

## 6.6 Water Body Setbacks

### 6.6.1 Introduction

- a. This introduction is to assist the lay reader to understand how this sub-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. Sub-chapter 6.6 Water Body Setbacks relates to the management of activities and development adjacent to classified [water bodies](#) and their margins in order to protect and enhance the values and functions of these areas.
- c. Classified [water bodies](#) are identified on the Planning Maps and also in [Appendix 6.11.5.4](#). The characteristics of each classification of [water body](#) are described in [Appendix 6.11.5.1](#).
- d. The provisions in this sub-chapter give effect to the [Chapter 3 Strategic Directions Objectives](#).

### 6.6.2 Objective and Policies

#### 6.6.2.1 Objectives

##### 6.6.2.1.1 Objective – Protection of water bodies and their margins from inappropriate use and development

- a. Activities and development in [water body margins](#) are managed in a way that protects and/or enhances the following values and functions of the [water body](#) and its margins: flood management; water quality; riparian or aquatic ecosystems; the natural character and [amenity values](#) of the [water body](#); [historic heritage](#) or cultural values; and access where appropriate for [recreation activities](#), customary practices including mahinga kai, or maintenance.

#### 6.6.2.1 Policies

##### 6.6.2.1.1 Policy – Naturalisation of water bodies and their margins

- a. Take a catchment-wide approach to protecting and/or enhancing the natural form, function and ecology of [water bodies](#) and their margins in order to maintain or improve (where degraded) water quality, flood control, biodiversity, bank stability, mahinga kai, and [amenity values](#), while:
  - i. in City and Settlement areas (see [Rule 6.6.3](#)), supporting the provision of ecological corridors and public access where possible, recognising this may not be fully achievable for some classifications of [water body](#) because of historic development patterns or [adjoining](#) land uses.
  - ii. in Rural areas (see [Rule 6.6.3](#)), providing for rural activities while:

- A. ensuring adverse effects of land uses on the functions of [water bodies](#) are managed; and
- B. recognising that protecting or improving water quality is a priority matter.
- iii. in Natural areas (see [Rule 6.6.3](#)), minimising development in [water body setbacks](#).

### 6.6.2.1.2 Policy – Setbacks from water bodies

- a. Manage adverse effects of activities on [water bodies](#) and their margins within [water body setbacks](#) in a manner that is consistent with the classification of the [water body](#).

	<p><b><a href="#">Water body classification</a></b>  <b>(The characteristics of each <a href="#">water body classification</a> are described in <a href="#">Appendix 6.11.5.1</a>)</b></p>	<p><b>Functions of the <a href="#">water body setback</a></b></p>
i.	All	<ul style="list-style-type: none"> <li>a. Providing a buffer zone for natural erosion, sedimentation and land movement in the weak saturated soils that border <a href="#">water bodies</a>; and minimising the risk that these processes pose to <a href="#">buildings</a> or other structures.</li> <li>b. Minimising flood risk and damage by providing flood storage capacity, dispersal and effective land drainage; and managing risk and damage from structures that transfer flood hazard.</li> <li>c. Improving water quality and catchment-wide ecosystem health by filtering potential contaminants.</li> <li>d. Allowing space for riparian planting where possible in a continuous corridor to improve ecological values, and bank and slope stability.</li> <li>e. Providing access for the maintenance of <a href="#">water bodies</a> and any associated hazard protection works.</li> </ul>
ii.	Downstream waterway	<ul style="list-style-type: none"> <li>a. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants.</li> </ul>
iii.	Upstream waterway	<ul style="list-style-type: none"> <li>b. Encouraging the establishment, retention and maintenance of significant appropriate riparian vegetation.</li> <li>c. Contributing to the open space character and <a href="#">amenity values</a> of the surrounding area.</li> <li>d. Supporting customary uses, including mahinga kai, within the <a href="#">water body</a>, its margins and catchment.</li> <li>e. Providing recreational opportunities for the public where this is consistent with the other functions of the <a href="#">water body setback</a>.</li> </ul>

	<b><u>Water body classification</u></b> <b>(The characteristics of each <u>water body classification</u> are described in Appendix 6.11.5.1)</b>	<b>Functions of the <u>water body setback</u></b>
iv.	Environmental asset waterway	<ul style="list-style-type: none"> <li>a. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants.</li> <li>b. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation.</li> <li>c. Contributing to the open space character and <u>amenity values</u> of the immediate area.</li> </ul>
v.	<u>Network waterway</u>	<ul style="list-style-type: none"> <li>a. Where feasible, creating or enhancing ecological corridors for terrestrial and aquatic animals and plants.</li> </ul>
vi.	<u>Hill waterway</u>	<ul style="list-style-type: none"> <li>a. Contributing to the open space character and <u>amenity values</u> of the surrounding area.</li> <li>b. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants.</li> </ul>
vii.	Environmental asset standing water body	<ul style="list-style-type: none"> <li>a. Providing habitat for a wide range of terrestrial and aquatic animals and plants.</li> <li>b. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation.</li> <li>c. Contributing to the open space character and <u>amenity values</u> of the surrounding area.</li> <li>d. Supporting customary uses including mahinga kai within the <u>water body</u>, its margins and catchment.</li> <li>e. Providing recreational opportunities for the public where this is consistent with the other functions of the <u>water body setback</u>.</li> </ul>
viii.	Banks Peninsula waterway	<ul style="list-style-type: none"> <li>a. Providing interim protection of values for waterways on <u>Banks Peninsula</u> that have not yet been classified.</li> <li>b. Maintaining or enhancing habitat for terrestrial and aquatic animals and plants.</li> <li>c. Encouraging the establishment, retention and maintenance of appropriate riparian vegetation.</li> <li>d. Contributing to the open space character and <u>amenity values</u> of the immediate area.</li> </ul>

### 6.6.2.1.3 Policy — Management of activities in water body setbacks

- a. Where buildings, earthworks, other structures, impervious surfaces, or maintenance and enhancement works are undertaken within a water body setback, manage the activity so that:
  - i. any identified cultural significance of the water body to tangata whenua is appropriately recognised and provided for, including provision for customary access and use where applicable;

- ii. water quality, biodiversity, and mahinga kai values are maintained or enhanced;
- iii. connectivity between land, natural freshwater systems and the coast are retained or enhanced;
- iv. the stability of [water body](#) banks and adjacent land is maintained and sedimentation and erosion minimised;
- v. access for maintenance is enabled;
- vi. the ability of [water body margins](#), channels or ponding areas to store and/or convey surface water safely and efficiently is not impeded;
- vii. flood events are not exacerbated;
- viii. adverse effects of flooding or erosion are not transferred to another [site](#);
- ix. [amenity values](#) and natural character values, including riparian planting, are retained or enhanced;
- x. activities do not, to more than a minor extent, disturb or visually detract from:
  - A. Sites of Ecological Significance listed in Schedule A of [Appendix 9.1.6.1](#);
  - B. Outstanding Natural Landscapes identified in [Appendix 9.2.9.2.2](#);
  - C. Outstanding Natural Features identified in [Appendix 9.2.9.2.1](#);
  - D. Significant Features identified in [Appendix 9.2.9.2.3](#);
  - E. Rural Amenity Landscapes identified in [Appendix 9.2.9.2.4](#);
  - F. Areas of Outstanding, or High and Very High, Natural Character in the Coastal Environment identified in [Appendices 9.2.9.2.7](#) and [9.2.9.2.8](#);
  - G. [Heritage items](#) or [heritage settings](#) listed in [Appendix 9.3.7.2](#);
  - H. Significant Trees listed in [Appendix 9.4.7.1](#);
  - I. Wāhi Tapu/Wāhi Taonga [sites of Ngāi Tahu Cultural Significance](#) identified in [Schedule 9.5.6.1](#) and, in the case of [earthworks](#), Kaitorete Spit (ID 64) identified in [Schedule 9.5.6.2](#);
  - J. Ngā Wai [sites of Ngāi Tahu Cultural Significance](#) identified in [Schedule 9.5.6.4](#);
- xi. provision is made for public access appropriate to the classification and location of the [water body](#) and having regard to:
  - A. the relationship of tangata whenua with their ancestral lands, water and sites;
  - B. protection of Sites of Ecological Significance listed in Schedule A of [Appendix 9.1.6.1](#);
  - C. residential amenity;
  - D. Outstanding Natural Landscapes identified in [Appendix 9.2.9.2.2](#);
  - E. Outstanding Natural Features identified in [Appendix 9.2.9.2.1](#);

- F. bank and land stability;
- G. public safety;
- H. the operational or security requirements of infrastructure;
- I. property ownership and the safe and efficient operation of rural and industrial [sites](#).

### 6.6.3 How to interpret and apply the rules

- a. Classified [water bodies](#) are identified on the Planning Maps and also in [Appendix 6.11.5.4](#). The characteristics of each classification of [water body](#) are described in [Appendix 6.11.5.1](#).
- b. The rules that apply within the [water body setbacks](#) are contained in the following provisions:

	Area	Zones	Provisions
i.	City and settlement area	All commercial; All industrial; All residential (except as below), including Residential Guest Accommodation; Papakāinga/Kāinga Nohoanga; All specific purpose; Open Space Metropolitan Facilities; Open Space Community Parks; Open Space Avon River Precinct/Te Papa Otakaro; Open Space Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in <a href="#">Rule 6.6.4</a>
ii.	Rural area	All rural; Residential Large Lot; Open Space McLeans Island; Open Space Water and Margins (where adjacent to the above zones); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in <a href="#">Rule 6.6.5</a>
iii.	Natural area	Open Space Natural; Open Space Coastal; Open Space Water and Margins (except as above); Transport (where adjacent to the above zones)	Activity status tables (including activity specific standards) in <a href="#">Rule 6.6.6</a>

- c. The rules that apply are based on the zoning of the [site](#). For [sites](#) within the Transport and Open Space Water and Margin Zones, the applicable rules are those for the

adjoining zone on the landward side of the water body, excluding any other Transport or Open Space Water and Margins Zone.

- d. Activities in water body setbacks are also subject to the rules in the relevant zone chapters.
- e. The activity status tables, rules and standards in the following chapters also apply to activities in water body setbacks, where relevant:
  - i. Natural Hazards;
  - ii. The other sub-chapters of General Rules and Procedures;
  - iii. Transport;
  - iv. Subdivision, Development and Earthworks;
  - v. Natural and Cultural Heritage;
  - vi. Utilities and Energy; and
  - vii. Hazardous Substances and Contaminated Land.
- f. Where other chapter or zone rules specify water body setback distances, those provisions supersede the provisions in Sub-chapter 6.6 with regard to any matters specified.
- g. Ngā Wai sites of Ngāi Tahu Cultural Significance are identified in Sub-chapter 9.5 Schedule 9.5.6.4 and shown on aerial maps in Appendix 9.5.7.3.
- h. The following activities are exempt from Rules 6.6.4 - 6.6.6, except where specified in Rule 6.6.3(i). below:
  - i. post holes for the erection of permitted fences;
  - ii. planting holes for trees or other vegetation;
  - iii. excavation for any wells where any necessary resource consents or building consents have been obtained;
  - iv. filling or excavation permitted pursuant to an approved building consent, except filling or excavation for building foundations;
  - v. bridges or culverts with a regional consent;
  - vi. filling or excavation permitted pursuant to the repair of earthquake damaged land;
  - vii. earthworks and structures associated with utilities permitted or consented in accordance with the provisions of Chapter 11 Utilities and Energy, and their replacement, repair or maintenance;
  - viii. earthworks associated with the maintenance, upgrade or construction of hazard mitigation and protection works, including defences against water, where undertaken by any territorial or regional authority, the Department of Conservation or the Crown;

- ix. [park management activities](#) undertaken or coordinated by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu;
  - x. vegetation management otherwise permitted in the [District Plan](#);
  - xi. pervious surfaces;
  - xii. permitted activities in the [Open Space – Water and Margins Zone](#) and the [Avon River Precinct/Te Papa Otakaro Zone](#), except for [buildings](#);
  - xiii. [signage](#) otherwise permitted in the [District Plan](#);
  - xiv. construction within a building platform identified in an approved subdivision consent.
- i. The exemptions in h. above do not apply in the following circumstances:
    - i. within a Ngā Wai [site of Ngāi Tahu Cultural Significance](#) identified in [Schedule 9.5.6.4](#), the exemptions listed in h. iii-v do not apply.
    - ii. in any part of the [water body setback](#) to Te Waihora/Lake Ellesmere below 1.2 metres above the 1937 Lyttelton vertical datum, the exemptions listed in h. vii and viii do not apply to dams, stopbanks, or drains.
  - j. For earthworks within a [water body setback](#) in the vicinity of a [National Grid transmission line](#) or a 66kV [electricity distribution line](#), a 33kV [electricity distribution line](#), or the 11kV (Heathcote to Lyttelton) [electricity distribution line](#), the rules in [8.9.2.1](#) apply.

Advice note:

1. Land use consents or water or discharge permits may also be required from the Canterbury Regional Council for activities in, on, under or over the bed of [water bodies](#) or within close proximity to them.
2. The [Building Act](#) requires that land and other property be protected from erosion, falling debris, slippage, subsidence, inundation, alluvion or avulsion notwithstanding any other consent required for the proposed activity.
3. Attention is drawn to District and Regional Council bylaws relating to [earthworks](#) and stormwater management.

## 6.6.4 Rules - Activity status tables - City and Settlement Water Body Setbacks

### Area of effect

- a. The rules for City and settlement area [water body setbacks](#) in Rule 6.6.4 apply within the following areas:

	<b><u>Water body classification</u></b>	<b><u>Water body setback width</u></b>	<b>Area of effect</b>	<b>Activities controlled</b>
i.	Downstream waterway (except Mona Vale)	30 metres	Measured from the banks of waterways indicated on the Planning Maps (see <a href="#">Appendices 6.11.5.2</a> and <a href="#">6.11.5.3</a> for interpretation of “bank”)	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures (including <a href="#">impervious surfaces</a> ); Maintenance and enhancement
ii.	Downstream waterway (Mona Vale)	15 metres		
iii.	Downstream waterway (Christ’s College)	See <a href="#">Appendix 6.11.12.1</a>		
iv.	Upstream waterway	10 metres		
v.	Environmental asset waterway	7 metres		
vi.	<a href="#">Network waterway</a>	5 metres		
vii.	<a href="#">Hill waterway</a>	10 metres	Measured from the centreline of waterways falling under the definition of “ <a href="#">hill waterway</a> ”	
viii.	Environmental asset standing water body	7 metres	Measured from the banks of standing <a href="#">water bodies</a> indicated on the Planning Maps (see <a href="#">Appendices 6.11.5.2</a> and <a href="#">6.11.5.3</a> for interpretation of “bank”)	

- b. Where the [water body setbacks](#) from two different [water body](#) classifications overlap, the rules applying to the larger [water body setback](#) apply.

#### 6.6.4.1 Permitted activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.4.1](#), the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in [Rules 6.6.4.2](#), [6.6.4.3](#), [6.6.4.4](#), [6.6.4.5](#) and [6.6.4.6](#).

Activity	Activity specific standards
<a href="#">Earthworks</a>	
For the purposes of these rules “ <a href="#">earthworks</a> ” excludes <a href="#">quarrying activity</a> .	
<b>P1</b>	<p>Test pits or boreholes necessary as part of a geotechnical assessment or <a href="#">contaminated land</a> assessment.</p> <p>a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.</p>
<a href="#">Buildings and other structures (including <a href="#">impervious surfaces</a>)</a>	



Activity	Activity specific standards
For the purposes of these rules “ <u>building</u> ” includes “ <u>accessory building</u> ”. The definition of <u>building</u> includes decks.	
<b>P2</b>	Use, maintenance or repair of lawfully-established <u>buildings</u> , fences and <u>impervious surfaces</u> existing at the time of notification of the <u>District Plan</u> and for activities otherwise permitted by the <u>District Plan</u> .  Nil
<b>P3</b>	Extensions or alterations to existing <u>buildings</u> at least 1.8m above <u>ground level</u> .  a. Where any such extensions or alterations increase the floor area of any <u>building</u> , they shall have a maximum additional area of 10m <sup>2</sup> within the <u>water body setback</u> . b. Shall not include any struts, supports or other structures that come within 1.8m of <u>ground level</u> .
<b>P4</b>	Removal or demolition of any <u>building</u> or part of a <u>building</u> including associated <u>earthworks</u> .  a. No lawfully established flood protection or erosion or bank stability control structures shall be removed. b. No parts of the structure shall remain in the <u>water body setback</u> that could catch debris or otherwise affect land drainage.  Advice note:  1. The <u>Council</u> ’s <u>Water Supply, Wastewater and Stormwater Bylaw 2014</u> applies. 2. The Canterbury regional plans include provisions for <u>earthworks</u> in riparian margins and provisions in relation to dust control. 3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.
<b>P5</b>	<u>Impervious surfaces</u> .  a. The total area of <u>impervious surfaces</u> shall not exceed 10% of the <u>water body setback</u> area within any <u>site</u> in any zone, except an open space zone or the Transport Zone where <u>impervious surfaces</u> are not restricted.
<b>P6</b>	Fences.  a. Shall not be built over any part of a <u>water body</u> . b. Shall allow access to the <u>water body</u> for maintenance purposes. c. Shall not be located closer to the <u>water body</u> bank than 3 metres or 1/3 of the normal <u>water body setback</u> distance, whichever is the greater. d. Shall consist of no greater than 20% solid structure.  Exceptions:

Activity	Activity specific standards	
		<ol style="list-style-type: none"> <li>1. Temporary fencing or construction hoarding remaining on a <a href="#">site</a> for less than three months are exempt from the activity specific standards.</li> <li>2. Where a legal <a href="#">road</a>, <a href="#">esplanade reserve</a> or esplanade strip exists between the <a href="#">water body</a> and the fence, the activity specific standards shall not apply.</li> </ol>
<b>P7</b>	Culvert crossings for <a href="#">network waterways</a> .	<ol style="list-style-type: none"> <li>a. Shall be designed in accordance with the <a href="#">Council's Waterways, Wetlands and Drainage Guide</a>.</li> </ol> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. Authorisation for culvert crossings is required from the <a href="#">Council's</a> stormwater and land drainage assets unit.</li> </ol>
<b>Maintenance and enhancement works</b>		
<b>P8</b>	<a href="#">Water body bank maintenance or enhancement works</a> where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.	<ol style="list-style-type: none"> <li>a. Works shall not prevent the passage of fish.</li> <li>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</li> </ol> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>
<b>P9</b>	Any works related to the operation, repair or maintenance of <a href="#">transport infrastructure</a> .	<ol style="list-style-type: none"> <li>a. A <a href="#">carriageway</a> shall not be extended closer to the <a href="#">water body</a> in such a way that it permanently removes or reduces vegetation between the existing paved area and the <a href="#">water body</a>.</li> </ol> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional</li> </ol>

Activity	Activity specific standards
	Council and may be of assistance.

### 6.6.4.2 Controlled activities

There are no controlled activities.

### 6.6.4.3 Restricted discretionary activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.4.1](#), the activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [Rule 6.6.7](#), as set out in the following table.

Activity	The <a href="#">Council</a> 's discretion shall be limited to the following matters:
<p><b>RD1</b> <a href="#">Earthworks</a>:</p> <p>a. not exempt by <a href="#">Rule 6.6.3 h.</a> and not provided for by <a href="#">Rule 6.6.4.1 P1</a>; and/or</p> <p>b. listed in <a href="#">Rule 6.6.4.1 P1</a> that do not meet one or more of the activity specific standards;</p> <p>other than <a href="#">earthworks</a> provided for by <a href="#">Rule 6.6.4.4 D1</a> or <a href="#">D2</a>.</p>	<p>All <a href="#">water body</a> classifications</p> <p>a. Natural hazards – <a href="#">Rule 6.6.7.1</a></p> <p>b. Natural values – <a href="#">Rule 6.6.7.2</a></p> <p>c. Maintenance access – <a href="#">Rule 6.6.7.5</a></p> <p>Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing Water Bodies</p> <p>d. Amenity and character – <a href="#">Rule 6.6.7.3</a></p> <p>e. Cultural values – <a href="#">Rule 6.6.7.4</a></p> <p>f. Public / Recreational access – <a href="#">Rule 6.6.7.6</a></p> <p>Additional for Environmental Asset Waterways</p> <p>g. Amenity and character – <a href="#">Rule 6.6.7.3</a></p> <p>h. Cultural values – <a href="#">Rule 6.6.7.4</a></p> <p>Additional for <a href="#">Hill Waterways</a></p> <p>i. Cultural values – <a href="#">Rule 6.6.7.4</a></p> <p>Exception for <a href="#">sites adjoining</a> Downstream Waterways with features intervening between the <a href="#">site</a> and the waterway</p> <p>j. Where a:</p> <p>i. legal <a href="#">road</a>; or</p> <p>ii. <a href="#">esplanade reserve</a>; or</p> <p>iii. esplanade strip wider than 10 metres</p> <p>exists between a Downstream Waterway and a <a href="#">site</a> being assessed, <a href="#">Council</a>'s discretion with respect to that part of the</p>

Activity		The <b>Council's</b> discretion shall be limited to the following matters:
		<p><a href="#">site</a> separated from the <a href="#">water body</a> is restricted to Natural hazards – Rule 6.6.7.1</p>
<b>RD2</b>	<p>a. New <a href="#">buildings</a>, other structures or <a href="#">impervious surfaces</a> not provided for by Rule 6.6.4.2 P2 - P7; and/or</p> <p>b. <a href="#">Buildings</a>, other structures or <a href="#">impervious surfaces</a> listed in Rule 6.6.4.2 P2 - P7 that do not meet one or more of the activity specific standards;</p> <p>other than activities provided for by Rule 6.6.4.5 D1 or D2.</p> <p>c. Any application arising from RD2 b., for activities listed in Rule 6.6.4.2 P5 - P7 in the <a href="#">water body setback</a> of a <a href="#">network waterway</a> or <a href="#">hill waterway</a>, shall not be limited or publicly notified.</p>	<p>All <a href="#">water body</a> classifications</p> <p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p> <p>c. Maintenance access – Rule 6.6.7.5</p> <p>Additional for Downstream and Upstream Waterways, Ngā Wai and Environmental Asset Standing <a href="#">Water Bodies</a></p> <p>d. Amenity and character – Rule 6.6.7.3</p> <p>e. Cultural values – Rule 6.6.7.4</p> <p>f. Public/Recreational access – Rule 6.6.7.6</p> <p>Additional for Environmental Asset Waterways</p> <p>g. Amenity and character – Rule 6.6.7.3</p> <p>h. Cultural values – Rule 6.6.7.4</p> <p>Additional for <a href="#">Hill Waterways</a></p> <p>i. Cultural values – Rule 6.6.7.4</p> <p>Exception for <a href="#">sites adjoining</a> Downstream Waterways with features intervening between the <a href="#">site</a> and the waterway</p> <p>j. Where a:</p> <p>i. legal <a href="#">road</a>; or</p> <p>ii. <a href="#">esplanade reserve</a>; or</p> <p>iii. esplanade strip wider than 10 metres</p> <p>exists between a Downstream Waterway and a <a href="#">site</a> being assessed, <a href="#">Council's</a> discretion with respect to that part of the <a href="#">site</a> separated from the <a href="#">water body</a> is restricted to Natural hazards – Rule 6.6.7.1</p>
<b>RD3</b>	<p><a href="#">Water body bank maintenance or enhancement works</a> listed in Rule 6.6.4.2 P8 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.4.4 D1 or D2.</p>	<p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p>

#### 6.6.4.4 Discretionary activities

a. Within the [water body setback](#) areas specified in Rule 6.6.4.1, the activities listed below are discretionary activities.

Activity
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Activity	
D1	Any activity listed in <a href="#">Rule 6.6.4.4</a> , which is located adjacent to a <a href="#">water body</a> identified as a Site of Ecological Significance listed in Schedule A of <a href="#">Appendix 9.1.6.1</a> (other than in the <a href="#">Central City</a> ).
D2	The extension or widening, except for maintenance purposes, of any existing <a href="#">roadway</a> , adjacent footpath, or <a href="#">parking area</a> directly <a href="#">adjoining</a> the Open Space Water and Margins Zone along: <ul style="list-style-type: none"> <li>a. the Avon River (Estuary – Fendalton Road), excluding the <a href="#">Central City</a>;</li> <li>b. the Heathcote River (Estuary – Cashmere Stream Confluence)</li> </ul> in a way that reduces the distance between the edge of the <a href="#">roadway</a> , adjacent footpath, or <a href="#">parking area</a> and the waterway.

### 6.6.4.5 Non-complying activities

There are no non-complying activities.

### 6.6.4.6 Prohibited activities

There are no prohibited activities.

## 6.6.5 Rules - Activity status tables - Rural Water Body Setbacks

- a. The rules for Rural area [water body setbacks](#) in [Rule 6.6.5](#) apply within the following areas:

	<a href="#">Water body classification</a>	<a href="#">Water body setback width</a>	Area of effect	Activities controlled
i.	Downstream waterway	30 metres	Measured from the banks of waterways indicated on the Planning Maps (see <a href="#">Appendices 6.11.5.2</a> and <a href="#">6.11.5.3</a> for interpretation of “bank”)	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures (including <a href="#">impervious surfaces</a> ); <a href="#">Plantation forestry</a> ; Maintenance and enhancement
ii.	Upstream waterway	20 metres		<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures (including <a href="#">impervious surfaces</a> ); <a href="#">Plantation forestry</a> ; Maintenance and enhancement
iii.	Environmental asset waterway	10 metres		<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures (including <a href="#">impervious surfaces</a> ); <a href="#">Plantation forestry</a> ; Maintenance and enhancement
iv.	<a href="#">Network waterway</a>	5 metres	Measured from the banks of waterways falling under the definition of	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures (including <a href="#">impervious surfaces</a> ); Maintenance and

	<u>Water body classification</u>	<u>Water body setback width</u>	<u>Area of effect</u>	<u>Activities controlled</u>
			“ <u>network waterway</u> ”	enhancement
v.	<u>Hill waterway</u>	15 metres	Measured from the centreline of waterways falling under the definition of “ <u>hill waterway</u> ”	<u>Earthworks</u> ; <u>Buildings</u> and other structures (including <u>impervious surfaces</u> ); <u>Plantation forestry</u> ; Maintenance and enhancement
vi.	Environmental asset standing water body	20 metres	Measured from the banks of <u>water bodies</u> indicated on the Planning Maps (see <u>Appendices 6.11.5.2</u> and <u>6.11.5.3</u> for interpretation of “bank”)	<u>Earthworks</u> ; <u>Buildings</u> and other structures (including <u>impervious surfaces</u> ); <u>Plantation forestry</u> ; Maintenance and enhancement
vii.	Banks Peninsula waterway	15 metres	Measured from the banks of rivers and streams on <u>Banks Peninsula</u> that are not classified on the Planning Maps and do not fit the definition of <u>hill waterway</u> or <u>network waterway</u>	<u>Earthworks</u> ; <u>Buildings</u> and other structures (including <u>impervious surfaces</u> ); <u>Plantation forestry</u> ; Maintenance and enhancement

- b. Where the water body setbacks from two different water body classifications overlap, the rules applying to the larger water body setback apply.

### 6.6.5.1 Permitted activities

a. Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 6.6.5.2, 6.6.5.3, 6.6.5.4, 6.6.5.5 or 6.6.5.6.

<u>Activity</u>		<u>Activity specific standards</u>
<u>Earthworks</u>		
Note: For the purposes of these rules “ <u>earthworks</u> ” excludes <u>quarrying activity</u> .		
<b>P1</b>	Any test pits or boreholes necessary as part of a geotechnical assessment or <u>contaminated land</u> assessment.	a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.
<u>Buildings and other structures (including impervious surfaces)</u>		
Note: For the purposes of these rules “ <u>building</u> ” includes “ <u>accessory building</u> ”. The definition of <u>building</u> includes decks.		
<b>P2</b>	Use, maintenance or repair of lawfully-established <u>buildings</u> , fences and <u>impervious surfaces</u> existing at the time of notification of the <u>District Plan</u> and for activities otherwise	Nil

Activity		Activity specific standards
	permitted by the <a href="#">District Plan</a> .	
<b>P3</b>	Extensions or alterations to existing <a href="#">buildings</a> at least 1.8m above <a href="#">ground level</a> .	<ol style="list-style-type: none"> <li>a. Where any such extensions or alterations increase the floor area of any <a href="#">building</a>, they shall have a maximum additional area of 10m<sup>2</sup> within the <a href="#">water body setback</a>.</li> <li>b. Shall not include any struts, supports or other structures that come within 1.8 metres of <a href="#">ground level</a>.</li> </ol>
<b>P4</b>	Removal or demolition of any <a href="#">building</a> or part of a <a href="#">building</a> including associated <a href="#">earthworks</a> .	<ol style="list-style-type: none"> <li>a. No lawfully established flood protection or erosion or bank stability control structures shall be removed.</li> <li>b. No parts of the structure shall remain in the <a href="#">water body setback</a> that could catch debris or otherwise affect land drainage.</li> </ol> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council</a>'s <a href="#">Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>
<b>P5</b>	<a href="#">Impervious surfaces</a> .	<ol style="list-style-type: none"> <li>4. The total area of <a href="#">impervious surfaces</a> shall not exceed 10% of the <a href="#">water body setback</a> area within any <a href="#">site</a> in any zone, except an open space zone or the Transport Zone where <a href="#">impervious surfaces</a> are not restricted.</li> </ol>
<b>P6</b>	Fences.	<ol style="list-style-type: none"> <li>a. Fences built over any part of a <a href="#">water body</a> shall be no more than 20% solid structure.</li> <li>b. Shall allow access to the <a href="#">water body</a> for maintenance purposes.</li> <li>c. Shall not be located closer to the <a href="#">water body</a> bank than 3 metres or 1/3 of the normal <a href="#">water body setback</a> width, whichever is the greater.</li> <li>d. Shall consist of no greater than 20% solid structure.</li> </ol> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Temporary fencing or construction hoarding remaining on a <a href="#">site</a> for less than three months are exempt from the activity specific standards.</li> <li>2. Where a legal <a href="#">road, esplanade reserve</a> or esplanade strip exists between the <a href="#">water body</a> and the fence, the activity specific standards shall not apply.</li> </ol>
<b>P7</b>	Water storage tanks up to 30,000 litres in capacity; water troughs; pumps and pump sheds under 10m <sup>2</sup> <a href="#">GFA</a> ; and associated power poles or pipes.	Nil

Activity	Activity specific standards
<p><b>P8</b> Culvert crossings for <a href="#">network waterways</a>.</p>	<p>a. Shall be designed in accordance with the <a href="#">Council's Waterways, Wetlands and Drainage Guide</a>.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. Authorisation for culvert crossings is required from the <a href="#">Council's</a> stormwater and land drainage assets unit.</li> </ol>
<b>Maintenance and enhancement works</b>	
<p><b>P9</b> <a href="#">Water body bank maintenance or enhancement works</a> where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.</p>	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's</a> <a href="#">Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>
<p><b>P10</b> Any works related to the operation, repair or maintenance of <a href="#">transport infrastructure</a>.</p>	<p>a. A <a href="#">carriageway</a> shall not be extended closer to the <a href="#">water body</a> in such a way that it permanently removes or reduces vegetation between the existing paved area and the <a href="#">water body</a>.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's</a> <a href="#">Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>

### 6.6.5.2 Controlled activities

There are no controlled activities.
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### 6.6.5.3 Restricted discretionary activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.5.1](#), the activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [Rule 6.6.7](#), as set out in the following table.



Activity	The <b>Council's</b> discretion shall be limited to the following matters:
<p><b>RD1</b> <u>Earthworks</u>:</p> <ul style="list-style-type: none"> <li>a. not exempt by Rule 6.6.3 h. and not provided for by Rule 6.6.5.2 P1; and/or</li> <li>b. listed in Rule 6.6.5.2 P1 that do not meet one or more of the activity specific standards;</li> <li>c. other than <u>earthworks</u> provided for by Rule 6.6.5.5 D1 or Rule 6.6.5.7 PR1.</li> </ul>	<p>All <u>water body</u> classifications:</p> <ul style="list-style-type: none"> <li>a. Natural hazards – Rule 6.6.7.1</li> <li>b. Natural values – Rule 6.6.7.2</li> <li>c. Maintenance access – Rule 6.6.7.5</li> </ul> <p>Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing <u>Water Bodies</u>:</p> <ul style="list-style-type: none"> <li>a. Amenity and character – Rule 6.6.7.3</li> <li>b. Cultural values – Rule 6.6.7.4</li> <li>c. Public / Recreational access – Rule 6.6.7.6</li> </ul> <p>Additional for Environmental Asset Waterways and Banks Peninsula Waterways:</p> <ul style="list-style-type: none"> <li>a. Amenity and character – Rule 6.6.7.3</li> <li>b. Cultural values – Rule 6.6.7.4</li> </ul> <p>Additional for <u>Hill Waterways</u>:</p> <ul style="list-style-type: none"> <li>a. Cultural values – Rule 6.6.7.4</li> </ul> <p>Exception for <u>sites adjoining</u> Downstream Waterways with features intervening between the <u>site</u> and the waterway:</p> <ul style="list-style-type: none"> <li>a. Where a: <ul style="list-style-type: none"> <li>i. legal <u>road</u>; or</li> <li>ii. <u>esplanade reserve</u>; or</li> <li>iii. esplanade strip wider than 10 metres</li> </ul> <p>exists between a downstream waterway and a <u>site</u> being assessed, <b>Council's</b> discretion with respect to that part of the <u>site</u> separated from the <u>water body</u> is restricted to Natural hazards – Rule 6.6.7.1</p> </li> </ul>
<p><b>RD2</b></p> <ul style="list-style-type: none"> <li>a. New <u>buildings</u>, other structures or <u>impervious surfaces</u> not provided for by Rule 6.6.5.2 P2 - P8; and/or</li> <li>b. <u>Buildings</u>, other structures or <u>impervious surfaces</u> listed in Rule 6.6.5.2 P2 - P8 that do not meet one or more of the activity specific standards;</li> <li>c. Rule RD2(a) and (b) do not apply to activities provided for by Rule 6.6.5.5 D1 or Rule 6.6.5.7 PR1.</li> <li>d. Any application arising from RD2 b., for activities listed in Rule 6.6.5.2 P5, P6 or P8 in the <u>water body setback</u> of a <u>network waterway</u> or <u>hill waterway</u>, shall not be limited or publicly notified.</li> </ul>	<p>All <u>water body</u> classifications:</p> <ul style="list-style-type: none"> <li>a. Natural hazards – Rule 6.6.7.1</li> <li>b. Natural values – Rule 6.6.7.2</li> <li>c. Maintenance access – Rule 6.6.7.5</li> </ul> <p>Additional for Downstream Waterways, Upstream Waterways, Ngā Wai and Environmental Asset Standing <u>Water Bodies</u>:</p> <ul style="list-style-type: none"> <li>a. Amenity and character – Rule 6.6.7.3</li> <li>b. Cultural values – Rule 6.6.7.4</li> <li>c. Public / Recreational access – Rule 6.6.7.6</li> </ul> <p>Additional for Environmental Asset Waterways and Banks Peninsula Waterways:</p> <ul style="list-style-type: none"> <li>a. Amenity and character – Rule 6.6.7.3</li> <li>b. Cultural values – Rule 6.6.7.4</li> </ul> <p>Additional for <u>Hill Waterways</u>:</p>

Activity		The <b>Council</b> 's discretion shall be limited to the following matters:
		<p>a. Cultural values – Rule 6.6.7.4</p> <p>Exception for <u>sites adjoining</u> downstream waterways with features intervening between the <u>site</u> and the waterway:</p> <p>a. Where a:</p> <ul style="list-style-type: none"> <li>i. legal <u>road</u>; or</li> <li>ii. <u>esplanade reserve</u>; or</li> <li>iii. esplanade strip wider than 10 metres</li> </ul> <p>exists between a downstream waterway and a <u>site</u> being assessed, <b>Council</b>'s discretion with respect to that part of the <u>site</u> separated from the <u>water body</u> is restricted to Natural Hazards – Rule 6.6.7.1</p>
<b>RD3</b>	<u>Plantation forestry</u> , other than provided for by Rule 6.6.5.5 D1.	<p>In addition to the matters of discretion for Plantation Forestry in Rule 17.11.2.4:</p> <p>a. Natural hazards – Rule 6.6.7.1</p>
<b>RD4</b>	<u>Water body bank maintenance or enhancement works</u> listed in Rule 6.6.4.2 P9 that do not meet one or more of the activity specific standards; other than activities provided for by Rule 6.6.5.5 D1 or Rule 6.6.5.7 PR1.	<p>a. Natural hazards – Rule 6.6.7.1</p> <p>b. Natural values – Rule 6.6.7.2</p>

#### 6.6.5.4 Discretionary activities

a. Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are discretionary activities.

Activity	
<b>D1</b>	Any activity listed in Rule 6.6.5.4, which is located adjacent to a <u>water body</u> identified as a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1.

#### 6.6.5.5 Non-complying activities

There are no non-complying activities.

#### 6.6.5.6 Prohibited activities

a. Within the water body setback areas specified in Rule 6.6.5.1, the activities listed below are prohibited activities.

Activity	
<b>PR1</b>	Damming, stopbanking, polderisation or drainage of any part of Te Waihora/Lake Ellesmere outside the bed of the lake and below 1.2 metres above the 1937 Lyttelton vertical datum

Activity	
	except: <ol style="list-style-type: none"> <li>polderisation for fish-farming or for research into fisheries;</li> <li>stopbanks or drains that existed on 27 June 1986; and</li> <li><a href="#">earthworks</a> associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.</li> </ol>

## 6.6.6 Rules - Activity status tables - Natural Area Water Body Setbacks

### Area of effect

- a. The rules for Natural area [water body setbacks](#) in Rule 6.6.6 apply within the following areas:

	<a href="#">Water body classification</a>	<a href="#">Water body setback width</a>	Area of effect	Activities controlled
i.	Downstream waterway	30 metres	Measured from the banks of <a href="#">water bodies</a> indicated on the Planning Maps (see <a href="#">Appendices 6.11.5.2</a> and <a href="#">6.11.5.3</a> for interpretation of “bank”)	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
ii.	Upstream waterway	20 metres		<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
iii.	Environmental asset waterway	20 metres		<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
iv.	<a href="#">Network waterway</a>	5 metres	Measured from the banks of <a href="#">water bodies</a> falling under the definition of “ <a href="#">network waterway</a> ”	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
v.	<a href="#">Hill waterway</a>	20 metres	Measured from the centreline of <a href="#">water bodies</a> falling under the definition of “ <a href="#">hill waterway</a> ”	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
vi.	Environmental asset standing water body	20 metres	Measured from the banks of <a href="#">water bodies</a> indicated on the Planning Maps (see <a href="#">Appendix 6.11.5.2</a> and <a href="#">6.11.5.3</a> for interpretation of “bank”)	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; Maintenance and enhancement
vii.	Banks Peninsula waterway	20 metres	Measured from the banks of rivers and streams on <a href="#">Banks Peninsula</a> that are not classified on the Planning Maps and do not fit the definition of “ <a href="#">hill waterways</a> ”	<a href="#">Earthworks</a> ; <a href="#">Buildings</a> and other structures; <a href="#">Plantation forestry</a> ; Maintenance and enhancement

- b. Where the [water body setbacks](#) from two different [water body](#) classifications overlap, the rules applying to the larger [water body setback](#) apply.

### 6.6.6.1 Permitted activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.6.1](#), the activities listed below are permitted activities if they meet the activity specific standards set out in the following table.

b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in [Rules 6.6.6.2](#), [6.6.6.3](#), [6.6.6.4](#), [6.6.6.5](#) and [6.6.6.6](#).

Activity	Activity specific standards
<p><b><a href="#">Earthworks</a></b>            Note: For the purposes of these rules “<a href="#">earthworks</a>” excludes <a href="#">quarrying activity</a>.</p>	
<p><b>P1</b> Any test pits or boreholes necessary as part of a geotechnical assessment or <a href="#">contaminated land</a> assessment.</p>	<p>a. Land subject to any such testing shall be reinstated within two working days of the conclusion of the testing period.</p>
<p><b><a href="#">Buildings and other structures (including <a href="#">impervious surfaces</a>)</a></b>            Note: For the purposes of these rules “<a href="#">building</a>” includes “<a href="#">accessory building</a>”. The definition of <a href="#">building</a> includes decks.</p>	
<p><b>P2</b> Use, maintenance or repair of lawfully-established <a href="#">buildings</a>, fences and <a href="#">impervious surfaces</a> existing at the time of notification of the <a href="#">District Plan</a> for activities otherwise permitted by the <a href="#">District Plan</a>.</p>	<p>Nil</p>
<p><b>P3</b> Removal or demolition of any <a href="#">building</a> or part of a <a href="#">building</a>, including associated <a href="#">earthworks</a>.</p>	<p>a. No lawfully established flood protection or erosion or bank stability control structures shall be removed.            b. No parts of the structure shall remain in the <a href="#">water body setback</a> that could catch debris or otherwise affect land drainage.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council</a>’s <a href="#">Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>
<p><b>P4</b> Fences.</p>	<p>a. Shall not be built over any part of a <a href="#">water body</a>.            b. Shall allow access to the <a href="#">water body</a> for maintenance purposes.            c. Shall not be located closer to the <a href="#">water body</a> bank than 3m or 1/3 of the normal <a href="#">water body setback</a> width,</p>

Activity	Activity specific standards
	<p>whichever is the greater.</p> <p>d. Shall consist of no greater than 20% solid structure.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Temporary fencing or construction hoarding remaining on a <a href="#">site</a> for less than three months are exempt from the activity specific standards.</li> <li>2. Where a legal <a href="#">road</a>, <a href="#">esplanade reserve</a> or esplanade strip exists between the <a href="#">water body</a> and the fence, the activity specific standards shall not apply.</li> </ol>
<p><b>P5</b> Culvert crossings for <a href="#">network waterways</a>.</p>	<p>a. Shall be designed in accordance with the <a href="#">Council's Waterways, Wetlands and Drainage Guide</a>.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. Authorisation for culvert crossings is required from the <a href="#">Council's</a> stormwater and land drainage assets unit.</li> </ol>
<b>Maintenance and enhancement works</b>	
<p><b>P6</b> <a href="#">Water body bank maintenance or enhancement works</a> where undertaken or authorised by any territorial or regional authority, the Department of Conservation or Te Rūnanga o Ngāi Tahu.</p>	<p>a. Works shall not prevent the passage of fish.</p> <p>b. Works shall not be undertaken in the flowing channel at spawning sites for trout and inanga.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>
<p><b>P7</b> Any works related to the operation, repair or maintenance of <a href="#">transport infrastructure</a>.</p>	<p>a. A <a href="#">carriageway</a> shall not be extended closer to the <a href="#">water body</a> in such a way that it permanently removes or reduces vegetation between the existing paved area and the <a href="#">water body</a>.</p> <p>Advice note:</p> <ol style="list-style-type: none"> <li>1. The <a href="#">Council's Water Supply, Wastewater and Stormwater Bylaw 2014</a> applies.</li> <li>2. The Canterbury regional plans include provisions for <a href="#">earthworks</a> in riparian margins and provisions in relation to dust control.</li> <li>3. Erosion and sediment control guidance is available from the Canterbury Regional Council and may be of assistance.</li> </ol>

### 6.6.6.2 Controlled activities

There are no controlled activities.

### 6.6.6.3 Restricted discretionary activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.6.1](#), the activities listed below are restricted discretionary activities.

b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in [Rule 6.6.7](#) for each standard, as set out in the following table.

Activity		The <a href="#">Council</a> 's discretion shall be limited to the following matters:
<b>RD1</b>	<p><a href="#">Earthworks</a>:</p> <p>a. not exempted by <a href="#">Rule 6.6.3 h.</a> and not provided for by <a href="#">Rule 6.6.6.1 P1</a>; and/or</p> <p>b. listed in <a href="#">Rule 6.6.6.1 P1</a> that do not meet one or more of the activity specific standards; other than <a href="#">earthworks</a> provided for by <a href="#">Rule 6.6.6.4 D1</a> or <a href="#">Rule 6.6.6.6 PR1</a>.</p>	<p>All <a href="#">water body</a> classifications</p> <p>a. Natural hazards – <a href="#">Rule 6.6.7.1</a></p> <p>b. Maintenance access – <a href="#">Rule 6.6.7.5</a></p> <p>c. Natural values – <a href="#">Rule 6.6.7.2</a></p> <p>d. Amenity and character – <a href="#">Rule 6.6.7.3</a></p> <p>e. Cultural values – <a href="#">Rule 6.6.7.4</a></p> <p>f. Public/Recreational access – <a href="#">Rule 6.6.7.6</a></p>
<b>RD2</b>	<p>a. New <a href="#">buildings</a> or other structures not provided for by <a href="#">Rule 6.6.6.1 P2 - P5</a>; and/or</p> <p>b. <a href="#">Buildings</a> or other structures listed in <a href="#">Rule 6.6.6.1 P2 - P5</a> that do not meet one or more of the activity specific standards;</p> <p>c. <a href="#">Rule 6.6.6.3 RD2(a)</a> and <a href="#">(b)</a> do not apply to activities provided for by <a href="#">Rule 6.6.6.4 D1</a> or <a href="#">Rule 6.6.6.6 PR1</a>.</p> <p>d. Any application arising from <a href="#">RD2 b.</a>, for activities listed in <a href="#">Rule 6.6.6.1 P4</a> or <a href="#">P5</a> in the <a href="#">water body setback</a> of a <a href="#">network waterway</a> or <a href="#">hill waterway</a>, shall not be limited or publicly notified.</p>	<p>All <a href="#">water body</a> classifications</p> <p>a. Natural hazards – <a href="#">Rule 6.6.7.1</a></p> <p>b. Maintenance access – <a href="#">Rule 6.6.7.5</a></p> <p>c. Natural values – <a href="#">Rule 6.6.7.2</a></p> <p>d. Amenity and character – <a href="#">Rule 6.6.7.3</a></p> <p>e. Cultural values – <a href="#">Rule 6.6.7.4</a></p> <p>f. Public/Recreational access – <a href="#">Rule 6.6.7.6</a></p>
<b>RD3</b>	<p><a href="#">Water body bank maintenance or enhancement works</a> listed in <a href="#">Rule 6.6.6.1 P6</a> that do not meet one or more of the activity specific standards; other than activities provided for by <a href="#">Rule 6.6.6.4 D1</a> or <a href="#">Rule 6.6.6.6 PR1</a>.</p>	<p>a. Natural hazards – <a href="#">Rule 6.6.7.1</a></p> <p>b. Natural values – <a href="#">Rule 6.6.7.2</a></p>

### 6.6.6.4 Discretionary activities

a. Within the [water body setback](#) areas specified in [Rule 6.6.6.1](#), the activities listed below are discretionary activities.

**Activity**

Activity	
D1	Any activity listed in Rule 6.6.6.4, which is located adjacent to a <a href="#">water body</a> identified as a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1.

### 6.6.6.5 Non-complying activities

There are no non-complying activities.

### 6.6.6.6 Prohibited activities

a. Within the [water body setback](#) areas specified in Rule 6.6.6.1, the activities listed below are prohibited activities.

Activity	
PR1	<p>Damming, stopbanking, polderisation or drainage of any part of Te Waihora/Lake Ellesmere outside the bed of the lake and below 1.2 metres above the 1937 Lyttelton vertical datum except:</p> <ol style="list-style-type: none"> <li>a. polderisation for fish-farming or for research into fisheries;</li> <li>b. stopbanks or drains that existed on 27 June 1986; and</li> <li>c. <a href="#">earthworks</a> associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.</li> </ol>

## 6.6.7 Rules - Matters of discretion

a. When considering applications for restricted discretionary activities, the [Council](#)'s discretion to grant or decline consent, or impose conditions, is restricted to the matters over which discretion is restricted in the tables in Rules 6.6.4.4, 6.6.5.4 and 6.6.6.4, and as set out for that matter below.

### 6.6.7.1 Natural hazards

All activities

- a. Any adverse effects on surface drainage.
  - i. [Earthworks](#), [buildings](#), or other structures including fences, decks, posts and struts, located in [water body setbacks](#) shall not impede the capability of waterway channels or ponding areas to store or convey surface water.
  - ii. Adverse effects shall not be displaced to adjacent properties.
- b. The cumulative effect of developments adjacent to the [water body](#) on land drainage or flood risk.
- c. Any adverse effects likely as a result of tidal influences during flood periods including the potential for exacerbation of effects with sea level rise.

- d. The likely effects on the natural functioning of the [water body](#), including any likelihood of work undertaken exacerbating inundation, erosion, alluvion or avulsion, whether upstream or downstream of the [site](#).
- e. Any beneficial effects of the proposal for the function of the [water body](#), such as decreased likelihood of blockage or improved surface drainage where these effects remain consistent with protecting the ecological health of the [water body](#).
- f. Any functional necessity for the activity to locate within the [water body setback](#).

Additional for [buildings](#), other structures and [impervious surfaces](#)

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

Additional within a [Flood Management Area](#):

- h. Matters of discretion that apply to [buildings](#) and/or [filling](#) and [excavation](#) in a [Flood Management Area](#) (Rules 5.4.1.5, 5.4.2.4 and 5.4.3.3, as relevant to the [Flood Management Area](#)).

### **6.6.7.2 Natural values**

- a. Any beneficial or adverse effects on the natural qualities of the [water body](#) and the ecology of areas within and adjacent to the [water body](#) including cumulative effects.
- b. The extent to which naturalisation of the [water body](#) is achieved at the time of development, or potential for naturalisation in the future is retained.
- c. Any adverse effects of discharge of sediment to the [water body](#) and the downstream receiving environment.
- d. The timing and duration of any proposed [earthworks](#) or construction and its implication for seasonal and long-term natural cycles in the [water body](#) habitat.
- e. Proximity of any proposed [earthworks](#) or [buildings](#) to significant trees listed in [Appendix 9.4.7.1](#).
- f. The extent to which the proposal has regard to any relevant operative [Council](#)-approved master plans or management plans.
- g. The extent to which the proposal avoids, or has minimal adverse effect (including cumulative effects) on, the natural values of the area, including:
  - i. biodiversity and any measures proposed to protect, enhance and provide for [indigenous vegetation](#) and [indigenous fauna](#);
  - ii. nesting, feeding and breeding areas;
  - iii. the habitat of threatened or protected species, both terrestrial and aquatic; and
  - iv. disruption of ecological corridors or other potential connections between ecosystems.



### **6.6.7.3 Amenity and character**

- a. Any beneficial or adverse visual impacts on the natural form and character of the [water body](#), including landscape treatment, screening, site layout and design and preservation of viewing opportunities of the [water body](#) from [adjoining sites](#).
- b. The degree to which the proximity or bulk of any structure dominates or otherwise detracts from the spaciousness and open character of the [water body](#).
- c. The extent to which the proposal has regard to any relevant operative [Council](#)-approved master plans or management plans.

### **6.6.7.4 Cultural values**

- a. Any beneficial or adverse effects on cultural practices, including mahinga kai or customary use.
- b. The degree to which the proposal has had regard to the objectives and policies of the Mahaanui Iwi Management Plan.
- c. Any adverse effects on [archaeological sites](#) or [historic heritage](#).
- d. Any adverse effects on customary access where applicable.
- e. The degree to which the proposal on [Māori land](#) in the Papakāinga/Kāinga Nohoanga Zone is in accordance with Tikanga Māori.
- f. Within a [site of Ngāi Tahu Cultural Significance](#) identified in [Appendix 9.5.6](#), the matters set out in [Rule 9.5.5](#) as relevant to the site classification:
  - i. [9.5.5.1](#) – Wāhi Tapu/Wāhi Taonga, Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit;
  - ii. [9.5.5.2](#) – Ngā Tūranga Tūpuna;
  - iii. [9.5.5.3](#) – Ngā Wai.

### **6.6.7.5 Maintenance access**

- a. Any adverse effects on access to or along the [water body](#) for maintenance of the [water body](#) or any associated natural hazard protection works.

### **6.6.7.6 Public/Recreational access**

- a. Any beneficial or adverse effects on legal public or recreational access to or along the [water body](#).