

# Introduction

## 1.0 Contents and scope of the Statement of Rules

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Updated 14 November 2005

This Statement of Rules is the third of the three sections comprising the City Plan. The other two sections of the City Plan are the Statement of Issues, and the Statement of Objectives, Policies and Methods.

The contents of the Statement of Rules derive from the requirements of the Resource Management Act (particularly Part II) and contain the detailed means of implementing the objectives and policies contained in the Statement of Objectives, Policies and Methods, where this is most appropriately achieved by regulatory means.

Section 75 of the Resource Management Act requires that in addition to identifying the significant resource management issues of the city, the Council must also identify:

- (1) the objectives sought to be achieved by the Plan;
- (2) the policies in regard to the issues and objectives, and an explanation of these policies;
- (3) the principal reasons for adopting the objectives and policies set out in the Plan;
- (4) the environmental results anticipated from implementation of the Policies in the Plan.

Also contained in the Statement of Objectives and Policies are implementation sections which include reference to those matters implemented through the Statement of Rules and those which are achieved through other Council functions outside the City Plan.

Section 75 of the Resource Management Act requires that the City Plan state the objectives, policies, rules and methods in the Plan required to achieve the purposes of the Act. Those matters relating to objectives and policies have already been described.

The rules and methods are dealt with in this section of the Plan. These control two matters in reflection of the function of district councils under Sections 9 and 31 of the Act, being the control of subdivision and the control of the effects of land use activities.

## 2.0 Categories of activities

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### 2.1 Prohibited activities

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There are few prohibited activities in the City Plan. No resource consent application can be made for a prohibited activity.

### 2.2 Non-complying activities

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Non-complying activities are in general those which do not comply with any one or more of the critical standards specified in the Plan, or are specifically identified. In some cases, non-compliance with a critical standard has been specified as a prohibited activity within the Plan. Critical standards have been set on the basis that non-compliance with any one or more of them, may have significant actual or potential adverse effects over a wider area, whether such effects are either specific to that proposal, or cumulative in nature.

If an activity is non-complying any application is subject to:

- (a) Part II and Sections 104 and 105 of the Resource Management Act; and
- (b) any relevant objectives and policies of the City Plan as set out in the Statement of Objectives and Policies.

### 2.3 Discretionary activities

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These are activities which comply with all of the critical standards but do not comply with any one or more of the community standards or development standards specified in the Plan; or which are specified as discretionary activities. Community standards have been set on the general basis that non-compliance with any one or more of them may have moderate adverse effects of a "neighbourhood scale" or significant impact on adjacent land, whether such effects are specific to that proposal, or cumulative in nature. Any application is made on the basis that the whole activity is discretionary.

Development standards on the other hand, have been set on the basis that non-compliance with any one or more of these standards may have significant effects on adjacent land. Any application is made on the basis that the activity is discretionary but that the exercise of the Council's discretion is confined to the aspect covered by the standard. For example, if a building did not comply with a setback requirement, the Council can exercise its discretion only in respect to the setback.

If an activity is discretionary as a whole or in respect to a particular matter, any application is subject to:

- (a) Part II and Sections 104 and 105 of the Act;
- (b) any relevant objectives and policies of the City Plan as set out in the Statement of Objectives and Policies; and
- (c) Assessment matters which the Council will have regard to in considering whether or not to grant consent, or impose conditions and which are contained in the relevant sections of the Statement of Rules.

The rules specify also those circumstances where discretionary or controlled activities do not require the written consent of other parties for notification.

### 2.4 Controlled activities

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These are land use activities which comply with any specified critical standards, and community standards, but which do not meet particular development standards or are specifically identified as controlled activities. Controlled activities may have potential adverse impacts on an immediate adjoining property, or have general amenity implications in non-residential areas, (design and appearance matters in the inner city being an example). Similarly, many subdivisions are controlled activities.

Where an activity is a controlled activity, the exercise of the Council's discretion is confined to the aspect subject to the standard (e.g. design and appearance and not the whole activity). Controlled activity applications cannot be declined.

If an activity is controlled, any application is subject to:

- (a) Part II and Section 104 of the Act;
- (b) any relevant objectives and policies of the City Plan as set out in the Statement of Objectives and Policies; and
- (c) Assessment matters which the Council will have regard to in considering whether or not to grant consent, and which are contained in the relevant sections of Statement of Rules.

The rules specify those circumstances where controlled activities do not require the written consent of other parties for notification.

## 2.5 Permitted activities

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These are activities which comply with all critical standards, community standards and development standards in zone or city rules, or which are not specified as discretionary or controlled activities. Generally, the dominant activities in each zone are likely to comply with the various standards, and will be permitted activities.

## 2.6 Subdivision activities

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The position relating to rules on subdivision are somewhat different to those applicable to land use activities, and are combined in one section of the city rules in the Statement of Rules. Categories of non-complying and discretionary (as to specified matters) subdivision are provided for, while all other subdivisions are controlled activities, which may be subject to conditions.

Subdivision applications, dependent on their category, are subject to the same provisions under the Act as land use activities (see paras 2.2 - 2.5).

An additional matter applicable to subdivision, but not land use activities, are the requirements of Section 106 of the Act which stipulate that the Council cannot grant consent to a subdivision activity where there is a risk of erosion, flooding, subsidence or inundation, unless there are measures taken to avoid, remedy, or mitigate any adverse effects of these hazards.

Applications for controlled subdivision activities do not require the consent of other parties.

## 3.0 Using the Statement of Rules

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### 3.1 Explanation of zone rules and city rules

### 3.1 Explanation of zone rules and city rules

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The Statement of Rules contains two groups of rules, these being zone rules and city rules.

Within both of these groups of rules are general rules and specific rules, the latter containing critical, community and development standards.

The zone rules are generally those specific to a group of zones (e.g. living zones), or to individual zones within that group.

The city rules are rules which are often common to many zones and/or are best expressed in one place in the Plan to avoid duplication. They can be regarded as zone rules expressed in one place, and are cross-referenced in the zone rules for the convenience of users.

### 3.2 Scope of the zone rules

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The zone rules cover the following areas. These are described in detail in each part of the zone rules in the Statement of Rules:

**Part 1 - Definitions**

**Part 2 - Living zones** - (areas of primarily residential character);

**Part 3 - Business zones** - (areas of primarily commercial or industrial character, and the central city)

**Part 4 - Rural zones**

**Part 5 - Conservation zones** - (Land generally in reserves or protected for its dominant natural values.)

**Part 6 - Open space zones** - (Land generally in reserves, or other land set aside primarily for recreation.)

**Part 7 - Cultural zones** - (A group of zones associated with education, the National Marae, heritage areas outside the central city, and Ferrymead Historic Park.)

**Part 8 - Special purpose zones** - (A group of zones associated with hospitals, transport facilities including the International Airport, Wigram, roads, and rail corridors, and waste disposal facilities.)

### 3.3 Scope of the city rules

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Updated 14 November 2005

The city rules cover the following matters which are incorporated in special sections to avoid unnecessary repetition in the zone rules, and which are usually common to many zones.

#### **Part 9 - General city rules**

This group of rules includes:

- Information required for resource consents
- Clarification of the application of certain rules
- Scheduled activities (those activities specifically provided for on identified sites within zones)
- Utilities (provision for infrastructure such as telecommunication, power, water navigation and other facilities).
- Excavation and filling of land and building adjacent to waterways
- Airport protection surfaces (control over height of structures or trees which could affect aircraft approach and takeoff requirements)
- Financial contributions (e.g. other than upon subdivision)

#### **Part 10 - Heritage and amenities**

This group of rules includes:

- Protected buildings, places and objects
- Protected trees
- Outdoor advertising
- Relocated buildings
- Sale of liquor (effect on living zones)

#### **Part 11 - Health and safety**

This group of rules includes:

- Noise Control
- Glare
- Hazardous substances (use and storage)

#### **Part 12 - Designated activities**

**Part 13 - Transport** - (Includes parking, access, manoeuvring and access to the city landfill)

#### **Part 14 - Subdivision**

This is followed by the planning maps, consisting of two sheets of each of the maps at 1 : 15,000 scale, with some enlarged and additional maps included for areas such as the central city, and specialist maps as appendices to zone and city rules.

### 3.4 Format of the Statement of Rules and their status

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(a) Parts 2-14 of the Plan begin with a zone description and purpose (in the zone rules) or a statement (in the city rules). These explain the subject matter and purpose of the group of rules in that part of the Plan. These are descriptive and explanatory in nature and are not rules.

Accompanying these are a set of environmental results anticipated which describe the outcomes expected in the zones by the application of the rules (and the objectives, policies and other methods). These give effect to Section 75(1) (g) of the Act.

(b) Following this, (except for those rules which require little explanation) is a guide to using the rules. This is a simplified step by step guide for assisting the users of the rules. The actual rules themselves contain the details of the controls.

(i) Following this are the rules which have regulatory effect. Some city rules contain a usually brief set of general rules. These are mainly of an interpretative nature, or set out cross references to other rules. In some cases the general rules contain an obligation not to create an adverse effect on the environment. The purpose of these rules is to enable the Council, if necessary, to take enforcement action against someone breaching such a rule, rather than to require an application for resource consent.

(ii) In the zone rules, cross references to city rules are set out under the development, community and critical standards.

(iii) Cross reference is also made in the general rules where relevant, to appended regional plans and rules.

(iv) The key elements of the zone rules are:

- rules that may relate to all activities in a zone (e.g. with business zones);  
or
- rules that may relate to generic categories of activities in a zone (e.g. in living zones - "residential" activities or "other" activities);  
or

- rules that may relate to a specific category of activity (e.g. "tertiary education" activity in the Cultural 4 Zone);
- or

- in the case of city rules, relate to particular activities or effects (e.g. noise, hazardous substances, filling and excavation, etc).

(c) The city plan retains "traditional" zoning, but places a higher emphasis within these zones on "effects" or "proxies" for effects (such as setbacks) with detailed listing of activities having a lower emphasis than in the former district schemes. However, the zone description outlines the purpose for which the zone is intended, and as such provides a clear indication of dominant land use activities.

(d) Following the rules are the assessment matters for resource consents.

These assessment matters apply specifically to the consideration of resource consents which may arise from non compliance with community or development standards (i.e. discretionary or controlled activities). They set out matters which are relevant to considering any grant of consent, and/or the imposition of conditions on that consent. In the case of controlled activities, the assessment matters are only relevant in terms of imposing conditions. These assessment matters are not rules, but assist the Council and applicants by providing guidance, and have been incorporated under Section 75(1) (k) of the Act.

Part II and Sections 104 and 105 of the Act also apply to resource consents, including those arising from non-compliance with critical standards (non-complying activities).

Consideration of all consents will also involve assessing the application in terms of any relevant objectives and policies in the Statement of Objectives, Policies and Methods.

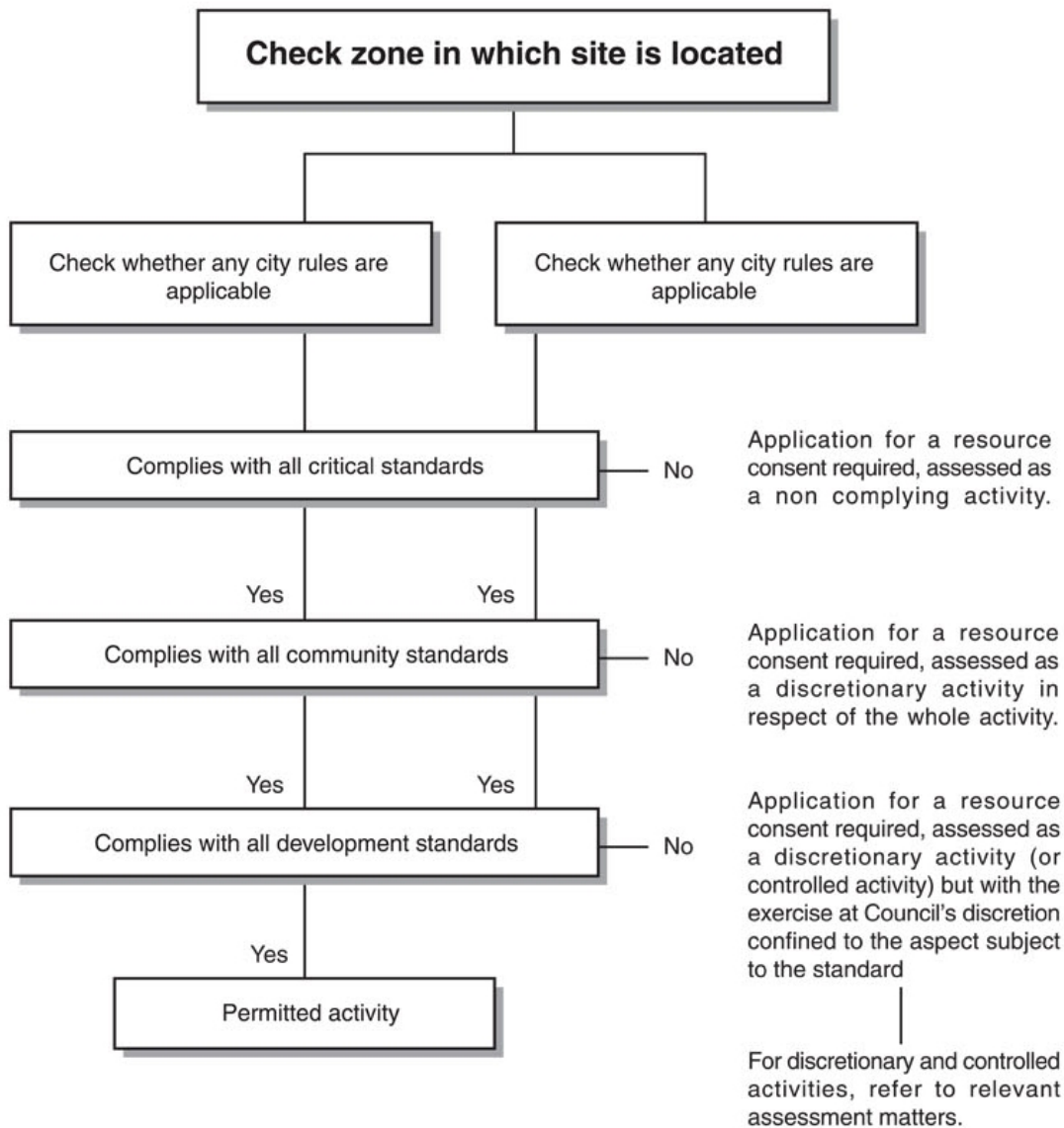
Where an activity (for example, a subdivision activity) does not meet a development standard (for example, allotment size) and is consequently a discretionary activity but is also a controlled activity in respect to other specified matters (for example water supply, telecommunications etc.) the Council shall also have regard to the assessment matters for controlled activities when considering imposing conditions on the discretionary activity.

(e) Following the assessment matters are the reasons for the rules as required under Section 75(i) (e) of the Act. These usually apply to a specific rule, or in some cases to two or more related rules. Occasionally the reasons are cross referenced to the reasons for similar rules elsewhere in the Statement of Rules.

(f) Each part of the rules may be followed by lists, schedules, outline plans or diagrams which elaborate on, or form part of, the rules as a whole.

To determine compliance with standards in zones, the simplified diagram on the following page illustrates the process to be used.

## Steps for determining compliance



The rules also identify the circumstances where the written consent of other persons is not required for notification.

## 4.0 Application of the existing Transitional District Plans

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Existing Transitional District Plans (prepared under the Town and Country Planning Act) will continue to apply to any land use or subdivision activities until the relevant provisions of the new City Plan have reached the point where they are no longer subject to any submissions or appeals.

Accordingly, proposed activities must comply with the Transitional District Plans until any submissions or appeals on the relevant provisions of the new City Plan have been disposed of. In the case of decisions on submissions, this includes the statutory period in which appeals may be lodged.

The following table is provided to clarify the position in respect to the need for consents under the Transitional District Plan and the new City Plan.

Does proposal comply with new City Plan?	Does proposal comply with Transitional District Plan	Is consent needed?
Yes	Yes	No
Yes	No	Yes

No	Yes	Yes
No	No	Yes

The Transitional District Plans, prepared for the former local authorities prior to amalgamation in 1989, are those for Christchurch City, Waimairi District, Riccarton Borough, Heathcote County, Paparua County (Part) and Eyre County (Part).

## 5.0 Cross references to City Plan objectives (and related policies)

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For the assistance of users of the Statement of Rules, a cross reference system is provided back to the objectives in the Statement of Objectives Policies and Methods.

In considering a resource consent under Section 104 of the Act, one of the matters which applies in assessing whether consent should be granted is the relevant objectives and policies. Accordingly, users of the rules will need to be able to ascertain what objectives and policies (contained separately in the Statement of Objectives, Policies and Methods) apply to particular standards in the Statement of Rules which their proposals may not comply with.

Within the Statement of Objectives, Policies and Methods, each objective is accompanied by one or more related policies.

To provide a cross reference, a matrix of rules and objectives is set out at the end of each group of rules in the Statement of Rules. This will enable users of this statement to identify from the rules listed in the matrix, the objective(s) which are relevant to that rule. Having identified the objective, the associated policies can then readily be located.

Readers of the plan are however asked to note that although the plan has been drafted to ensure cross-references are provided, there may be some instances where there is relationship between a rule and other objectives which are not cross-referenced. The matrices are not rules in themselves and are only provided for information purposes.

A summary of the cross-references between rules and objectives is set out below:

1. Identify rule for which the relevant objective and policy are sought.



2. Turn to the cross referencing matrix at the end of that group of rules, and identify the relevant objective and it's number.



3. Refer to the Statement of Objectives, Policies and Methods, and the relevant objective.



4. In addition, ascertain the relevance of any of the policies accompanying that objective.

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