

## **The Proposed Christchurch Replacement District Plan**

### **Submission of Rod Donald Banks Peninsula Trust**

**Submitter Details:**

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The Rod Donald Banks Peninsula Trust (Trust) will not gain any advantage in trade competition through this submission.

The Trust wishes to be **heard** in support of this submission.

The Trust will consider presenting a joint case with others making a similar submission.

This submission relates to:

<b>Proposal 2.</b>	<b>Definitions</b>
<b>Proposal 6.</b>	<b>General Rules</b>
<b>Proposal 8.</b>	<b>Subdivision, Development and Earthworks</b>
<b>Proposal 17.</b>	<b>Rural</b>
<b>Proposal 18</b>	<b>Open Space</b>

## INTRODUCTION

The Rod Donald Banks Peninsula Trust (Trust) is a charitable trust founded by the Christchurch City Council in 2010 for the benefit of the present and future inhabitants of Banks Peninsula and for visitors to the area.

The Trust's activities focus on the area formerly administered by the Banks Peninsula District Council (the Region).

The Trust seeks to work in partnership with other organisations to achieve its objectives and to align activities with the projects and initiatives of Christchurch City Council.

Two principle objectives of the Trust are:

- To promote sustainable management and conservation (consistent with the purposes and principles of the Resource Management Act 1991 and the Conservation Act 1987 and any replacement legislation) of the natural environment in the Region;
- To establish, support or facilitate environmental based projects that are focussed on:
  - the maintenance and development of recreation facilities including parks, reserves, walkways and affordable camping grounds in the Region;
  - providing public access to recreation facilities including parks, reserves, walkways and affordable camping grounds in the Region;
  - the reinstatement and preservation of native vegetation in the Region;
  - the enhancement of the natural biodiversity of the Region;
  - the restoration of the Region's waterways to their natural state; and,
  - the protection of native endangered species present in the Region

In the five years since its inception, the Trust has initiated a raft of projects to support these objectives, and gained extensive experience with the policy and regulatory framework that it must work within.

The Trust has supported and facilitated biodiversity projects, through a multi-year grant and partnership with the Banks Peninsula Conservation Trust and Orton Bradley Park, and through partnerships with other organisations to purchase land, principally for biodiversity recovery, but also for the protection of waterways and to provide public walking access.

The Trust has developed a Walking and Cycling Strategy to foster and encourage projects which support the Christchurch City Council's Public Open Space Strategy 2010-2040, and has initiated projects to further the goals of the Public Open Space Strategy and provide public walking access and associated facilities, including the purchase of covenanted rural land and establishment of a tramping hut at Western Valley, to service with the Summit Walkway.

The Trust seeks District Plan provisions which will enable it and others to further its objectives and projects.

## **SUBMISSION**

In this submission, where specific wording is requested, requests to delete wording are shown as ~~*struck through italic*~~ and to add wording shown as *underlined italic*. Requests which do not provide specific wording but outline general intent are shown as underlined.

*Note: The Rod Donald Banks Peninsula Trust's area of interest is limited to Banks Peninsula.*

### **General Matters**

The Trust requests amendments to the proposed Christchurch Replacement District Plan as set out under 'Decisions Requested.', or to like effect.

The Trust requests that a Table of Contents is added to the Plan, that Chapter numbers are added to the page in the footers, and that continuous page numbering is used.

The Trust requests any consequential amendments to objectives, policies, rules, matters for discretion, definitions or elsewhere, that are necessary to give effect to this submission.

The Trust would welcome the opportunity to work with the Council and any other parties to seek agreed resolutions to the matters in this submission.

## Proposal 2. Definitions

### Decision Requested.

The following amendments are requested:

#### Banks Peninsula

**Amend:** Means that part of Christchurch District ~~within the Banks Peninsula ward that was within the former Banks Peninsula District~~, as shown on Appendix 2.1.

Reason. The Banks Peninsula Ward may change in the future under the Local Electoral Act.

#### Conservation Activities

**Retain:** with the following amendment

**Add:** e. access tracks and associated structures and signs.

Reason. Tracks, including bridges, boardwalks and safety and information signs to facilitate conservation should be expressly included.

#### Customary harvesting

**Delete:** proposed definition, and

**Add:** appropriate new definition.

Reason. The definition is clearly in error and should be corrected.

#### Farm stay

**Retain**

Reason. The definition is supported in that it provides for small scale guest accommodation.

#### Rural tourism activity

**Retain:** with the following amendments

**Amend:** Means the use of land and/or buildings for agri-tourism, eco-tourism, nature tourism and adventure tourism, which may be provided for a tariff, with participants attracted to experience rural or conservation activities and/or the rural or natural environment.

a. guiding, training, education and instructing;

**Add:** d. walking and cycling tracks, and associated structures, shelters and public amenities.  
e. tramping huts.  
f. camping grounds, restricted to tents, and associated public amenities.

Reason. It may not be necessary or appropriate to charge a tariff for some activities. Conservation activities and education, walking and cycling tracks and associated accommodation should be expressly included.

## Proposal 6. General Rules

### 6.1 Noise

#### Decisions Requested:

##### 6.1.4.2.8 Helicopter landing areas

**Amend:** 6.1.4.2.8 *Helicopter Heli-landing areas*

**Add:** specific rules for Banks Peninsula, to apply to all zones, based on the rules in the Operative Banks Peninsula District Plan, including  
- only on sites greater than 3000m<sup>2</sup>  
- the number of flights do not exceed 12 (24 movements) in any calendar year, 5 in any calendar month and 3 in any week  
- shall only occur between 8am and 6pm.  
In addition the landing area should be at least 200m from any residential unit or visitor accommodation facility, unless it is on the site where the landing occurs.

Reason. The title of the rule is not consistent with the definition in Chapter 2. The definition for Heli-landing area provides exemptions for necessary helicopter landings. Helicopter landings for recreational or sightseeing purposes is not compatible with maintaining the amenity of the Banks Peninsula area for residents and other users, and their frequency and location should be tightly restricted.

### 6.8 Signs

#### Decisions Requested:

**Add new:** Policy - To enable signs that are necessary for public health and safety and to provide directions to the public.

##### Rule 6.8.3.3 Discretionary activities

**Delete:** 6.8.3.3 D5, or amend to clarify the activities being provided for.

Reason. The rule is confusing and appears to conflict with 6.8.3.1 P9

##### Rule 6.8.4.4 Free-standing signs

**Amend:** 6.8.4.4  
- to clarify whether the area is a total permitted area, or the area per sign.  
- so that the permitted maximum total area of signs in the Open Space Natural Zone and Banks Peninsula Rural Zones is 2m<sup>2</sup>, with no sign being larger than 1m<sup>2</sup> and no limit to the number of signs (regardless of vehicle or pedestrian access).  
- so as to permit signs no larger than .25m<sup>2</sup> for the purpose of providing public safety information, directions and interpretive information in association with public access and walking and cycling tracks to be permitted (with no limit on maximum total area).

Reason. The policies do not recognise or provide for necessary signage for some activities and the rules are too restrictive. Activities involving public access require signs for information, directions, health and safety, and interpretation.

## **6.6 Water Body Setbacks Decisions Requested.**

### **6.6.1 Objectives and policies**

**Retain the objectives and policies in 6.6.1 except for the following amendment:**

**6.6.1.1.2 Policy – Setbacks from water bodies  
v. Hill Waterway - Functions of the water body setback**  
**Add:** **B. Providing habitat for a wide range of terrestrial, aquatic and plant species.**  
**C. Allowing for the retention, establishment and maintenance of riparian vegetation.**  
**D. Allowing for public recreational opportunities where appropriate.**

Reason. The objective and policies are generally supported, except that Banks Peninsula waterways provide not only for open space character and amenity, but also habitats, riparian vegetation and recreation.

#### **6.6.2.3.1 Area of effect**

**v. Hill waterway**

**Amend:** **the Setback width should be 20m for streams with an average channel width of 3m or more**

Reason. The setbacks in the operative Banks Peninsula District Plan should be retained so as to allow retention and establishment of riparian vegetation and protect water quality and access for recreation and maintenance.

#### **6.11.5.1 Characteristics of water body classifications**

**v. Hill waterway**

**Amend:**

- Wildlife values may be limited because of the steep gradient, **farming use, erosion** and rapid and ephemeral flow of **many some** of these waterways, however well developed riparian vegetation is necessary to control erosion.
- Some waterways **provides significant ecological habitat and** an ecological corridor to downstream receiving environments.
- **Potential in some instances for recreational and customary use opportunities.**
- Hill waterways contribute to the open space and natural character of the Port Hills **and Banks Peninsula.**

Reason. Important characteristics of many Banks Peninsula waterways are not properly described.

## Proposal 8. Subdivision, Development and Earthworks

### 8.1 Objectives and Policies – Subdivision and Development

Decision requested:

**Add:** objectives and policies for the Rural Banks Peninsula Zone, that align with those in Chapter 17, and that recognise the rural resource and the significant environmental qualities and values of the zone, and provide for their protection through rules, including environmental compensation provisions. Include recognition of the Christchurch City Council Public Open Space Strategy 2010-2040

Reason: There are no objectives and policies for the Rural Banks Peninsula Zone.

### 8.3 District wide rules – Subdivision and development

Decisions Requested:

#### 8.3.1.1 Restricted Discretionary Activities –allotment size and dimension

Table 6a. Minimum allotment size - Rural Zones, Rural Banks Peninsula – lifestyle allotment option1

Table 6b. Minimum allotment size - Rural Zones, Rural Banks Peninsula – lifestyle allotment option2

**Amend:** (in both tables) 3. a. i. ii. lii. lv. so that the matters to be protected are those identified as outstanding, significant or important in the CRDP, or are otherwise demonstrably outstanding significant or important and provide a public benefit. Make consequential amendments to Matters for discretion.

#### 8.3.1.2 Discretionary Activities – allotment size and dimension

**Add:** Provide, as a discretionary activity, for subdivision of sites between 4ha and 40ha, or 4ha and 100ha above the 100m contour, subject to the same protection mechanisms for restricted discretionary activities as requested above.

**Delete:** ~~D5 Any subdivision in the Coastal Zone~~

#### 8.3.1.3 Non-complying Activities: Allotment size and dimension

NC3

**Amend:** NC3 Any subdivision in the Rural Banks Peninsula ~~Zone for a lifestyle allotment~~ which is 4ha or less, or which does not met the standards at D3

Reasons. The standards in tables 6a. and 6b. are too vague and the required protection needs to be limited to matters that are demonstrably significant or important and provide a public benefit. The status of subdivision between 4ha and 40ha/100ha is unclear. The importance of environmental compensation in meeting the Trust's objective is further explained under Proposal 17 below.

## Proposal 17. Rural

### 17.1 Objectives and Policies:

#### Decision Requested:

**Add:** **a specific Objective and series of Policies for the Rural Banks Peninsula Zone based on the general intent and wording of Objectives 1, 2, 3, 4 and 8 and associated Policies in the operative Banks Peninsula District Plan. In particular, objectives and policies need to recognise significant environmental qualities and values and provide for their protection through rules, environmental compensation and non-regulatory methods.**

**Add:** **New Policy - Provide for activities that further the objectives of the Christchurch City Council Public Open Space Strategy 2010-2040**

#### Reasons.

Chapter 19, The Rural Zone of the operative Banks Peninsula District Plan (BPDP) was compiled following lengthy public input and participation, an extensive and holistic Landscape Study, a range of appeals and mediated agreements and an Environment Court decision relating to 'Landscape' matters. This is described in the 'Overview'. There are 9 Objectives and associated Policies. Objectives and policies relating to natural character, landscape and amenity values, significant indigenous vegetation, habitats and ecosystems, water quality and quantity, conservation and environmental enhancement, and non-regulatory methods have not been carried over into the proposed CRDP.

This, along with the removal of the associated "Overview", "Explanation and Reasons" and the "Methods to achieve objectives and policies" in the BPDP, leaves a vacuum in the rationale for the rules for the extensive rural area of Banks Peninsula. It also removes the key objectives and policies which underpin much of the Trust's work.

Policy 8A of the BPDP states that:

*"The Council is to foster the development of non-regulatory measures including education, advocacy and assistance, which involve land managers and the community in the conservation of the valued qualities of the rural environment."*

This is closely aligned with the following objective of the Trust;

*(i) to seek the support and involvement of appropriate persons, organisations and agencies, (including the Christchurch City Council) and work alongside or collaboratively with such persons, organisations and agencies to carry out the Objects.*

The removal of this policy is a backward step in the non-regulatory management of the Banks Peninsula rural area.

It is unclear from the Section 32 analysis for Chapter 17 in the CRDP why the existing policies and objectives are not retained, and why the Rural Banks Peninsula Zone can not continue to have its own specific objectives and policies.

The Christchurch Replacement District Plan (CRDP) has amalgamated two very different District and City Plans. The distinctions between Banks Peninsula and Christchurch City need to be maintained - they are geologically, ecologically and historically and socially diverse, they have



different resource management issues and require separate management regimes for land use and protection.

The Public Open Space Strategy 2010-2040 (Strategy) was compiled and adopted by the CCC and sets out a vision for public open space over the next 30 years. It provides goals, objectives and priorities to guide the Council and its partners in the provision, development and maintenance of public open space and associated recreational activities, including on private land by negotiation and agreement with landowners. It contains principles and concepts which are closely aligned with the Trust's projects and objectives, such as the "Banks Peninsula and Kaitorete Spit Public Open Space Concept Plan" on page 47 which illustrates the network of existing and desirable parks across the Peninsula connected with proposed "primary" and "secondary" recreation routes (i.e. walkways and cycleways). If these objectives are referred to in policies in the CRDP, the Strategy can then be referred to in terms of methods for achieving them. The Strategy expects that the 'District Plan' will need to take the Strategy into account and will be one of the means for achieving its objectives through reserve development contribution, esplanade reserves and environmental compensation.

## 17.2 Rules - Banks Peninsula Rural Zone

### Decisions Requested:

#### 17.2.2.1 Permitted Activities

**Retain:** Permitted activities P1 – P19, except for the following amendments:

**Add:** Provide for walkways, cycleways and associated tramping huts (in existing buildings or new buildings of up to 100m<sup>2</sup>), camping in tents and public amenities as a permitted activity, either by including as a specified permitted activity (with associated new definitions) or by amending the definitions for Conservation activities and Rural tourism activity.

#### P20 Heli-landing area

**Delete:** P20 Heli-landing area and associated activity Specific Standards

**Reasons.** Generally support the listed permitted activities, in that they provide for farming and conservation, and small scale rural activities, including recreation and tourism.  
Walkways, cycleways and associated facilities should be expressly provided for as permitted activities. The Trust is working to further its objectives to provide for public access and recreation, through purchasing land and establishing tracks and facilities and encouraging and supporting private landowners to provide such facilities. Enabling these activities in the Rural Banks Peninsula Zone will help achieve these objectives. Such activities, subject to various appropriate standards, are consistent with other permitted activities in the zone and will not create more than minor adverse effects.

The definition for Heli-landing area provides for necessary helicopter landings. Helicopter landing for recreational purposes is not compatible with maintaining the amenity of the rural area for other users.

#### 17.2.2.4 Discretionary Activities

##### Decisions Requested:

**Add new:** **Provide for, as a discretionary activity, residential units on existing sites between 4ha to 40ha in area, or 4ha to 100ha above the 160 m Contour (where identified significant ecological areas, heritage items or public access connections are protected in perpetuity by a legal protection mechanism). Make consequential amendment to 17.2.2.5 NC2**

#### 17.8.2 Matters of Discretion for Activity Specific Standards

##### 17.8.2.5

**Amend:** **Residential activities ~~associated with a lifestyle allotment subdivision~~ on Banks Peninsula**

a. i. A enables maintenance of ~~potential~~ rural production **potential, or and** protection of **significant** indigenous biodiversity, or outstanding natural landscape **or features, natural** coastal environment ~~or feature, or significant cultural or heritage features:~~

**C. Provides for public access which aligns with the Christchurch City Council Public Open Space Strategy 2010-2040 – Objectives, and Banks Peninsula and Kaitorete Spit Open Space Concept Plan**

ii. Whether a covenant has been registered against the title to protect **in perpetuity** any natural, **cultural or heritage** features, waterways, rural production potential, ~~open character or landscape values~~ **or access connections,** and **to** avoid any further subdivision or units.

Reason. Residences should be provided for on existing rural sites greater than 4ha, where there is significant ecological protection or other public benefit. The use of rural land for conservation is increasingly common on Banks Peninsula and should be supported. Enabling a dwelling can be a substantial incentive for landowners to undertake meaningful protection. In addition the presence of a 'resident caretaker' can be valuable for the ongoing maintenance of protected areas, eg. pest control.

The features or areas to be protected should be demonstrably significant or important. 'Open character or landscape values' is too vague. Public access which provides connections that assist in achieving the objectives of the Public Open Space Strategy should be encouraged.

**Proposal 18 Open Space  
Decisions Requested.**

**18.1 Open Space Objectives and Policies**

**Retain:** the objectives and policies in 18.1 with the following amendment.

**18.1.1 Objective 1 – Provision of open space and recreation facilities**

**Add:** *viii. Recognises and provides for the objectives of the Christchurch City Council Public Open Space Strategy 2010-2040*

Reason. The objectives and policies are generally supported. The objectives of the Public Open Space Strategy should be recognized and provided for.

**18.5.2.1 Permitted Activities**

Retain 18.5.2.1 except for the following amendments.

**P6 Customary harvest**

**Delete:** ~~*P6 Customary harvest*~~

Reason. Customary harvest should be restricted to appropriate approved areas. Provisions for customary harvest should be made in Chapter 9 Natural and Cultural Heritage to be proposed in Stage 3.

**P10 Guest Accommodation - Activity Specific Standards**

**Amend:** *b. The use of **and** existing building/s on the site;*

**Add:** *d. Associated public amenities*

Reason. Public amenities should be provided for.

**P11 Farm Stay - Activity Specific Standards**

**Amend:** b. New building with a maximum floor area of ~~150m<sup>2</sup>~~ 100m<sup>2</sup>;

Reason. Consistency with similar provisions elsewhere. 100m<sup>2</sup> is ample to provide for a maximum of 6 guests.

**P 18 Heli-landing areas**

**Delete:** ~~*P18 Heli-landing area and associated activity Specific Standards*~~

Reason. The definition for Heli-landing area provides for necessary helicopter landings. Helicopter landing for sightseeing or recreational purposes is not compatible with maintaining the amenity and enjoyment of natural open spaces for other users.

**Signed on behalf of the Rod Donald Banks Peninsula Trust:**



Garry Moore, Chairperson

Date: 15 June 2015