone and on sites which have frontage to Pound Road in the Business 8 Zone.

5.2.15 Waterbodies and Birdstrike risk

In the Business 8 zone, because of the bird strike risk for Christchurch International Airport there shall be no creation of waterbodies, except for stormwater facilities for the disposal and/or treatment of stormwater. Any stormwater facilities must be designed, operated and managed (including the margins and plantings) to avoid attracting bird species which constitute a hazard to aircraft. The stormwater system shall be certified by a suitably qualified person to the following standards:

- The design, operation and management of the stormwater system shall avoid attracting bird species which constitute a hazard to aircraft;
- Stormwater infiltration basins are designed to fully drain within 48 hours of the cessation of a 2% AEP storm event;
- Rapid soakage overflow chambers in sufficient numbers and with sufficient capacity to minimise any ponding of stormwater outside of the infiltration basin areas;
- The use of plant species within the basin (including its margins) that are suitable for inundation by stormwater and are not attractive to birds;
- Basin size and side slope dimensions that are suitable for stormwater management and are not attractive to birds;

Any proposal that does not comply with this provision shall be limited notified to Christchurch International Airport Limited.

Amend Clause 5.3 as follows;

5.3 Community standards -- Business 3, 3B, 4, 4P, 4T, 5, 6, ~~and~~ 7 and 8 Zones

5.3.1 Retail activities

Business 3B ~~and~~ 4 ~~and~~ 8 Zones

(b) Any retail activity undertaken from the site shall only consist of one or more of the following:

(...)

5.3.2 Residential units

With the exception of the B4 zoned site at 2 Waterman Place, there shall be no more than one residential unit in association with any established business activity, ~~except in the Business 8 zone where no residential units are permitted.~~

(...)

5.3.3 Offices

In any zone, other than the Business 3B, 4, ~~and~~ 4T, and 8 zone, any office shall be in association with and ancillary to a business activity on the same site. This clause shall not apply to bank ATM facilities.

5.3.4 Roading and access

(a) In the Business 4P Zone, the development of land shall be based upon an internal road with up to two road access points onto Halswell Junction Road and not more than one on to Shands Road.

(b) In the Business 4 Zone access to Deans Avenue shall be limited to Lester lane, which is to be realigned between 100m and 110m from the intersection of Moorhouse and Deans Avenues as shown in Appendix 5, Part 3.

(c) In the Business 8 Zone there shall be no vehicular access from individual sites directly onto Pound Road, or onto Brixton, Wilson, or Mortlake Streets.

5.4 Critical Standards -- Business 4, 5, 7 and 8 Zones

5.4.1 Groundwater protection

(...)

Note: The provisions of the Natural Resources Regional Plan (NRRP) prepared by the Canterbury Regional Council are also of direct relevance to managing groundwater and proposals will also need to comply with the standards contained in the NRRP or resource consent obtained.

It should also be noted that the Business 8 zone is subject to the Group 3 standards for hazardous substances under schedule 2 of Part 11, Section 3 that have been designed to ensure groundwater is adequately protected.

5.4.2 Wastewater discharge

In the Business 4 Zone on the land known as the Musgroves site, which is legally described as Lot 6 DP 73928 (CT 42C/1207) and shown on Part 3, Appendix 10, trade waste disposal is constrained to a daily average sewage flow not exceeding 0.09L/s/Ha (litres/second/hectare).

In the Business 8 Zone, trade waste disposal is constrained to a daily average sewage flow not exceeding 0.09L/s/Ha and the average daily sewage discharge from the entire 114 ha Business 8 Zone shall be less than or equal to 863 m³/day.

Rule 5.4.6 Height

The maximum height for any building shall be:

Business 4 zone (except the Business 4 zone at Ferrymead)	20m
Business 4 zone at Ferrymead	15m

Business 8 zone (within 50m of a living zone boundary or Pound Road) 20m

5.4.7 Noise Sensitive Activities

In the Business 8 zone no noise sensitive activities are permitted within the Ldn 50 dBA air noise contour as shown in Variation 4 to Change 1 of the Regional Policy Statement. Noise sensitive activities are:

- Residential activities, including custodial units for the management or security of any business activity;
- Education activities including pre-school places or premises, but not including trade training or other industry related training facilities;
- Travellers accommodation;
- Hospitals, healthcare facilities and any elderly persons housing or complex

ASSESSMENT MATTERS

6.5 Business 3, 3b, 4, 4P, 4T, 5, 6, and 7, and 8 Zones

6.5.6 Landscaped areas

.....

- (i) The extent to which tree planting under the electricity transmission corridor would adversely affect the safe and efficient functioning of the electricity network or restrict maintenance of that network.

6.5.7 Outline Development Plans – Business 4 and 8 Zones

(...)

Area covered by the Business 8 zone

- (d) The extent to which safe and efficient access is provided to the arterial road network;
- ~~(e) The extent to which vehicular access is avoided onto adjoining residential streets and the potential effects of any such access on residential amenity;~~
- (e) The extent to which vehicular access arrangements, the wider movement network and the distribution of generated traffic may combine to affect residential areas and the potential effects of these factors upon residential amenity and safe and efficient access for residential areas.
- (f) The degree to which safe and efficient pedestrian and cycle access is provided through the site, is connected with the wider movement network, and is integrated with stormwater basins and/ or open space;
- (g) The degree to which stormwater retention basins and open space is located so as to provide an effective buffer between business and residential activities;
- (h) The extent to which stormwater basins and open space areas are co-located so as to maximise recreational and amenity opportunities;

~~(i) The extent to which stormwater basins are designed to appropriately manage bird strike risk;~~

(i) The degree to which reverse sensitivity issues relating to the lawfully established operations within the nearby RuQ zoned land are avoided.

(j) The degree to which local convenience facilities to service the day-to-day needs of businesses such as cafes, office support businesses and the like are located in convenient locations such as adjacent to the intersections of the main internal roads or adjacent to areas with high amenity values such as stormwater basins and open space areas.

6.5.9 Residential units

(...)

(h) In the Business 8 zone, the degree to which the provision of any residential units has the potential to create a reverse sensitivity effect on the operations of Christchurch International Airport Limited.

6.5.11 Rooding and access

~~(d) In the Business 8 zone the extent to which vehicular access is avoided onto adjoining residential streets and the potential effects of any such access on residential amenity.~~

(d) In the Business 8 Zone, the extent to which vehicular access arrangements, the wider movement network and the distribution of generated traffic may combine to affect residential areas and the potential effects of these factors upon residential amenity and safe and efficient access for residential areas.

~~6.5.17 Electricity transmission line corridor~~

~~(a) The degree to which the proposed building would prevent the transmission line owner from operating or maintaining the high voltage transmission network;~~

~~(b) Whether the proposed building would be in sufficiently close proximity to the transmission lines or pylon towers that there is an unreasonable risk of electrical hazards and risks to public safety or property damage;~~

~~(c) Whether the proposed building would result in a risk to the structural integrity of any pylon towers.~~

6.5.16 Design and amenity for development in the Business 7 Zone and for Sites fronting Pound Road in the Business 8 Zone

Business 7:

(a) The quality of architectural treatment of main elevations including building design, architectural features and details, use of colour and building materials.

- (b) The extent to which active rooms are positioned to front onto the street to maximise passive surveillance, an active frontage and visual interest associated with the building design.
- (c) The extent to which tree planting, including species, height and quality, calibre achieves a high quality landscaping outcome and mitigates adverse visual effects and scale of buildings and business activities.
- (d) The extent to which landscaping is used in preference to sealed areas, solid fencing and walls along road boundaries.
- (e) The extent to which the positioning of security fencing reduces the dominance of the streetscape and avoid compromising landscape areas.
- (f) The extent to which any signage on buildings is integrated with a buildings' architectural details.
- (g) The extent to which the locations of outdoor storage, loading, and parking areas are located behind buildings away from public areas.

Business 8:

- (a) The quality of architectural treatment of elevations fronting Pound Road, including building design, architectural features and details, use of colour and building materials.
- (b) The extent to which active rooms are positioned to front onto Pound Road to maximise visual interest associated with the building design.
- (e) The extent to which the positioning of security fencing reduces the dominance of the streetscape and avoids compromising landscape areas.
- (f) The extent to which any signage on buildings is integrated with a buildings' architectural details.
- (g) The extent to which the locations of outdoor storage and loading areas are located behind buildings away from public viewing from Pound Road.

6.5.17 Waterbodies and Birdstrike risk

- (a) The extent to which the proposed water features will be attractive to birdlife that might pose a birdstrike risk to the operations of Christchurch International Airport Limited;
- (b) Whether a management plan has been developed that demonstrates there will be ongoing operation and maintenance of the stormwater system to minimise bird strike risk for the life of the stormwater system, and whether that plan has been developed in consultation with Christchurch International Airport Limited;

REASONS FOR RULES

7.3 Business 3, 3b, 4, 4P, 4T, 5, 6, and 7, and 8 Zones

7.3.1 Site density and open space

These two standards are closely related to each other, and are major determinants of the bulk and height of buildings and their visual impact. As well as this they act as a major determinant of the area available for vehicle parking, manoeuvring and loading, landscaping and street scene. Lower coverage is characteristic of a suburban industrial

park character, while a higher plot ratio allows more intensive use of a site with greater relative building height and bulk.

In the more intensively built up industrial zones (Business 3, 3B, 4, ~~and 5~~ **and 8** Zones) a plot ratio technique is employed. In these zones a high building coverage is anticipated, particularly in the Business 3 zone with its older smaller sites, and inner city location, and the Business 5 Zone which provides for a wide range of industrial activities and is generally buffered from residential areas.

In the less intensively built up industrial zones, a site coverage technique is utilised. Both the Business 4P and 4T Zones are marketed as "park-like" business environments which need to be reflected in rules which distinguish them from industrial zones generally. The Business 6 and 7 Zones are surrounded by a rural environment. A more open visual character recognising this surrounding environment, and the highly visible location of the zone adjacent to major highways, requires a lower permissible building coverage

7.3.6 Landscaped areas

Amend paragraph 3 as follows:

(...)

The Business 6 Zone has a landscaping requirement which reflects the high visibility and rural aspect of the zone. The Business 4, 5, ~~and 7~~ **and 8** Zones have landscaping requirements, which in addition to rules on location of landscaping, are of sufficient extent to protect residential and rural amenity (where relevant) and enhance the streetscape.

Add a new third from last paragraph as follows:

The Business 8 Zone at Islington is traversed by an electricity transmission corridor. The height of landscaping beneath this corridor is required to comply with the Growth Limit Zones as prescribed by the Electricity (Hazards from Trees) Regulations 2003. These regulations seek ~~limited~~ to ensure that the safe and efficient functioning of the electricity network is not threatened by the growth of tall vegetation in close proximity to the conductors. Maintenance of trees can be difficult to monitor and pollarding or trimming trees beneath their natural height at maturity can result in poor landscape outcomes. ~~The rule therefore enables trees to~~ Any vegetation should be carefully selected at the time of planting to ensure that the species chosen will not result in ongoing maintenance issues in terms of proximity to the transmission corridor and ensure compliance with the Regulations is achieved. This can include ensuring that any trees located within 18m of the centreline of the electricity transmission line are species that have a maximum height of no more than 10m at maturity. It should also be noted that the trimming and maintenance of trees in close proximity to the corridor is also subject to the Electricity (Hazards from Trees) Regulations 2003.

7.3.7 Outline development plan

In relation to **the Business 8 Zone and** part of the Business 4 Zone (the area bounded by Deans Avenue, Blenheim Road, Whiteleigh Avenue and the railway line) the development plan is intended to achieve the following objectives:

- Ensure co-ordinated roading/cycle/pedestrian access provision between adjoining parcels of land.
- Indicate important locations for the provision of open space, waterway enhancement/linkages or natural features to be protected.
- The general relationship of development with the surrounding area.
- The presence of any particular constraints on development in the zone, including setbacks.
- **The reverse sensitivity effects generated by land development within electricity transmission corridors shall be managed in order to avoid, remedy or mitigate the adverse effects on both the safe, secure and efficient use and development of the transmission network and the safety and amenity values of the community**

7.3.8 Retail activities

Amend the second and eighth paragraphs as follows:

(...)

The rules restrict a dispersal of retail activities over industrial areas generally in order to avoid cumulative adverse effects on the roading network and on the amenity and functions of the Central City and district centres, and to limit the potential displacement of permitted industrial activities (reverse sensitivity effects). In those zones in which some additional retailing is provided for as of right (specifically the B3, B3B₂ ~~and~~ B4 ~~and~~ **B8** zones), there is no restriction on the establishment of commercial services but the extent of retail activity has been limited in order to reinforce a centres-based approach to retail distribution throughout the City.

(...)

The scale of other permitted retailing in the Business 3B₂ ~~and~~ 4 ~~and~~ **8** zones is controlled in two ways. The 2,000m² maximum threshold in relation to proposed new activities enables a wide range of individual retail outlets or small groups of outlets, to establish as of right, provided they are not creating or adding to a much more significant retail focus (...)

7.3.9 Residential units and noise sensitive activities

A restriction has been imposed on residential units, limiting them to one unit for any established activity, and that it be associated with on-site security or management. The reason for this is to some extent a recognition of lower standards of amenity for any residential occupants in industrial areas, but more to avoid a situation where residential occupation could lead to pressures to limit industrial activities. This in turn could impose costs on, or limit industrial activities in a manner which threatens their economic viability or opportunity to establish.

~~No residential units are provided for in the Business 8 zone in recognition that the majority of the zone is located underneath the 50dBA airnoise contour. Given that the Business 8 zone is a new zone, there is limited need for on-site residential security as such functions are typically able to be provided through electronic systems or contracted security firms.~~

No residential units or other noise sensitive activities are provided for underneath the Ldn 50 dBA airnoise contour (as show in Variation 1 to Change 1 to Chapter 12A to the Regional Policy Statement) in the Business 8 zone in recognition of the potential for such activities to give rise to reverse sensitivity effects on the ongoing operations of Christchurch International Airport and the lawfully established operations within the nearby Rural Quarry Zone.

7.3.11 Roading and access

The establishment of the Business 4P Zone was undertaken in a way which ensures access points are restricted to specified points on Halswell Junction Road and Shands Road, and with no access to Main South Road. The reason for this is that the zone will generate significant heavy vehicle movements and all three frontage roads serve major traffic functions.

The area surrounded by Deans Avenue, Blenheim Road, Whiteleigh Avenue and the railway line is subject to special rules relating to access because these roads all serve major traffic functions. Access to Deans Avenue is restricted and a new road is proposed via a relocated Lester Lane, for reasons of traffic safety.

Within the Business 8 zone, no vehicular access is to be provided onto the adjoining Living zoned streets, both during and after construction, to ensure that appropriate levels of residential amenity are able to be maintained.

7.3.13 Wastewater discharge

Wastewater discharge is limited from the Musgroves site (being that land legally described as Lot 6 DP 73928 (CT 42C/1207) and shown in Part 3, Appendix 10), to a volume consistent with residential development on the site. The reason for this limitation is due to the cost share scheme which was set up to provide a waste water system to service the block of land known as Aidanfield, which included the Musgroves site. The scheme was designed to accommodate only residential development of the Musgroves site and therefore higher levels of wastewater, typically generated from industrial activities, cannot be accommodated. The wastewater restriction will limit the type of business activities that can establish on the Musgroves site to essentially dry business and **light industrial or commercial** activities. This limitation will have an added effect of reducing the risk of groundwater contamination.

Wastewater discharge from the Business 8 Zone is limited to ensure that total trade waste discharges from across the entire zone do not exceed the volumes that were discharged from the portion of the zone that was used as the Islington Freezing Works and associated rural area. As with the Musgroves site, the wastewater restriction will limit the type of business activities that can establish

within the Business 8 Zone to essentially dry business and light industrial or commercial activities, with an attendant reduction in the risk of groundwater contamination.

7.3.20 Height

In the Business 4, ~~and Business Retail Park Zones,~~ and in the Business 8 zone within 50m of the boundary with a Living Zone or Pound Road, the maximum building height of 15m has been set at a level which would provide for the majority of built development anticipated in a suburban industrial complex, such as a large warehouse or up to 3 storey office building. A height limit is considered appropriate across the zone to ensure that built development remains in context with the surrounding suburban environment, does not disrupt the skyline of middle and long distance views, reduces the potential for conflict at site boundaries, downdraft effects and buildings that would compete with the central city skyline.

A lower standard has been set for the Business 4 and Business Retail Park zones at Ferrymead to maintain built development at a level consistent with existing buildings and in recognition of the sensitivity of this area adjacent to a Conservation zone, the Heathcote River and the Avon-Heathcote estuary margins. In addition, the zones at Ferrymead are back-dropped by the Port Hills and over-looked by residential development.

A 20m height limit has been set over the balance of the Business 8 Zone to ensure that the potential visual effects of excessively tall buildings are able to be controlled, whilst also providing for modern distribution centre warehouses. The height limit also reflects the fact that over a third of the Business 8 zone was previously zoned Business 5 (based around the old Islington Freezing Works), and was not subject to any height limit whatsoever.

~~7.5.15 Electricity transmission~~

~~The Business 8 Zone at Islington is traversed by an electricity transmission corridor and associated pylon towers. Building is restricted within the arc of the conductors (incorporating a 4.5m buffer from the edge of the swing), to ensure that any building within the corridor does not threaten the safe and efficient operation of the network or unduly restrict periodic maintenance of the network. The building line restriction also ensures that the transmission network will not create a risk of electricity transmission or arcing from the conductors to adjacent buildings or threaten the health and safety of building occupants.~~

~~7.5.15 Creation of Water Bodies~~

~~"Birdstrike" has been identified as a real threat to aircraft and the Business 8 Zone lies under the flight path of aircraft.~~

~~The rule concerning the creation of waterbodies has been incorporated to discourage the creation of non-essential water bodies that may attract birds and constitute a hazard to aircraft. The resource consent process would ensure that if waterbodies, other than for stormwater purposes were proposed, that their~~

~~location, size, design, construction, management and maintenance discourage birds species that constitute a hazard to aircraft.~~

7.3.21 Design and amenity for development in the Business 7 and 8 Zones.

Within the Business 7 Zone all new buildings, external alterations or additions require resource consent as a controlled activity with the Council's control limited to the design and amenity of the development. In the Business 8 Zone this control applies to new buildings, external alterations or additions which are located on sites with frontage to Pound Road. This provision has been inserted to address concerns over the quality of development occurring in areas that will effectively become the future 'southern gateway' and the western frontage to the City and are part of the rural/urban interface. Consequently, a higher standard of visual amenity is required, particularly with regard to the built form and the way buildings relate to the overall site with regard to fencing, on-site car parking, loading and storage areas thereby achieving a quality environmental outcome. This provision includes assessment matters to act as guidance for developers and for those assessing applications as to the appropriate level of amenity anticipated for developments in these areas.

7.3.22 Waterbodies and Birdstrike risk

The Business 8 zone is located in proximity to the Christchurch International Airport Limited aircraft approach slopes. As such, it is important that the risk of birdstrike on Airport operations is minimised. Water features are therefore not anticipated within the Business 8 zone, apart from any basins necessary for the management and disposal of stormwater. Such basins are to be designed to minimise their attractiveness for bird species that potentially create a birdstrike risk. Proposals that do not comply with this rule are to be limited notified to Christchurch International Airport limited so that CIAL can have the opportunity to respond to potential risk posed by such proposals.

PART 9 GENERAL CITY RULES

Section 4.0 – Utilities,

Amend Community and Critical Standards by inserting reference to the Business 8 Zone,

4.4.7 Electricity Transmission Line Corridor – Restricted Discretionary Activity

For the transmission lines shown on Part 2, Appendix 3S – Outline Development Plan (Awatea) and **Part 3, Appendix 18, Outline Development Plan Business 8 Zone – Islington** the:

- Erection of a building; or
- Planting of vegetation that can exceed a height of 3m when mature; or
- Erection of any other structure that exceeds 3m in height

shall be a restricted discretionary activity where located between 12 and 32 metres from the centre line at ground level of the transmission corridor.

Except that: this rule shall not apply to buildings or structures erected for the purpose of electricity transmission by a Network Utility Operator.

For the purpose of this rule the 12 and 32 metres shall be measured horizontally from the centre point at ground level.

Advice Note:

The Electricity Transmission Line network utility owner or operator shall be considered an affected party for any activity requiring consent.

Any application within the transmission line corridor in the Business 8 Zone need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited.

4.4.8 Electricity Transmission Line Corridor – Non Complying Activity

Within 12 metres either side of the centre line of the transmission lines shown on Part 2, Appendix 3S – Outline Development Plan (Awatea) **and Part 3, Appendix 18 Outline Development Plan Business 8 Zone (Islington)**, there shall be no:

- Erection of a building; or
- Planting of vegetation that can exceed a height of 3m when mature **(except in the Business 8 Zone)**; or
- Erection of any other structure that exceeds 3m in height

Except that: this rule shall not apply to buildings or structures erected for the purpose of electricity transmission by a Network Utility Operator.

For the purposes of this rule the 12m shall be measured horizontally from the centre point of the transmission line at ground level.

4.5.3 Assessment Matters - Electricity Transmission Line Corridor as shown on Part 2, Appendix 3S – Outline Development Plan (Awatea) and Part 3, Appendix 18, Outline Development Plan Business 8 Zone (Islington).

- (a) Where an application for resource consent for building(s) is considered, the Council’s discretion shall be restricted to the following:
- the risk to the structure and functioning of the transmission line;
 - the effects on the ability of the transmission line owner (or an authorised agent) to operate, maintain and upgrade the high-voltage transmission network;
 - the proximity of buildings to electrical hazards;

- the risk of electrical hazards affecting public safety, and/or risk of property damage;
- the risk of electrical faults causing disruption to electrical supply;
- the extent of earthworks required, and use of mobile machinery near the transmission line corridor which may put the line at risk;
- the risk of electrical hazards due to the mature height of any associated vegetation, including within landscaped areas;
- the siting of building(s) in relation to transmission lines to minimise visual effects from transmission lines;
- the risk of generating radio interference or earth potential rise;
- any other matters set in plans for buildings;
- extent of compliance with NZECP34:2001;

Clause 4.6 Reasons for Rules:

A special provision requires a minimum separation distance between buildings, structures and vegetation and high voltage transmission lines. The reasons for this rule include minimising the health and safety risk to persons, maintaining a high level of security supply, and preserving access for maintenance. In Awatea, it is anticipated that the current position of the high voltage transmission lines will be used as a future open space connection point to Westlake Park. **In Islington it is anticipated that the current position of the high voltage lines will, in part, align with road corridors and storm water attenuation areas.** An exemption is made for buildings and structures erected for the purpose of electricity transmission. On occasion plant and equipment that supports and ensures the continuing function of electricity transmission will be required to be erected in the minimum separation distances.

5.6 Filling and excavation on other land

Table 1 -- "Filling and excavation -volume and depth of material"

(g) Business 5, ~~and 6~~ **and 8** Zones, Business 7 Zone on that area shown as hatched on Part 3, Appendix 12, Central City, Special Purpose (Ferrymead) Zone, - Area D Special Purpose (Wigram) Zone – Areas b and B1

Insert new rules 5.7 Rule: Filling and Excavation Under Transmission Lines Business 8 Zone

Except for earthworks for existing and new Network Utilities, no earthworks (including both filling and excavation) shall be carried out within 12 metres from the centre line of the electricity transmission lines shown on outline development plan Business 8 Zone Islington.

Any application for earthworks within the transmission line corridor need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited.

Insert new Assessment Matters 5.9.7 Filling and Excavation Under Transmission Lines – Business 8

- a) Any effects on the integrity of the transmission line.**
- b) The volume, area and location of the works, including temporary activities such as stockpiles in relation to the transmission line corridor and infrastructure.**
- c) The timing and duration of the works.**
- d) The effectiveness of the proposed site remediation and the long-term protection of effects on the transmission line.**
- e) The use of mobile machinery near the transmission line which may put the line at risk.**
- f) The extent to which the proposal will comply with NZECP 34:2011.**
- g) Outcomes of any consultation with Transpower New Zealand Limited.**

PART 10 HERITAGE AND AMENITIES

3.0 Display of Outdoor Advertisements

3.4.1 Area and number

(d) Business RP, 3, 3B, 4, 4P, 4T, 5, ~~and 7~~ **and 8** Zones, Special Purpose (Hospital, Airport, Rail, Landfill, Transfer Station) Zones, Special Purpose (Wigram) Zone - Areas, A, B and B1, and scheduled service stations.

(i) The maximum total area of outdoor advertisements on any site shall be 10% of the site frontage area provided that the maximum area of any single free-standing outdoor advertisement shall be 18m².

For the purpose of this rule, site frontage area means the length of the road frontage of the site multiplied by 5m.

(ii) The total number of free-standing outdoor advertisements on any site shall be one except that for sites with more than 40m of road frontage, the maximum number of free standing outdoor advertisements shall be one for every 20m of road frontage provided that no more than two of these free-standing outdoor advertisements shall exceed 1m² in area.

PART 11 HEALTH AND SAFETY

1.0 Control of Noise

1.3.1 Standards for the control of noise on zone boundaries

(...) Notwithstanding Clause 1.3.1(a), for the purposes of these rules;

- (a) the requirements applicable at the boundary of the Business 4 Zone (Peer/Athol/Brodie Streets) may be exceeded by no more than 5dBA (night-time only).
- (b) **The Group 1 zone noise limits shall apply to noise from any site in the B8 zone that is received at or within the boundaries of any property in the Living 1 Zones, or at the notional boundary of any dwelling in the Open Space 2 and Rural 5 zone.**

1.3.2 Noise standards -- Zone groupings and sites containing scheduled activities

(c) Group 3 Zones (least noise sensitive zones) include:

Business 3, 5, **8** and Retail Park Zones Moorhouse Central only, being the area bounded by Moorhouse Avenue, the railway corridor, Antigua Street and Colombo Street....

2.0 Control of glare

2.3.4 Glare standards – Group 3 Zones

Group 3 Zones include:

- Business 3, 5, 4P, 6, **8** and Retail Park Zones (Moorhouse Central only, being the area bounded by Moorhouse Avenue, the railway corridor, Antigua Street and Colombo Street)

(...)

(a) Community standard

Any activity which results in a greater than 20.0 lux spill (horizontal and vertical) of light shall be a discretionary activity.

3.0 Hazardous Substances

3.1 Statement

(...) The Regional Council also has functions relating to hazardous substances, and in particular the effects of discharges of hazardous substances on groundwater, surface waters and coastal waters.

The Business 8 Zone is located over the Groundwater Recharge Zone west of the city. It is an expansion of the previous Business 4 and Business 5 zoning applying over the old Freezing Work site and its immediate surrounds. This previous zoning provided for a wide range of heavy industries including those able to store, use, manufacture, or dispose of significant quantities of hazardous substances, some of which have the potential to adversely effect groundwater. The Business 8 Zone contains specific restrictions on hazardous substances such that the range and volume of such substances is restricted to a level less than that which would have been realistically expected under the much smaller Business 5 zoning previously applying in this area.

Further refinement of standards (...)

Environmental results anticipated

(...)

(h) the avoidance of groundwater contamination as a result of controls on the range and volume of hazardous substances able to be used, stored, manufactured, or disposed of in the Business 8 Zone over the Groundwater Recharge Zone.

3.2.2 Reference to regional rules

There are regional rules applicable to the storage of hazardous substances in underground and above ground tanks and in the coastal marine area. Any disposal of specified groups of hazardous substances may be subject to regional rules and/ or regional resource consents. **In particular, attention is drawn to the provisions of the Natural Resources Regional Plan, Chapter 4 (Water Quality). A number of business areas in the south and west of the City, including all of the Business 8 zone, overlie the Christchurch Groundwater Recharge Zone as identified in Chapter 4 of the NRRP. That NRRP contains separate provisions regulating hazardous substances which may have significant impacts on the status of industrial activities seeking to locate within these areas and within the Business 8 Zone, including a list of specific activities which are restricted from locating in areas overlying the groundwater recharge area due to their potential to contaminate the City's groundwater supply in the event of accidents or spillages.**

The restrictions in the NRRP are additional to those in the City Plan, and it is emphasised that certain activities which may comply with the rules regulating hazardous substances under the City Plan may require resource consent from the Regional Council, or even be prohibited, under the NRRP.

(Note: This is an interim situation until such time as a more integrated approach for dealing with Hazardous Substances can be developed with the Regional Council).

3.3.5 Critical standards

Ad d the following clause:

(e) In the Business 8 Zone, the underground storage of hazardous substances shall be a non-complying activity.

3.3.6 Exceptions

(a) In Group 3 and 4 zones (**apart from any site within the Business 8 zone**), and on sites containing scheduled service stations, the storage and retail sale of petrol, and the storage of aviation fuel (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres in underground tanks) shall be a controlled activity...

3.5 Reasons for Rules

Amend the fifth paragraph as follows:

The standards in the Group 3 zones reflect their location adjoining living and rural zones, but also the likelihood that greater quantities of hazardous substances may need to be stored or used in these zones. Greater flexibility is available through the discretionary activity assessment to consider the level of use or storage appropriate for the particular site. **Within the Business 8 zone no underground storage is permitted in recognition of the potential risks to groundwater in this area.**

Schedule 2 – Zone groupings for hazardous substances

Schedule 2 - Zone Groupings for Hazardous Substances			
Group 1	Group 2	Group 3	Group 4
<ul style="list-style-type: none"> All living zones except Living 5 Zone 	<ul style="list-style-type: none"> All rural zones 	<ul style="list-style-type: none"> Living 5 Zone 	<ul style="list-style-type: none"> Business 3, 4P, 5 Zones
<ul style="list-style-type: none"> Special Purpose (Pedestrian Precinct) Zone 	<ul style="list-style-type: none"> All conservation zones 	<ul style="list-style-type: none"> Business 6 Zone (Johns Road) 	<ul style="list-style-type: none"> Business 6 Zone (Chaneys)
<ul style="list-style-type: none"> Any parts of the Special Purpose (Rail) Zone within 25m of a living or rural zone boundary except for goods in transit 	<ul style="list-style-type: none"> Business 7 Zone excluding area shown as hatched on Part 3 Appendix 12 for mushroom farming 	<ul style="list-style-type: none"> Business 1, 2, 2P, 3B, 4, 4T and Retail Park Zones <u>Business 8 Zone⁽²⁾</u> 	<ul style="list-style-type: none"> Business 7 zone area shown as hatched on Part 3 Appendix 12 for mushroom farming
	<ul style="list-style-type: none"> Special Purpose (Ferrymead) Zone - Areas A, B and C 	<ul style="list-style-type: none"> Central City Zone 	<ul style="list-style-type: none"> Sites containing designated electricity substations ⁽¹⁾
	<ul style="list-style-type: none"> Special Purpose (Wigram) Zone - Area A, B1 and B 	<ul style="list-style-type: none"> Central City Edge Zone 	<ul style="list-style-type: none"> Cultural 4 Zone
		<ul style="list-style-type: none"> Cultural 1, 2, 3 Zones 	<ul style="list-style-type: none"> Special Purpose (Airport) Zone ^(1a)
		<ul style="list-style-type: none"> All open space zones 	<ul style="list-style-type: none"> Special Purpose (Hospital) Zone
		<ul style="list-style-type: none"> Special Purpose (Ferrymead) Zone - Area D 	<ul style="list-style-type: none"> Any parts of the Special Purpose (Rail) Zone which are more than 25m from a living or rural zone boundary except for goods in transit
		<ul style="list-style-type: none"> All scheduled activities 	
		<p><u>⁽²⁾Refer to Clause 3.3.5(e)</u></p>	<p>⁽¹⁾ Refer to Clause 3.3.6 (f)</p>
			<p>^(1a) Refer to Clause 3.3.6 (d)</p>

PART 13 TRANSPORT

2.2.1 Parking space numbers

Add an additional point to the clarification of Tables 1(a) and 1(b) as follows:

10. In calculating parking for the Business 8 zone, all other industrial activities that are not warehousing or distribution centres are to be calculated at the standard rate for general industrial activities.

Amend Table 1b by inserting a new row as follows:

	Visitors	Staff	Cycle parking	Loading
Industrial activities	1 space/ 800m ² GFA (1 space minimum)	11 spaces/ 800m ² GFA	1 space/ 300m ² GFA	1 HGV bay/ 1000m ² GFA (1 space minimum)
<u>Business 8 Zone Warehousing and Distribution Centres</u>	<u>1 space/ 2000m² GFA (1 space minimum)</u>	<u>4.5 spaces/ 1000m² GFA</u>	<u>1 space/ 300m² GFA</u>	<u>1 HGV bay/ 1000m² GFA (1 space minimum)</u>

PART 14 SUBDIVISION

Amend Rule 4.3.3 Minimum standards - Business zones as follows:

Every allotment to be created by a subdivision shall comply with the minimum standards specified for each zone below, except as provided for in clauses 4.3.8, 4.3.12, and 4.3.13.

(...)

Business 3, 3B, 4, 4P, 4T, Retail Park, **5, 8**

500 m²

Add clause

27.0 Outline Development Plan Business 8 Zone Islington – Additional Controls

27.1 Development Standards

(a) **Any application for subdivision of land in the Business 8 Zone which creates new lots for business purposes, and which are located wholly between Pound Road and the internal road immediately to the east of Pound Road (as shown on the ODP in Appendix 18, Part 3) ~~with a boundary to Pound Road~~ shall be accompanied by a landscape plan for:**

(i) the area of land identified in Appendix 18(a) and (b) Part 3, requiring specific landscape treatment. The plan submitted shall be in accordance with the appropriate design shown in Appendix 18.

(ii) the balance of any new lot frontage areas ~~the new lots~~ located within 10m of the Pound Road boundary that are not already covered by the specific plans in Appendix 18(a) and 18(b), Part 3.

(b) ~~The~~ Landscape plans shall detail the plant species, density of planting, and the planting and maintenance programme, including irrigation, weed control and replacement of dead and diseased plants.

(~~b~~c) With respect to any subdivision within the transmission line corridors shown on the Outline Development Plan, Part 3, Appendix 18, Business 8 Zone, Islington:

No allotment shall be created within the transmission line corridors other than an allotment to provide for a network utility (for example stormwater), that does not allow for a building that complies with Clauses 4.4.7 and 4.4.8 Volume 3 Part 9.

Assessment Matters

- (a) The use of conditions to require the progressive remediation of contaminated land, and in particular to ensure that any remediation plan takes into account the historic landfill.
- (b) The use of conditions to require a financial contribution, towards the extension of Halswell Junction Road, linking to the central spine road shown on the Outline Development Plan, Part 3, Appendix 18 and through to Pound Road.
- (c) When considering an application for subdivision within the transmission line corridors shown on the Outline Development Plan, Part 3, Appendix 18, the Council shall reserve its control over:
 - (i) the extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the line, or lot layout.
 - (ii) the ability for maintenance and inspection of the transmission line, including ensuring access for the same.
 - (iii) the extent to which the design and development will minimise risk or injury and/or property damage from such lines.
 - (iv) the extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms and landscape design.
 - (v) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
 - (vi) The outcomes of any consultation with the affected utility operator.
- (d) With respect to the landscape treatment of the Pound Road frontage:
 - (i) The use of conditions to require implementation of the planting plan along the full frontage of Pound Road (including that area covered by

Appendix 18(a) and 18(b) in Part 3, prior to the issue of a Section 224 certificate, except as provided for in (d)(ii) and (iii) below.

- (ii) The Pound Road frontage shown in Appendix 18, Part 3 affected by a proposed road realignment shall be subject to a condition that planting is not implemented until such time as the final location of the realignment is confirmed and the road is constructed.
- (iii) Conditions on implementation need not be imposed on the portion of frontage subject to Appendix 18(a) or (b) if planting in full accordance with Appendix 18(a) or (b) in Part 3 has already been established.
- (iv) These conditions should also require that such landscaping be irrigated for a minimum of five years from the time of planting to ensure the landscaping is able to become established.
- (v) The extent to which the proposed landscape treatment will be effective in softening and / or screening any future buildings and creating a quality rural/urban interface as viewed by users of Pound Road and occupiers of the adjoining open space and rural zones;
- (vi) The extent to which the proposed landscape treatment includes a mix of canopy specimen trees and underplanting;
- (vii) The number and spacing of specimen trees. In general this should comply with the minima criteria set out in Rule 3-5.2.7(b);
- (viii) The extent to which the proposed landscape design will ultimately achieve a consistent and high quality landscape treatment along the entire Business 8 Zone frontage of Pound Road. In general this shall include:
 - A predominance of ~~The use of~~ evergreen species with a lesser proportion of deciduous specimen trees
 - Adoption of a sustainable planting and maintenance plan which minimises energy inputs such as irrigation and fertiliser
 - A planting pattern and species choice that it is simple and bold so as to provide design continuity and consistency and is in general accordance with the landscaping shown on Appendix 18(a) and 18(b) in Part 3
 - The use of plants that are readily available
 - The use of plants that are adapted to local soils – namely Templeton soil type
 - The use of plants that are naturally drought and disease resistant
 - A planting pattern and density of plants that will result in a landscape outcome that is aesthetically pleasing with no avoidable gaps
 - That the trees are able to attain sufficient height to soften the appearance of buildings

PLANNING MAPS

Amend Planning Maps 36A and 43A to show new Business 8 Zone

Add new Appendix 18 Outline Development Plan to Volume 3 Part 3.+

Amend the Outline Development Plan by

(1) Showing the alignment of the Bromley-Islington A 220dV transmission line along with the following notation:

Electrical Transmission Line Corridor

- Area of the “non-complying zone (12 metres either side of the centre line of the transmission line ; and
- Area of the “assessment zone” (a further 20m either side of the non-complying zone).

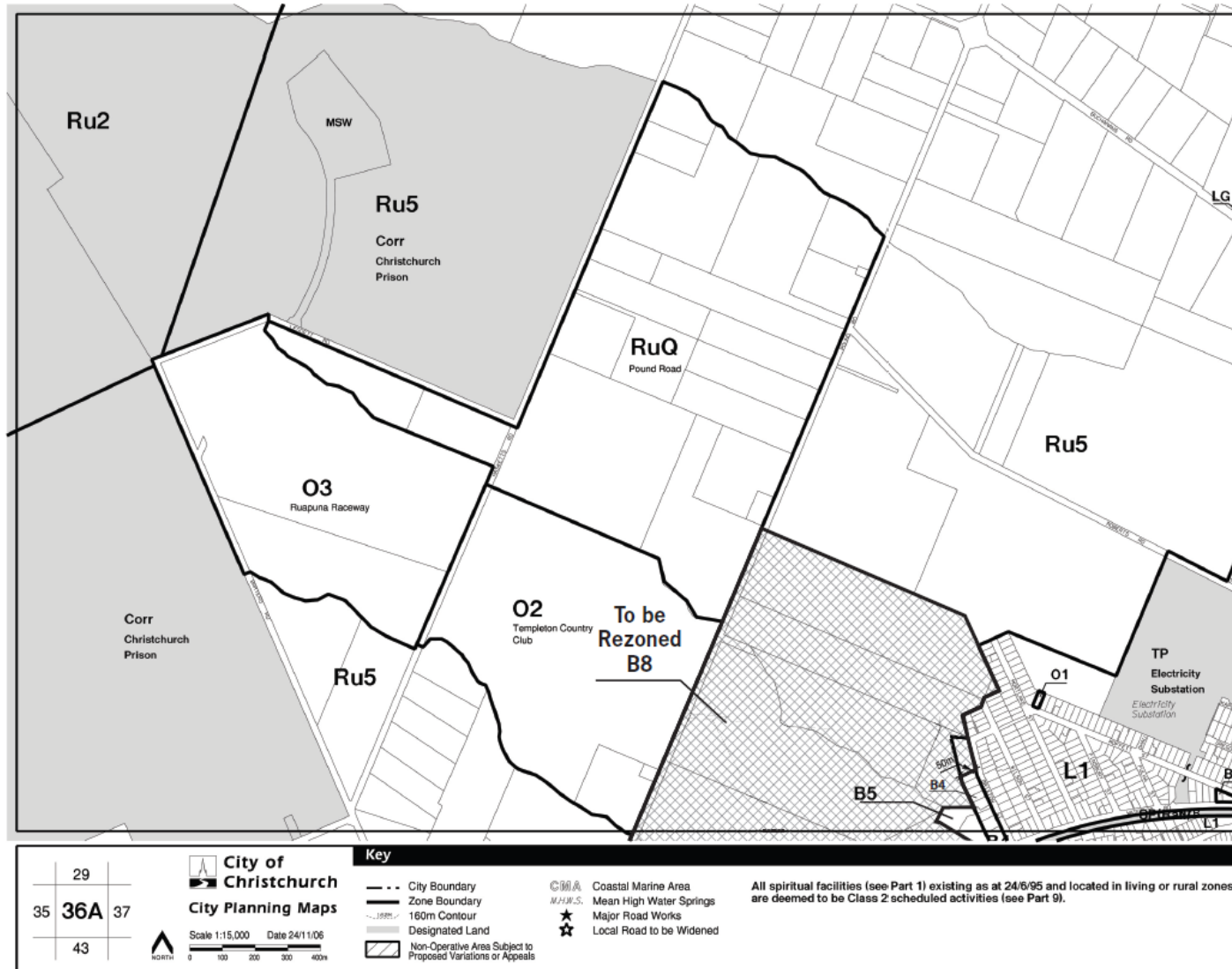
(2) Adding a building setback line which aligns with the southern boundary of the Templeton Golf Course on the opposite side of Pound Road. Add the notation to the key along with the words (See Rule 5.2.3).

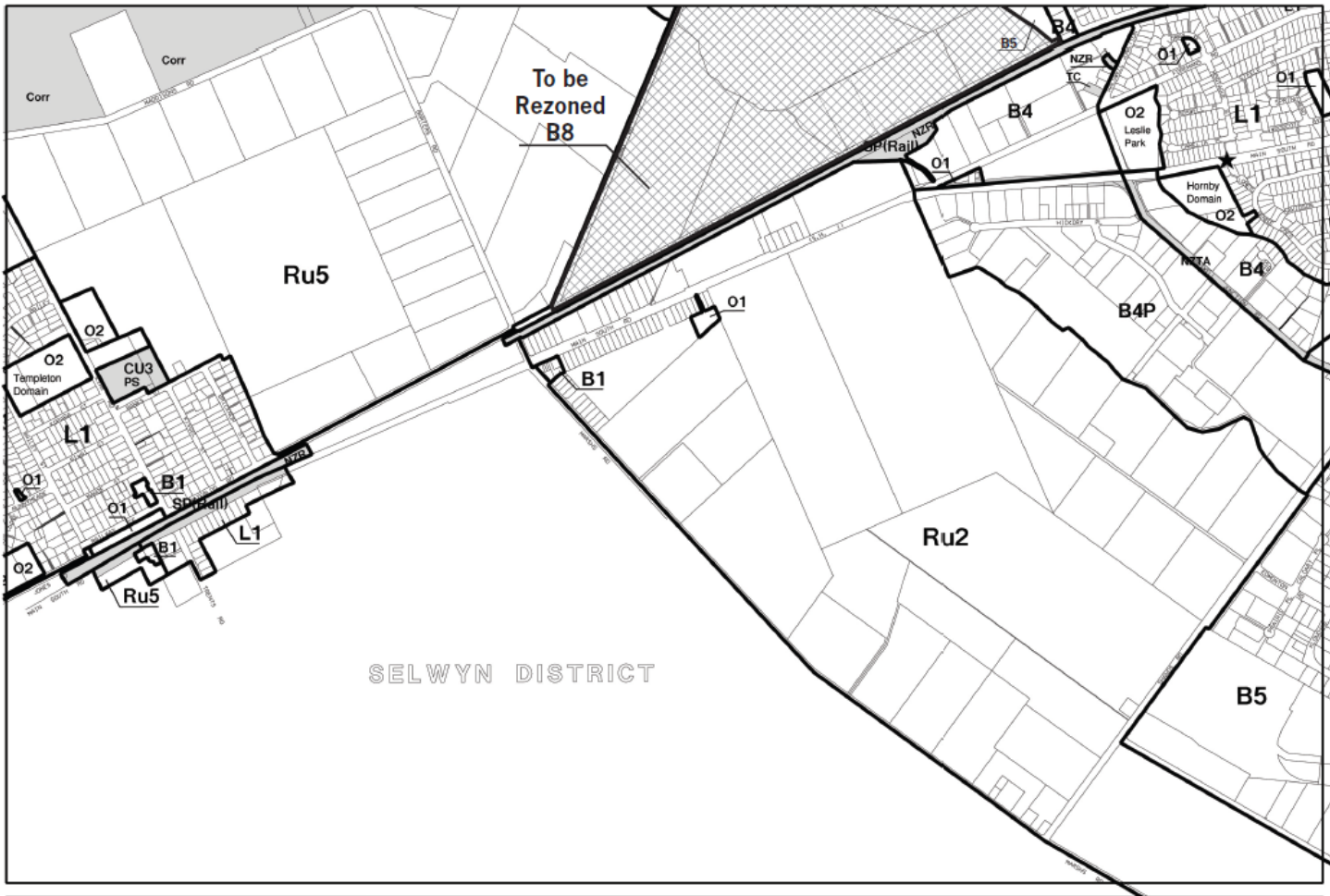
(3) Add the words “Collector Road Status” next to the Central Spine Road in the key.

(4) Under Pound Road Frontage amend the references to the rules to (5.2.3, 5.2.7, 5.2.9 and 5.2.10 and 5.4.6 apply).

(5) Delete the northern and southern connections to Pound Road (the southern connection being shown in the inset).

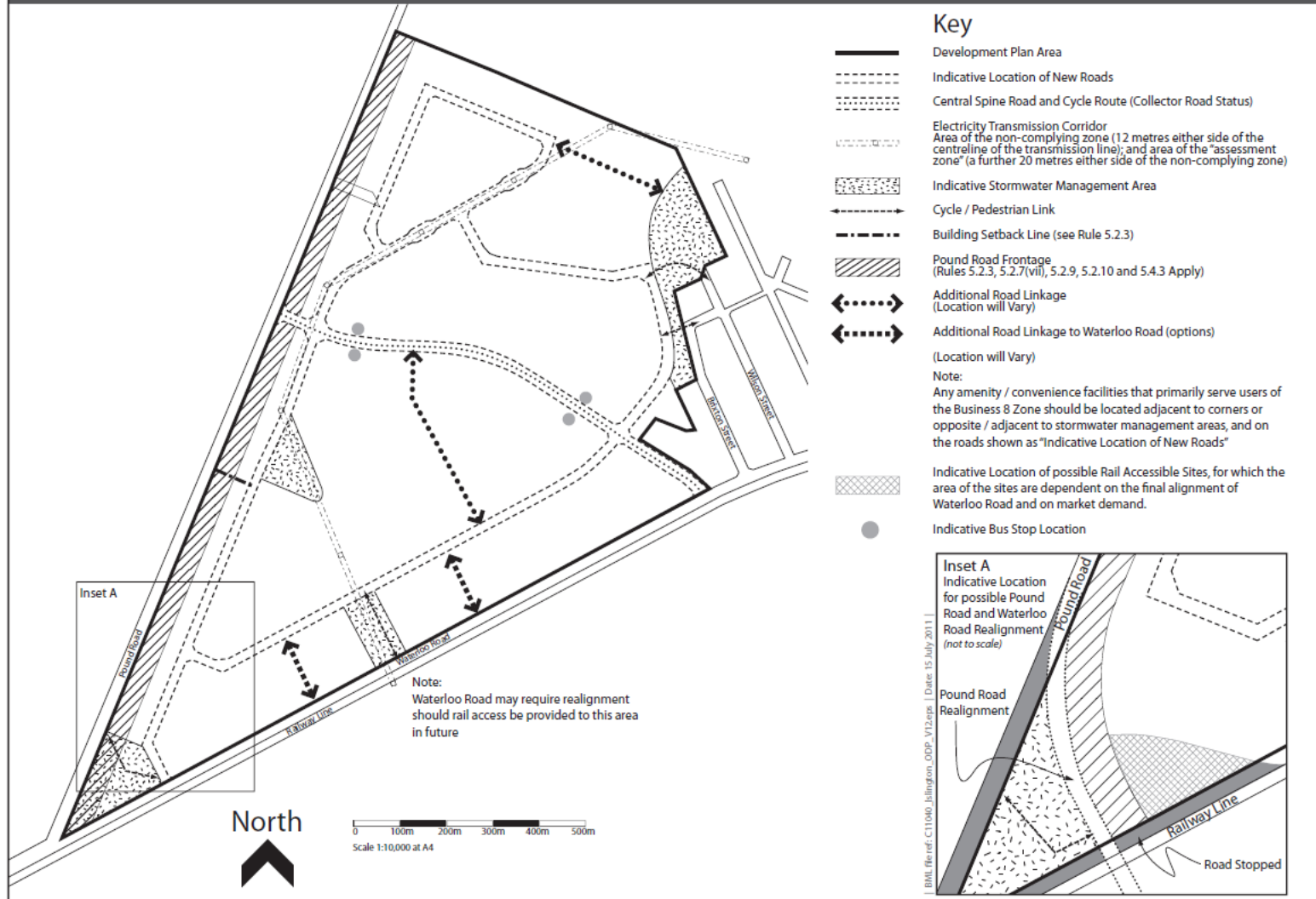
(6) Add a note stating “Waterloo Road may require realignment should rail access be provided to this area in the future.”



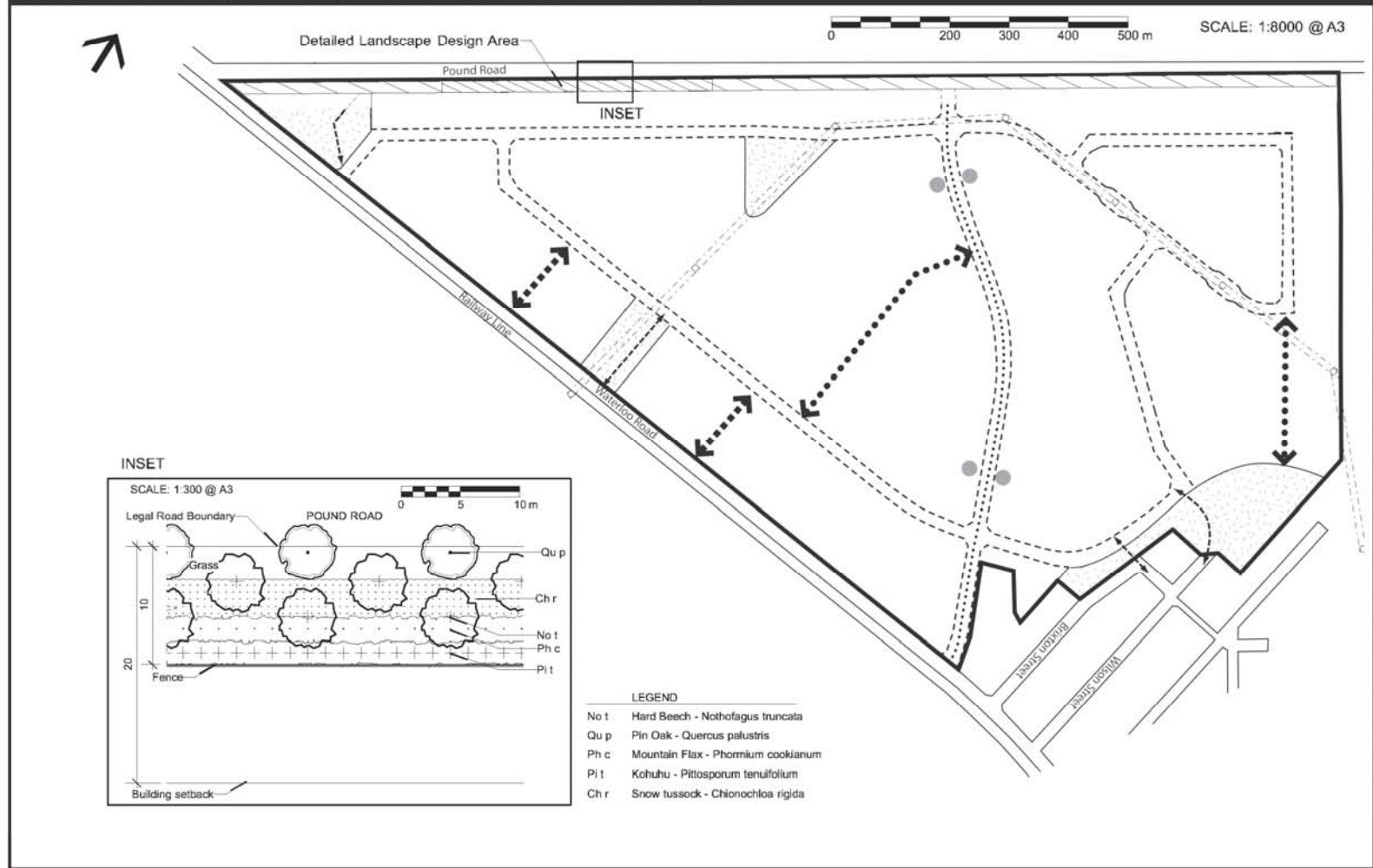


36	<p>City of Christchurch City Planning Maps</p> <p>Scale 1:15,000 Date 20/05/09</p> <p>0 100 200 300 400m</p>	Key		<p>All spiritual facilities (see Part 1) existing as at 24/6/95 and located in living or rural zones are deemed to be Class 2 scheduled activities (see Part 9).</p>
42 43A 44		<p>--- City Boundary</p> <p>— Zone Boundary</p> <p>--- 160m Contour</p> <p>■ Designated Land</p> <p>▨ Non-Operative Area Subject to Proposed Variations or Appeals</p>	<p> Coastal Marine Area</p> <p> Mean High Water Springs</p> <p> Major Road Works</p> <p> Local Road to be Widened</p>	
50				

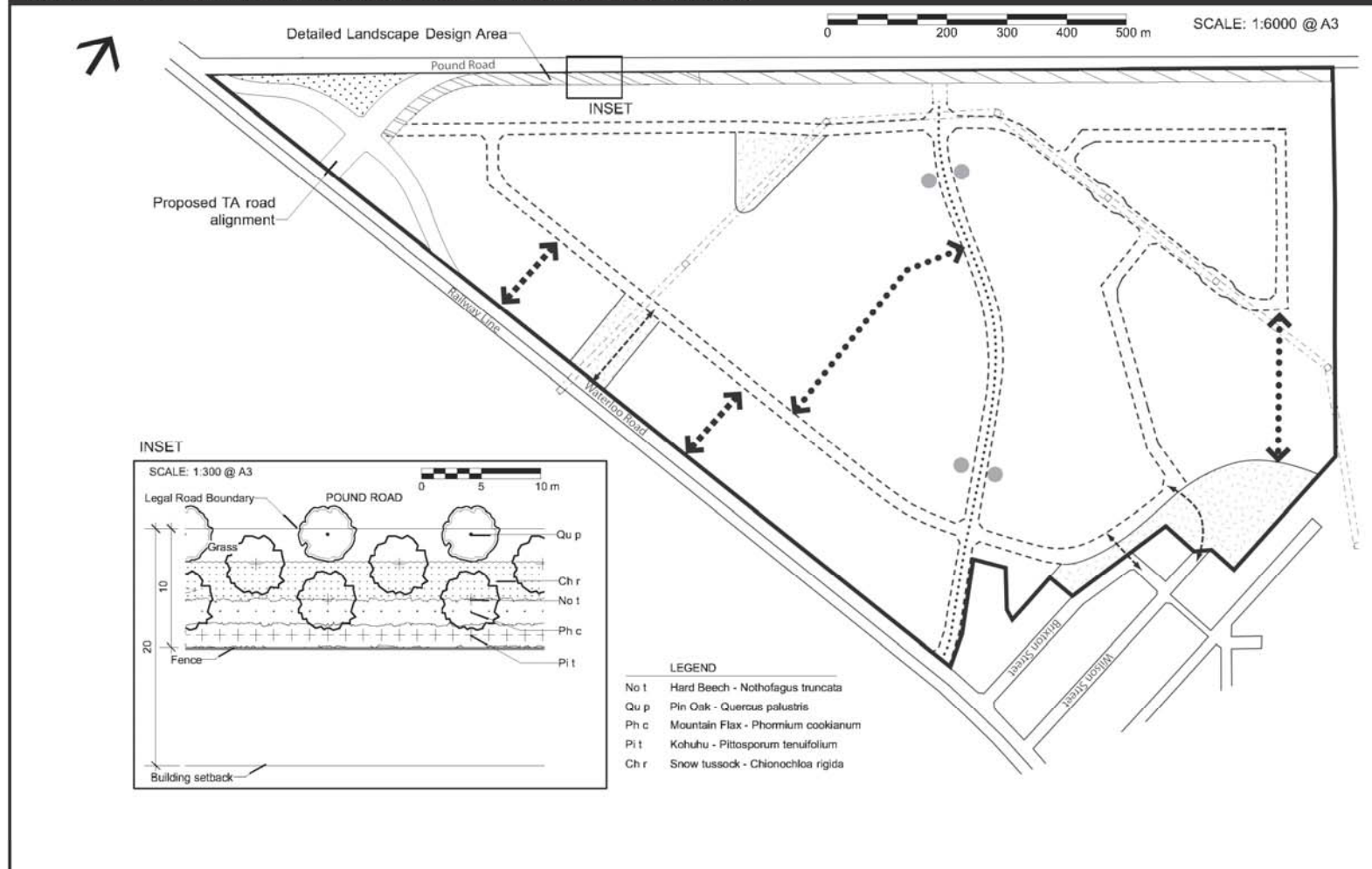
Appendix 18 - Outline Development Plan - Business 8 Zone (Islington)



Appendix 18a - Outline Development Plan - Business 8 Zone (Islington)



Appendix 18b - Outline Development Plan - Business 8 Zone (Islington)





10. MAKING THE PROPOSED BANKS PENINSULA DISTRICT PLAN OPERATIVE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager District Planning
Author:	David Punselie, Statutory Administration Officer

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council give its final approval to the Proposed Banks Peninsula District Plan.

EXECUTIVE SUMMARY

2. The Proposed Banks Peninsula District Plan has reached the stage where it can be made operative. A brief history of the plan follows.
3. The plan was prepared between 1992 and 1996. It was publicly notified in January 1997 and attracted 1138 submissions. A significant number of these submissions opposed, or sought modification to, the controls on land use and subdivision in the rural areas of the district, particularly in areas identified in the plan as being within 'Landscape Protection Areas" or "Coastal Protection Areas". These areas encompassed some 50,000 hectares of the 96,000 hectares of rural land in the district. Other submissions were concerned about the imposition of controls on rural activities generally, particularly where these might restrain farming or forestry activities.
3. In 1999 the Council proceeded to hear and determine submissions on some aspects of the plan dealing with the urban areas of the District. However, rather than proceeding with the hearing of submissions on rural provisions, and in an attempt to resolve significant criticisms, the Council, in 1997, began an informal dialogue with submitters and other parties with an interest in the rural area. This grouping, which became known as the Rural Task Force, made recommendations to the Council in September 1999 and these recommendations were largely used by the Council as the basis for a variation to the rural provisions of the proposed plan. This variation (Variation 2) was publicly notified in August 2002 and attracted 161 submissions. These submissions, and the original submissions on the plan's rural provisions were heard by the Council in mid 2004 and, in 2005, the Council made its decision on these submissions.
4. As part of its decision on Variation 2 the Council resolved to commission a comprehensive landscape assessment of Banks Peninsula to confirm the location and extent of outstanding natural features and landscapes and those areas exhibiting the natural character of the coastal environment. Thirty-three appeals were lodged against the Council's decision on Variation 2. Following Court appointed mediation, the appellants in 2006 agreed to an adjournment of their appeal to allow the landscape study to be undertaken. The study was completed in April 2007 and, following further mediation of the appeals, three mediated agreements were reached between various parties. A consent order dealing with some matters was issued by the Environment Court in September 2007 and, in April 2008, the Court issued its decision on all other outstanding issues raised by the appeals.
5. Apart from the 33 appeals on Variation 2, at the time of amalgamation of Banks Peninsula District and Christchurch City in 2006, the following matters remained unresolved:
 - two appeals on Lyttelton Port Noise Issues and Zone boundary
 - hearing and decision on Variation 6 Helicopter landing sites
 - hearing and decision on Chapter 32 financial contributions; preparation of Variation 8 financial contributions and hearing and decision on submissions
 - hearing and decision on Chapter 39 Monitoring and Review Procedures.
6. All these matters have now been resolved and there are no outstanding proceedings. An ecological study of Banks Peninsula that the Council is undertaking in accordance with the 2007 Environment Court Consent Order is nearing completion and amendments to the District Plan arising from Council decisions on that study will be incorporated into the plan by way of the plan change process under Schedule 1 of the Resource Management Act 1991.

10 Cont'd

LEGAL AND FINANCIAL CONSIDERATIONS

7. Giving final approval to the Banks Peninsula District Plan and making it operative are required steps under the Resource Management Act 1991 (the Act). There are four main legal consequences that follow from this step, namely:
- the former transitional district plans (Lyttelton, Akaroa, Mt Herbert and Wairewa) cease to apply
 - any person may apply to change the district plan and have their request consider under a formal process set out in the Act
 - the Council can modify the district plan by way of the plan change process
 - the 10 year review period starts to run.

The main financial implication of adopting the recommendation will be some simplification of processing resource consents and enforcement matters due to the transitional plans no longer having to be considered.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

8. Yes. Supports the district plan measure of making the plan operative.

Do the recommendations align with the Council's strategies?

9. Not applicable.

CONSULTATION FULFILMENT

10. Giving final approval to a district plan prior to making it operative is a procedural step required by the Act. Consultation is not required.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to Clause 17(1) of Schedule 1 Resource Management Act 1991, the Banks Peninsula District Plan.
- (b) Authorise the Group Manager, Strategy and Planning to set and publicly notify the date on which the District Plan shall become operative.

COUNCIL 27. 9. 2012

11. NOTICES OF MOTION

The following Notices of Motion have been submitted pursuant to Standing Order 3.10.1:

11.1 Councillor Aaron Keown:

“That the Council ask staff to prepare a report on the introduction of a public displayed rating system based on a building’s current per cent of new build code.”

11.2 Councillor Helen Broughton:

“That the Christchurch City Council has a strong commitment to democracy in Christchurch/Canterbury. We request an urgent meeting with the Minister of Local Government to seek clarification of the rationale for the postponement of the 2013 ECan elections and the proposed structure for local government going forward. Note: The Minister and Associate Minister of Earthquake Recovery are also to be invited.”

11.3 Councillor Glenn Livingstone:

“That Christchurch City Council records its strong disappointment at the Government’s decision to cancel the ECan Elections in 2013 and agrees to:

- Write to the Minister of Local Government and local MPs expressing a desire for a return to an elected ECan as a matter of urgency.
- Requests LGNZ Zone representatives to convey concern to LGNZ over the loss of local democracy and lack of engagement with local Councils over this decision.
- Requests that the Triennial Agreement be amended to establish better and more regular reporting mechanisms in regards to Canterbury Mayoral Forum and request that the minutes from this forum be made public.

12. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.



COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 13, 14, 15, 16, 17 and 18.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
13.	CONFIRMATION OF MINUTES – EXTRAORDINARY COUNCIL MEETING OF 20 SEPTEMBER 2012)	
14.	REPORT OF A MEETING OF THE CORPORATE AND FINANCE COMMITTEE: MEETING OF 14 SEPTEMBER 2012)	
15.	ISAAC THEATRE ROYAL – RESTRUCTURE OF LOAN SECURITIES) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
16.	JOINING APPEALS TO HIGH COURT ON ENVIRONMENT CANTERBURY'S PROPOSED REGIONAL POLICY STATEMENT)	
17.	ETHICS SUBCOMMITTEE – APPOINTMENT OF CONVENOR)	
18.	INTERIM APPOINTMENT TO CANTERBURY DEVELOPMENT CORPORATE BOARD)	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
13.	Maintaining legal professional privilege.	7(2)(g)	There is good reason for withholding the information contained in this report as it provides legal advice to the Council so needs to be considered in private.	-
14.	Commercial activities	7(2)(h)	Withholding the information is necessary to enable the Council to carry out, without prejudice or disadvantage, commercial activities.	Never
14.	Prejudice commercial position	7(2)(b)(ii)	Commercially sensitive information during RFP process	Never
14.	Protection of privacy of natural persons	7(2)(a)	Until the appointments are approved it is reasonable for the name of the proposed person to be kept confidential as it could damage their reputation and personal privacy if the Council chooses to not approve the appointment for some reason.	Full report can be released following advice to the individuals

COUNCIL 27. 9. 2012

ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
15.	Enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities.	7(2)(h)	Commercial Activities.	To be decided by the Council.
16.	Legal professional privilege.	7(2)(g)	To keep legal advice confidential from other parties.	When litigation is complete.
17.	To protect the privacy of a natural person.	7(2)(a)	To protect the privacy of the proposed appointee to the Ethics Subcommittee until the appointment is made formally by the Council.	Once the appointment is made.
18.	Protection of privacy of natural persons.	7(2)(a)	Until the appointments are approved it is reasonable for the name of the proposed person to be kept confidential as it could damage their reputation and personal privacy if the Council chooses to not approve the appointment for some reason.	Full report can be released following advice to the individuals.

Chairperson's

Recommendation: That the foregoing motion be adopted.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
 - (b) Shall form part of the minutes of the local authority.”