

Summit Road (Canterbury) Protection Bill

Local Bill

As reported from the Government Administration
Committee

Commentary

Recommendation

The Government Administration Committee has examined the Summit Road (Canterbury) Protection Bill and recommends that it be passed with the amendments shown.

This is a local bill. We have determined that the Standing Orders have been complied with and that the provisions of the bill do not affect the rights and prerogatives of the Crown.

Background

The Summit Road (Canterbury) Protection Bill (the bill) would replace the Summit Road (Canterbury) Protection Act 1963. This Act provides for the preservation and protection of the scenic amenities associated with the Summit Road and other roads on the Port Hills of Canterbury. It also provides for the improvement of facilities for the public enjoyment of those amenities. The bill is supported by the Christchurch City Council, Banks Peninsula District Council, Selwyn District Council, the landowners, and the Summit Road Society.

The reason for the bill is that over the years the Summit Road (Canterbury) Protection Act has been subject to criticism from the Planning Tribunal (now the Environment Court). There is also confusion over the area protected. Survey plans that define the boundary of the protected area are imprecise and do not meet current technical

standards. Amendments to the Summit Road (Canterbury) Protection Act in 1968, 1973, 1974, and by the Local Government Amendment Act 1992 have not addressed the criticisms.

We note that, in the course of preparing the bill, there has been wide consultation with the relevant territorial authorities, the Department of Conservation, landowners, and the Summit Road Society. There has also been consultation with the Ministry for the Environment, the Ministry of Justice, and the Department of Internal Affairs.

This commentary sets out details of our consideration of the bill and the issues we addressed.

Clause 3: Purposes of the Act

Concern about the terms “enhancement” and “scenic amenities”

Many submitters express concern about the meaning and interpretation of the terms “enhancement” and “scenic amenities” referred to in clause 3(a). These submitters believe that when the terms are considered in conjunction with each other there appears to be support for the erection of structures or activities that provide views from, or of, the Port Hills. A consequence of this is to create uncertainty over the interpretation of clause 20, “Compensation”.

The Summit Road Protection Authority (the Authority) considers that the purposes of the bill would be clarified by deleting the term “enhancement” from clause 3(a). Also, by replacing the term “scenic amenities” with “scenic amenity” would further clarify the purposes of the bill. As a consequence the term “scenic amenity” could replace “scenic amenities” in the bill. We agree.

Imprecise definition of the scenic amenity associated with the Summit Road

The Montgomery Spur Heritage Trust, and the Christchurch Community Law Centre consider that reference in clause 3(a) to “the Summit Road and other roads” is too limited and in the case of “other roads” too imprecise. Another submitter, the Summit Road Society (the Society) seeks to substitute the phrase “the Summit Road and protected land”. Other submitters seek the inclusion of a reference to “other roads” being only within the protected area and to walkways and cycle tracks.

The Authority told us that this is a matter of clarifying the area the scenic amenity is associated with. In principle, the same amenity is associated with unformed roads, walking tracks, cycle tracks and public reserves since they all afford views out towards Christchurch City, the Canterbury Plains and/or Lyttelton Harbour. However, they are not associated with private land where there is no right of public access. Therefore, we recommend that clause 3(a) is amended to include the “scenic amenity associated with the Summit Road and other roads, walkways, paths and public open spaces within the protected land”.

Under clause 4, “Interpretation”, the term “path” is amended to include “a walking track or cycle track shown on a management plan approved by the Authority”. The term “road” is amended to include “an unformed road; but does not include an access way for domestic or farming purposes”. The term “scenic amenity” is also amended to mean “the extensive views from the Summit Road and other roads, walkways, paths, and public open spaces within the protected land to the prominent land forms of the Port Hills and of Christchurch (Otautahi), the Canterbury Plains, the mountains, the sea and the Lyttelton Harbour (Te Whakaraupo) basin”. DW Te R Couch and Te Rūnanga o Ngāi Tahu sought inclusion of the Maori name for Lyttelton Harbour, “Whakaraupo”, in any definition of “scenic amenity”. We consider this is appropriate and that the Maori name for Christchurch, “Otautahi” should also be included. We consider these descriptions are more precise and address the concerns raised by submitters.

Extension of the values to be protected

Some submitters, including the Society, consider the range of values to be protected should be extended to include:

- natural and aesthetic values
- natural features and educational values
- peacefulness and absence of noise pollution
- promotion of sustainable resource management and indigenous diversity
- natural resources and amenity values
- recreational values, promotion of health
- conservation, historical and cultural values.

These submitters consider that the Resource Management Act 1991 and the proposed Christchurch City Plan (City Plan) will not protect these values. Therefore, protection of them should be contained in the bill.

The Authority told us that protection of the values listed above is within the scope of the Resource Management Act if there is evidence of any adverse effect that justifies intervention in private property rights. Also, these values will be protected by the proposed City Plan. However, to reflect the views of the submitters, the Authority considers that a general omnibus approach could be taken, in part, to capture these values in the bill.

The Authority considered the use of the term “ecological values” and to expanding the definition of the term “scenic amenity” to capture these values in the purposes of the bill. However, the Authority considers that reference to “ecological” has a number of scientific meanings or implications, which do not give the effect that is being sought by the Authority and the landowners. Also, the use of the term “ecological” implies some active preservation measures that the Authority is not equipped to provide.

The Authority considers that the narrow definition of “scenic amenity” provided in the bill achieves its intentions because the landscape on the Port Hills is already modified by human influences such as the Summit Road, historical structures, buildings, the broadcast tower and the gondola building. There are also items such as yards and fences. The Authority believes the definition of the “scenic amenity” should remain narrow to include only those amenities associated with the Summit Road.

Therefore, the omnibus approach proposed by the Authority is to insert a new clause 3(b) that would provide “for the preservation and protection of natural amenities associated with land within the protected area”. We support the Authority’s proposal and recommend that “natural amenities” be defined as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. This definition is the same as the one provided under the Resource Management Act. The effect of this amendment is to introduce a requirement in the bill that is parallel to section 7 of the Resource Management Act. Therefore, in making any decision or recommendation that concerns the preservation and

protection of natural amenities associated with land within the protected area, there is an overlap with the requirements of the Resource Management Act.

We note the Authority's concern about the reference to "physical qualities and characteristics" in the definition of "natural amenities". However, we consider that any definition of "natural amenities" should be consistent with decisions of the Environment Court. In particular, we note the Court's decision in the case of the *Wakaitipu Environmental Society Incorporated vs Queenstown-Lakes District Council* [2000] NZRMA 59 that defines the criteria of "naturalness" under the Resource Management Act as including "physical landform and relief".

Protection of views from Christchurch City to the Summit Road

Some submitters seek the protection of views from Christchurch City to the Summit Road and protected land, the skyline, ridgelines, and the Port Hills. The Authority does not support widening the scope of the bill to include views from Christchurch City to the Port Hills because such matters are to be addressed in the proposed City Plan. We believe it is too difficult to define the type of view to be protected, the part of the Port Hills the view is of, and the locations within Christchurch City from where people may choose to view the various aspects of the Port Hills. Therefore, we do not recommend that the bill be widened to cover views from Christchurch City to the Port Hills.

Improvement of facilities

New clause 3(c) seeks to provide for the improvement of facilities for the public enjoyment of the scenic amenity and natural amenities. Some submitters are concerned about the meaning and implication of such a clause and that it should be subordinate to such provisions as clause 3(a) and (b). We note that submitters who support the bill also support retention of this provision. In that context this issue is similar to that which surrounds the scope of the bill.

Clause 3(a), (b) and (c) are based on the Long Title of the Summit Road (Canterbury) Protection Act and are of equal importance. Therefore, in considering any proposal to provide for the improvement of facilities for the public enjoyment of the scenic amenity or natural amenities, the effects of the proposal in terms of clause 3(a)

and (b) must also be considered. We conclude that it is unnecessary for one clause to be subordinate to the other since the criteria of all clauses, where applicable, must be met.

Clause 4: Interpretation

Protected land

The definition of “protected land” refers to the land that would be protected with the enactment of the bill. The Society asks that the definition of “protected land” be extended to include roads within and adjacent to the protected area. At present roads are not included in the protected area. As a result, the erection of masts and poles within the road reserve are not controlled under the Summit Road (Canterbury) Protection Act. The Authority considers it is preferable for roads surrounded by protected land to be included within the protected area. We agree and recommend that the definition of “protected land” be amended by inserting in paragraph (a)(i) of the definition of “protected land”, after the expression “Schedule 2”, the words “and shown on the plans set out in Schedule 2A and roads adjoining that land”.

Public open space

Some submitters ask that the definition of “public open space” be amended to delete privately owned land, with a corresponding amendment to clause 12(3). The Authority considers that the concerns raised by these submitters are overstated because the term would be used in a restricted way with the proposed amendment to clause 3(a). Nevertheless, the definition would be clarified and simplified by omitting paragraph (a)(ii) of the definition of “public open space” and substituting with “open to and being used by the public (with or without payment of charge)”.

Structure

The Society asks that the definition of “structure” be deleted and replaced by the definition contained in the Resource Management Act. We do not support this proposal. All the types of structures that the Society consider fall outside the definition of “structure” are captured by the definition in clause 4(1) of the bill, except for the parking of caravans, which is controlled by the local authority’s by-laws.

The Society also asks that pipes and power lines for domestic and farming purposes be defined as structures. These are excluded because they are in addition to existing or otherwise lawfully approved residential and farming activities. However, we accept that any intensification of land use or the development of new telecommunications services may result in demand for overhead power cables and support structures that would not be consistent with the purposes of the bill.

The definition of “structure” does not apply to poles or masts on protected land. Therefore, these structures would be subject to approval. However, as noted above, poles and masts located within the legal road reserve are not subject to control under the bill or under the current Summit Road (Canterbury) Protection Act. Therefore, we recommend that a new subparagraph (iia) “any road” be inserted in paragraph (a) of the definition of “structure”, after subparagraph (ii) to address this problem. The proposed amendment to the definition of “protected land” also seeks to address this problem.

Public notification

One submitter is concerned about clause 4(2) and the requirements relating to public notices affixed on sites affected by proposals and applications. We note the submitter’s concern about the impact on the scenic amenity. However, any adverse effect would be short term (20 working days). The wording of the bill is the same as that prescribed in section 93(1)(h) of the Resource Management Act. Another submitter raises concerns about the circulation area for public notification. The concerns raised are met by clause 4(2)(a) and no amendment is necessary.

Clause 5: Obligations of persons exercising functions and powers

The Society asks that the considerations required of a person or committee making a recommendation or decision on an application made under clauses 10, 11 or 13 be confined to dealing with applications made only under clause 13. It considers that clauses 10 and 11 of the bill should be deleted. The Authority told us that it does not support the deletion of clauses 10 and 11 and therefore does not support limiting the application of clause 5 to clause 13. We agree.

The Montgomery Spur Heritage Trust and the Christchurch Community Law Centre seek the inclusion of a reference to “all walkways and trails” in clause 5(a). We note the Authority does not oppose this. It suggests that the term “paths” be used instead of “trails” to be consistent with the amendment to clause 3(a). The Authority also suggests that the Summit Road and other roads be added to clause 5(a) since the use of public roads is the main way to access the Port Hills. We agree and recommend that clause 5(a) be amended to read “the effect of the application on the maintenance and enhancement of the Summit Road, other roads, walkways, and paths”.

The Society asks that clause 5(b) and (c) be amended by substituting “the” for “any” effect and by the addition of a number of matters that regard should be given to such as the effects on the scenic amenity and natural amenities. We agree and recommend that clause 5(b) and (c) be omitted and substituted with “(b) the effect of the application on the use of the roads for the public enjoyment of the scenic amenity and the natural amenities and on the safety of road users; and (c) the effect of the application (if any) on farming operations”.

However, we do not support the proposal of the New Zealand Royal Forest and Bird Protection Society that regard be given to the effects on ecological restoration. The addition of these matters is not supported for the same reasons as outlined earlier under clause 3(a).

We note the concerns of DW Te R Couch and Te Rūnanga o Ngāi Tahu about the need to have regard to cultural issues and the Treaty of Waitangi. We are pleased to see that the Authority considers it is appropriate for things valued by tangata whenua to be added to clause 5. We conclude that a new paragraph (d) be inserted in clause 5 to require regard to “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga”. This wording is consistent with section 5(e) of the Resource Management Act.

Clause 7: Summit Road Protection Authority

Most submitters seek an extension of the membership of the Authority provided in clause 7 to include a member appointed by one or other of:

- Te Rūnanga o Ngāi Tahu
- Environment Canterbury

- Minister of Conservation.

We note that the Authority has reservations about the inclusion of a member appointed by Te Rūnanga o Ngāi Tahu because such an appointment would not be from one of the three contributory local bodies that constitute the Authority. The three contributory local bodies are responsible for the expenses and administration of the Authority. Therefore, the Authority does not consider that a non-council appointee appropriately fits into that structure. We agree.

The Authority also does not support the addition of a member appointed by Environment Canterbury or the Minister of Conservation because it exists to manage an asset, which extends across the boundaries of three territorial local authorities. The Authority makes recommendations on expenditure by the contributory local bodies and may undertake minor expenditure itself. As Environment Canterbury is precluded from holding land or making expenditure for recreational purposes it cannot be a contributory local body like that of the three territorial local authorities.¹

Clause 9: Advisory Committee

Clause 9 provides that the Authority must, for the “better administration of the Summit Road (Canterbury) Protection Act”, appoint an Advisory Committee (the Committee). Most submitters provide comment about the appropriate membership of the Committee. Comments from submitters centre on either extending the membership of the Committee or having an equal number of members for groups already represented.

Extension of membership

Some submitters consider that the Committee’s membership should be extended to include members appointed on the nomination of either:

- Papatipa Rūnanga of Rapki
- Port Hills Landcare Group
- Environment Canterbury
- recreational groups.

We consider that the inclusion of a member appointed on the nomination of the Papatipa Rūnanga of Rapki (or the Te Rūnanga o Ngāi

¹ *Local Government Amendment Act 1992.*

Tahu) is appropriate and we recommend that clause 9 be amended to reflect this.

The Authority does not consider there is a need to extend membership of the Committee to members appointed on the nomination of Environment Canterbury or recreational groups. The Authority told us it can already obtain technical input by consulting with Environment Canterbury and recreational groups when required. In addition, advice on park management and recreational matters is available within the Committee from a member of staff appointed on the nomination of the Christchurch City Council. However, to reflect the views of the submitters, the Authority considers that membership of the Committee could be extended to include, “1 member having a knowledge of open space management and park management appointed on the nomination of the contributory local bodies and 1 member appointed on the nomination of the Canterbury Regional Council (Environment Canterbury)”. This would address the concerns of the submitters. We agree.

There is no one organisation that can represent all of the recreational groups. We agree with the Authority that it is difficult to have the diverse views of existing groups represented by a single nominee. The addition of a nominee of the Port Hills Landcare Group would also not be appropriate given that submitters consider this may provide for the representation of adjacent landowners. We can see no justification for accommodating landowners outside the protected area.

Equal number of members for existing groups

Other submitters consider that an equal number of members for existing groups be represented on the Committee and that landowners be limited to two representatives. These submitters did not suggest limits on other groups.

The Authority told us that, at present, the unlimited number of members appointed on the nomination of contributory local bodies and landowners is unlimited for two reasons. First, it enables contributory local bodies to provide ongoing technical input through having a member (or members) of staff regularly attend meetings. This happens with one person having expertise in park management being a member. Second, it provides flexibility with landowner representation. Traditionally it has been considered that “house owner” and “farmer” groups have different perspectives that need to be represented. The number is not capped to enable additional

members appointed by tangata whenua and/or persons holding land for conservation purposes. However, the Authority considers that the landowner representatives should be capped at two. We agree and recommend that clause 9 be amended to include “2 members appointed on the nomination of persons (other than contributory local bodies, Ministers of the Crown, or groups represented on the Advisory Committee) who own protected land and who are not otherwise represented on the Committee”.

Some submitters consider that members appointed on the nomination of a different contributory local body should be capped at one each. While, the Authority does not believe this is necessary, we are pleased that it does not oppose such a provision provided an additional member with specialist knowledge of open space management can also be appointed to the Committee. Therefore, we recommend that membership of the committee be amended to include “3 members, each of whom must be appointed on the nomination of a different contributory local body”.

Procedures for nomination

Some submitters also comment about the procedures for nomination, including public notification of annual general meetings of nominating groups. The Authority considers it would be cumbersome and bureaucratic to become involved in managing the nomination process. It prefers to just prepare and circulate guidelines for the nominating groups and let the groups manage the process themselves. We agree and note that the Authority would retain the right not to appoint a member if it is not satisfied with the process of nominations.

Members with a pecuniary interest

Two submitters, the New Zealand Royal Forest and Bird Society and the Christchurch Community Law Centre, consider that clause 9 should be amended to exclude any member having a pecuniary interest taking part in decisions on applications. This matter is already covered by section 6 of the Local Authorities (Members' Interests) Act 1968. Therefore, there is no need to repeat the provision of that Act in this legislation.

Delegation of authority

One submitter, Broadcast Communications Limited (BCL) consider that clause 9(3) should be deleted because it perpetrates another layer of decision-making with no guarantee that the process will conform to accepted standards. While the bill is permissive in that the Authority “may delegate” the power to hear and decide applications, it is the Authority’s duty to satisfy itself that the functions are properly carried out and that it can withdraw the delegation if necessary. We believe the bill provides adequate safeguards and there is no justification to delete clause 9(3).

Different membership of the Authority and committee

Some submitters consider there should be different people on the Authority and Committee nominated by the contributory local bodies. Under the existing Summit Road (Canterbury) Protection Act the nominating bodies have the opportunity to appoint different members. The same person on the Authority and the Advisory Committee represents each body. This arrangement is consistent with the way all other territorial local authorities and regional councils throughout the country operate.

Clauses 10 and 11: Amendment to protected land and application for removal of land from protected area

Some submitters, including the Society, consider that clauses 10 and 11 should be deleted. These submitters consider that any amendment to the land protected or removal of land from the protected area is dealt with by amendment to the Summit Road (Canterbury) Protection Act. The Authority told us that it considered this issue at the time the bill was being prepared. It decided to maintain the status quo by retaining the provisions in section 6(4) of the Summit Road (Canterbury) Protection Act, except to provide for submissions to be made on proposals, and the landowner “veto”.

Clause 10(2) provides that the Authority may not give public notice of its intention to add to the protected area without the written consent of the landowner. We note one submitter opposes the veto in clause 10(2) and considers that it should be deleted. However, the Authority does not support the deletion of this clause as it considers the bill imposes a more restrictive regulatory regime than under the district plans. The present protected area is defined with the agreement of the affected landowners. Therefore, clause 10(2) provides

landowners, affected by any extension of the area, the same right to “opt out” as those who accepted the additional controls on their land under the Summit Road (Canterbury) Protection Act.

Clauses 10 and 11 of the bill enable proposals to be assessed on their merits. Decisions on applications for the removal of land cannot be delegated to the Advisory Committee. Therefore, it is inappropriate for such an assessment to be undertaken by Parliament or, if undertaken by the Authority, for any recommendation by the Authority or, an appeal to the Environment Court, to be subject to a decision by Parliament.

However, we note the view of one submitter that the criteria for the removal of land from the protected area be stipulated if clause 11 is retained. Therefore, we recommend that under clause 11 a new subclause (4A) is inserted that stipulate the criteria for removing land from the protected area.

Clause 12: Actions on protected land requiring approval Works undertaken in accordance with a designation

BCL consider that clause 12(2) be amended to exclude works undertaken “pursuant to designations in a district plan”. It contends that, since the provision of telecommunication facilities at the Sugarloaf Transmission Site is being undertaken in accordance with a designation in the City Plan, it is inefficient to have to make further application to the Authority each time it wants to erect antennae or some other facility on the site. The difficulty with this argument is that designations generally relate to the use of the land and do not specify the bulk and location of structures in precise terms.

The Authority acknowledges that in the case of the BCL designation relating to Sugarloaf the “building envelope” is tightly prescribed.² In principle, a designation in these terms may provide the Authority with sufficient confidence that any structure erected in accordance with the designation would not have an impact on the scenic amenity or natural amenities, as defined in the bill. The inclusion in the bill of a clause similar to 12(3) that provides for an exemption of structures complying with a designation approved by the Authority would provide a more direct and efficient method of addressing this issue. At present, designations are not referred to the Authority for

² Refer to the decision of the Christchurch City Council Recommendation No. 197 accepted by BCL on 6 October 2000.

approval and there is no statutory process to require this. The inclusion of a provision, similar to clause 12(3), would require the Authority to satisfy itself that any work undertaken in accordance with the designation would not have an adverse effect in terms of the bill. The approval of the Authority of such a designation would not be subject to further public notification and submissions.

Therefore, we recommend that paragraph (b) of clause 12(2) be omitted and substituted with “the erection, placement, alteration, reconstruction, repair, or extension of any structure, except (i) the repair and maintenance of a public work (as defined in section 2 of the Public Works Act 1981; or (ii) the erection, placement, alteration, reconstruction, repair, or extension of a structure that is carried out under a designation prepared and approved in accordance with the Resource Management Act 1991, and that is also approved by the Authority”.

Road maintenance and improvements

We do not consider that this proposed amendment to clause 12(2) should cause difficulties in providing for road maintenance and improvements. Therefore, we recommend that a subclause 12(2A) be inserted that states: “Subsection (2)(b) and (d) does not apply if the action referred to in those provisions is carried out for the purpose of (a) normal repairs and maintenance to a road (including resealing) that does not involve any realignment of the road, or any extension to the area of the formed surface of the road; or (b) repairs to, or reconstruction of, a road to make it usable after a slip, subsidence, or other damage resulting from natural causes”.

Quarrying and earthworks

The Society consider that paragraphs (c) and (d) of clause 12(2) should be deleted and replaced with a new clause “quarrying and earthworks”, and a definition of “earthworks” be added to clause 4, “Interpretation”. There is no benefit in making this amendment, as the proposed definition of “earthworks” contains no quantitative measure. The reference to “10 cubic metres” in the bill is consistent with the quantum used in district and regional plans. Therefore, we consider that the proposed provisions in the bill are retained. The Federated Farmers of New Zealand (Incorporated) ask that, in clause 12(2)(d), “20 cubic metres” replace “10 cubic metres” for the same reasons. However, we consider that the reference to “10 cubic

metres” should be retained as the provisions of clause 12(2)(d) exclude the piling up of any material in clause 12(2)(c).

Exclusion of indigenous trees

Some submitters seek the exclusion of indigenous trees from clause 12(2)(e)(i). This proposal is not supported because indigenous trees would have a similar effect on the scenic amenity and natural amenities as exotic trees. That is, they both have the potential to block a view. We note that clause 12 only identifies those actions requiring approval and does not pre-determine the decision. Therefore, the extension to the matters that the Authority shall have regard to, as provided for by the proposed amendment to clause 5, could provide an opportunity to consider the contribution of any proposed planting to the management of sites to tangata whenua and to balance the relevant considerations.

Reference to “forestry”

The Society considers that the word “forestry” or “forest” should be added to clause 12(2)(e)(i). This provision refers to “any tree”. To ensure there is no doubt as to the meaning of this clause we consider the Society’s recommendation be accepted and an appropriate amendment be made to clause 12(2)(e)(i).

Amenity planting

One submitter considers that “amenity planting” be treated as of a minor nature and should be processed at no cost to the landowner. However, clauses 14(3) and 16 already provide for the consideration of these matters. Therefore, there is no need for further amendment in response to this submission.

Limiting plantings and provision for replanting

The Federated Farmers of New Zealand (Incorporated) suggest two amendments to clause 12(2)(e): first, limiting 12(2)(e)(ii) to those plantings that obstruct the scenic amenity and second, to provide for replanting where the effect of replanting is likely to be similar to previous plantings. We do support the first amendment. The effect on the scenic amenity is a matter of evidence and can only be assessed if subject to an application. The second amendment is of a similar nature to clause 12(4) relating to the replacement of structures. It is reasonable that the same approach applies to plantings.

Therefore, we recommend that a new subclause (5) be added that states, “A tree, hedge, or shelter belt that existed at the date of commencement of this Act, or that was lawfully planted after that date, may be replaced by replanting, without the consent of the Authority, if the effects of the replanting of the tree, hedge, or shelter belt on the scenic amenity and the natural amenities, when fully grown, will not differ substantially from the effects before the tree, hedge, or shelter belt was removed”.

Extension to the range of activities controlled

The National Council of Women proposes an extension of the range of activities controlled to include “land uses”. The clearance of indigenous vegetation is suggested by the Society and the New Zealand Royal Forest and Bird Society. These matters are dealt with under district plans and, in the case of the clearance of vegetation, by the Land and Vegetation Management Regional Plan, Part II. In our view the duplication of similar controls in the bill is inappropriate. Similarly, actions compromising public enjoyment, such as noise-generating activities, are controlled by district plans and the duplication of those controls in the bill is also not supported.

Planting complies with a management plan

The Society seeks the deletion of clause 12(3) that provides for the exclusion of planting on a “public open space”, that complies with a management plan approved by the Authority. The purpose of this clause is to provide for a ‘once only’ approval of a management plan in lieu of multiple approvals of individual stages or components of a planting programme. We consider this provides an efficient method of carrying out the Authority’s functions in the bill without being detrimental to the protection of the scenic amenity or natural amenities. Therefore, we support the retention of this clause.

Clauses 13 and 14: Applications to the Authority for consent and procedures for hearing submissions

Some submitters consider that applications made to the Authority under clause 13 for consent to carry out any activity specified in clause 12(2) should provide for an assessment of the environmental effects of the proposal. We agree and recommend the inclusion of a new paragraph (ba) that requires “an assessment of the effects of the proposal on the scenic amenity and the natural amenities”.

BCL consider that clause 13(4) should be reworded so that the Authority needs to be satisfied that the effects of the applications are more than “minor”. The bill refers to the applications being of “more than a minor nature”. We agree that the amendment proposed by BCL would clarify the situation. Therefore, we recommend that the words “the application is of a more than minor nature” be omitted from clause 13(4) and substituted with “the likely effects of the application are more than minor”.

BCL also consider that the bill should require applications to be considered within a defined timeframe. Time limits are set for all steps in the applications except time limits for notification and of a hearing following the closing date on submissions. We agree and recommend that the time limits set out in sections 95 and 101(2) of the Resource Management Act be replicated into the bill. We consider that the time limit for notification within ten working days after the date on which the Authority is satisfied it has received adequate information be inserted in a new paragraph (ab) of clause 13(5). We also recommend that if a hearing is convened by the Authority then the date set for the commencement of the hearing must not be later than 25 working days after the closing date for submissions. The proposed new clause 14(4A) inserts this provision into the bill.

Joint hearings with consent authorities under Resource Management Act

To provide for the overlap between the bill and the Resource Management Act insofar as the reference to “natural amenities” we recommend that a new clause 14A be inserted. Clause 14A would provide for “Any hearing under section 14 relating to a proposal in respect of which a resource consent is also sought under the Resource Management Act 1991, may be held jointly with a hearing held by 1 or more consent authorities under that Act to consider the application for a resource consent”.

Procedures for hearing of submissions

The Federated Farmers of New Zealand (Incorporated) consider that a time limit should be set for the service of copies of submissions on an applicant. Clause 14(2) provides that a copy of the submission should be served “as soon as practicable” after lodging. This is similar to the corresponding provision in section 98 of the Resource Management Act. The provision in the bill is adequate and an amendment is unnecessary.

Clause 16: Applications not requiring notification

We note the concern of some submitters about the interpretation of clause 16. These submitters consider that a decision not to notify should be the unanimous decision of all three members of the Authority. The Authority considers this unnecessary as two members should be able to make a decision as no other decision-making process in the bill requires the unanimous agreement of members of the Authority or the committee.

However, to meet the wishes of the submitters, the Authority is prepared to agree to clause 16 being amended to state that a decision not to notify be made with the “unanimous agreement” of the members of the Authority or the committee. We agree.

Clauses 18 and 19: Acquisition and disposal of land

One submitter opposes the acquisition of land under clause 18. Another submitter considers that any acquisition or disposal of land under clause 19 should require public input. The bill does not allow the Authority to acquire land. It does enable it to recommend that the contributory local bodies acquire land for the purposes of the bill and that such land or interest may not be sold without the prior written approval of the Authority.

Under clause 18, land can be acquired “for the purposes of this Act”. This is inconsistent with holding the land as a reserve under the Reserves Act 1977. Also, the disposal of land under clause 19 affects “land held by a contributory local body for the purposes of this Act”. It could be interpreted, as authority to dispose of any existing reserve, which is a “public open space” and/or “protected land” within the definitions provided in clause 4, “Interpretation”. There is a separate process for reserve disposal in section 24 of the Reserves Act.

We support amendment of the bill to meet the concerns of submitters that land acquired under clause 18 should be administered under this legislation, and not under the Reserves Act. However, if that land is disposed of under clause 19, the provisions of the Reserves Act should not be overridden. Therefore, we recommend the inclusion of new clause 18(6) to clarify that “land acquired for the purposes of this Act by the contributory local bodies is not a reserve for the purposes of the Reserves Act 1977”.

Clause 20: Compensation

Many submitters are concerned about clause 20, which provides for payment of compensation. Submitters question the scope for claims for compensation given the definition of “reasonable use” in clause 20(4). Deletion of the compensation clause (in full or in part) is sought by the Society.

Opposition to clause 20 is twofold. First, it is seen as fettering the willingness of the Authority to decline development proposals because it may be faced with a claim for compensation. Second, the reference to “potential use” in clause 20(4) is seen as including the use of land for activities, which may enhance the scenic amenity, such as the use of land for restaurants and cafes. Therefore, it could provide for a wider scope of a claim of loss of “potential use”.

The Authority does not support the deletion of clause 20 for two reasons. First, provision for the payment of compensation exists under section 11 of the Summit Road (Canterbury) Protection Act. The Authority considers it has correctly determined that the bill would not diminish the rights of the existing landowners. Second, the circumstances under which compensation may be payable are limited. These are set out in clause 20(3), including whether or not a decision by the Authority “renders any land incapable of reasonable use . . .”. The definition of “reasonable use” is set out in clause 20(4) and is based on that contained in section 85(6) of the Resource Management Act with variations necessary for the circumstances under each statute.

However, we acknowledge the concerns of submitters about the use of the words “potential use” in the definition of “reasonable use”. It appears that the use of the term “enhancement” in clause 3(a) lies behind a number of objections to clause 20(4) because submitters are concerned that the words “potential use” could be interpreted as including commercial activities that “enhance” the scenic amenity. We accept that there is ambiguity over the use of the term “enhancement” and, as previously stated, support this term being deleted from clause 3(a) of the bill.

The New Zealand Royal Forest and Bird Society considers that clause 20 should be replaced by section 198 of the Resource Management Act. Section 198 does not apply because it relates to heritage orders. However, we recommend that clause 20(5) be amended to ensure the compensation provisions of this bill do not interfere with the compensation procedures set out in any other statute. If this

change is not made there is a potential conflict between clauses 20 and 34 of the bill.

Clauses 29 and 30: Offences and proof of intention and defences

BCL consider there should not be an offence regime that exists in parallel with the Resource Management Act because that could lead to ambiguity. Instead, reliance should be placed on the enforcement order provisions of the Resource Management Act. It is not unusual for one action to result in an offence being committed under two different statutes. However, we do not believe that the bill should be changed, as the courts are able to take these matters into account in considering penalties. The bill is special legislation that deals with a specific problem and matter. What constitutes an offence under the bill may not necessarily be an offence under the Resource Management Act.

Clause 30(3)

The Authority told us that when drafting the bill it proposed incorporating the enforcement notice provisions of the Resource Management Act. The Ministry of Justice advised the Authority that this was not acceptable and that specific provisions needed to be provided within the bill. The Authority considers that clause 30(3) provides an affirmative defence similar to the provisions in the Resource Management Act. Such a defence precludes the defendant from raising one of the specified defences to a prosecution under the bill unless the defendant gives the required notice to the prosecutor within seven days of service of a summons, or any later time permitted by the Court.

This provision was the subject of an adverse report under section 7 of the New Zealand Bill of Rights Act 1990. The grounds of the section 7 report are that clause 30(3) constitutes a breach of the right to adequate time and facilities to prepare a defence. Such a defence is affirmed by section 24(d) of the New Zealand Bill of Rights Act. Section 25(a) and (e) of that Act affirm the rights to a fair trial and to present a defence.

Therefore, we recommend that clause 30(3) is amended to comply with the New Zealand Bill of Rights Act and to ensure that sufficient notice is given to the Authority, as prosecutor, of such an affirmative defence to allow this to be dealt with evidentially.

Clause 32: Penalties for offences

One submitter seeks the deletion or reduction in the quantum of fine for an offence under clause 32. After considering the penalty provisions in the Resource Management Act, and the community's heightened awareness of environmental issues, we consider the quantum of the penalties is appropriate.

Clause 34: Relationship with other statutes

In view of the amendments proposed to the bill we recommend that clause 34 should be omitted and substituted with the following new clause, "Nothing in this Act affects the Resource Management Act 1991, the Building Act 1991, the Te Runanga o Ngai Tahu Act 1996, the Ngāi Tahu Claims Settlement Act 1998, the Te Ture Whenua Maori Act 1993, or any regulations made under those Acts.

Schedule 2: Inclusion of maps of protected land

Some submitters ask that maps be included in the bill to show the boundaries of the protected areas. We support this request as the Authority told us the maps were not included in the bill as a matter of convention. One submitter sought a map showing the upper limit of residential development. This is outside the scope of the bill. However, we recommend that maps, which show the plan of the areas described in Schedule 2, should be included in the bill as new Schedule 2A.

To ensure there is no future debate about the land that is to be protected by the bill we recommend that a new clause 4(4) be added that states, "If there is any inconsistency between the description of land contained in Schedule 2 and the plans showing that land held in the Office of Land Information New Zealand at Christchurch, reduced copies of which are set out in Schedule 2A, the description in those plans prevails.

Establishing a regional park

Many submitters support establishing a regional park on the Port Hills. This concept involves the development of a single integrated land management regime for both public and private land. It would enable the continued use of the land for existing residential purposes, pastoral farming, conservation planting and production forestry. It may also provide for greater public access and use of the

land for recreation, except where this would conflict with the sustainable management of the land for farming, conservation or forestry activities. An essential feature of the concept is that land can continue to be owned and managed by private landowners and it is not necessary that any land be taken compulsorily for the purpose of establishing the regional park.

The regional park concept does not form part of the bill and consequently a number of submitters did not comment on the proposal. The Authority has not considered any formal proposal to establish a regional park. However, the Authority supports the investigation of this concept and is willing to initiate discussions with the territorial local authorities about such a proposal. First, however, the Authority wishes to secure the protection of the Summit Road and its environs because of the historical importance of the road and for the scenic amenity it affords.

We consider the establishment of a regional park will only be successful if the promoters are able to actively manage the process with a high degree of trust and co-operation with the private landowners; and private landowners understand that their individual private property rights are not diminished by the establishment of a regional park.

Relationship with Resource Management Act 1991

One submitter, BCL, considers that the bill should not proceed because the Summit Road and the area surrounding it could be protected under district plans required by the Resource Management Act 1991. We are aware that the bill, insofar as it relates to the preservation and protection of the scenic amenity and natural amenities, associated with the Summit Road, is compatible with the Resource Management Act. We also acknowledge that the Resource Management Act could be applied to the sustainable management of the Summit Road and surrounding areas.

However, issues concerning the preservation and protection of the scenic amenity and natural amenities associated with the Summit Road are not dealt with in the district plans of the three constituent councils. The plans have been prepared on the basis that the Summit Road (Canterbury) Protection Act will continue to provide protection to these amenities. Also, the three district plans involved are at different stages of development, and provisions in these plans would be required to replace the Summit Road (Canterbury) Protection Act and avoid the problems that the Environment Court has seen in it.

We consider it is necessary that the Summit Road (Canterbury) Protection Act continue to ensure the protection and preservation of the scenic amenity and natural amenities associated with the Summit Road. Therefore, we recommend that the bill should proceed in its amended form.

Appendix

Committee process

The Summit Road (Canterbury) Protection Bill was referred to the committee on 8 November 2000. The closing date for submissions was 31 January 2001. We received and considered 30 submissions from interested groups and individuals. We heard 18 submissions orally, which included holding a hearing in Christchurch. Hearing evidence took ten hours and 22 minutes and consideration took a further two hours and 45 minutes. A subcommittee was formed to consider the bill.

We want to thank all those groups and individuals who put the time and effort into making these submissions, especially those who came to speak to us. We also want to thank the Summit Road Protection Authority for the assistance it provided.

Committee membership

Dianne Yates (Chairperson) (Labour)

Grant Gillon (Deputy Chairperson) (Alliance)

Arthur Anae (National)

Tim Barnett (Labour)

Luamanuvao Winnie Laban (Labour)

Tony Steel (National)

Lindsay Tisch (National)

Anne Tolley (National)

Hon Ruth Dyson (Labour), Hon David Carter (National) and Alec Neill (National) were replacement members for this item of business.

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

New (unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon David Carter

Summit Road (Canterbury) Protection Bill

Local Bill

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Schedule 1
Contributory local bodies

Schedule 2
Protected land

Schedule 2A
Plans of areas described in Schedule 2

Schedule 3
Districts of contributory local bodies subject to levy

Schedule 4
Enactment repealed

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Summit Road (Canterbury) Protection Act **2000**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Struck out (unanimous)**3 Purposes of Act**

The purposes of this Act are as follows:

- (a) to provide for the preservation, protection, and enhancement of scenic amenities associated with the Summit Road and other roads in the Port Hills of Canterbury:
- (b) to provide for the improvement of facilities for the public enjoyment of scenic amenities.

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New (unanimous)**3 Purpose**

The purposes of this Act are as follows:

- (a) to provide for the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land:
- (b) to provide for the preservation and protection of natural amenities associated with land within the protected area:
- (c) to provide for the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

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4 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Authority means the Summit Road Protection Authority continued under **section 7**

contributory local bodies means the councils named in **Schedule 1**

Environment Court means the Environment Court referred to in section 247 of the Resource Management Act 1991

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New (unanimous)

natural means—

- (a) uncluttered by structures; or

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New (unanimous)

- (b) uncluttered by obvious human influences; or
- (c) both

natural amenities means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes 5

path means a walking track or cycle track shown on a management plan approved by the Authority

person includes the Crown and a corporation sole; and includes a body of persons, whether corporate or unincorporate 10

protected land—

- (a) means—
 - (i) the land described in **Schedule 2** and shown on the plans set out in **Schedule 2A** and roads adjoining that land; and 15
 - (ii) the land declared to be protected land in accordance with **section 10**; but
- (b) does not include land that ceases to be protected land in accordance with **section 11** 20

public open space—

- (a) means any land that is—
 - (i) privately or publicly owned, occupied, controlled, or administered or vested in the Crown, any local body, unincorporated or incorporated society, charitable trust, or trust; and 25

Struck out (unanimous)

- (ii) open to or is being used by the public whether free or on payment of a charge, and whether or not any such owner, occupier, controller, or administrator is lawfully entitled to exclude or reject any person from that land; and 30

New (unanimous)

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| (ii) open to, and being used by, the public (with or without payment of a charge); and | |
| (b) includes any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access | 5 |
| quarrying— | |
| (a) means the excavation and extraction from the ground of any minerals, metals, coal, clay, gravel, sand, limestone, soil, or valuable materials existing on or below the surface of the land; and | 10 |
| (b) includes the digging, removal, putting aside, or piling up of any such things and any over-burden or waste material preparatory to or to facilitate any such excavation or extraction; but | |
| (c) if the surface of the area affected is restored as nearly as practicable to the state it was in before the excavation was made, does not include— | 15 |
| (i) excavation of the ground to a depth of not more than 500 mm; or | |
| (ii) excavation carried out in the course of, and for the purpose of constructing or maintaining, a road, or a path or walkway, or an access way for domestic or farming purposes, or a firebreak; or | 20 |
| (iii) excavation carried out in the course of, and for the purposes of, laying, testing, maintaining, or otherwise dealing with fuel, water, sewage, or effluent pipes or for telephone or power cables or supply lines for domestic or farming purposes; or | 25 |
| (iv) excavation carried out during the course of installation or construction of any fence, gate, stile, driveway, track, or cattle stop for the control of movement of stock, produce, or farm machinery; or | 30 |
| (v) excavation carried out for any traffic sign or any other sign necessary for the administration of a public open space | 35 |

Registrar-General means the Registrar-General of Land

New (unanimous)

road includes an unformed road; but does not include an access way for domestic or farming purposes

Struck out (unanimous)

scenic amenities means the extensive views from the Summit Road and other roads in the Port Hills of Canterbury to the prominent land forms of the Port Hills and of Christchurch, the Canterbury Plains, the mountains, the sea, and the Lyttelton Harbour basin

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New (unanimous)

scenic amenity means the extensive views from the Summit Road and other roads, walkways, paths, and public open spaces within the protected land to the prominent land forms of the Port Hills and of Christchurch (Ōtautahi), the Canterbury Plains, the mountains, the sea, and Lyttelton Harbour (Te Whakaraupo) basin

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structure—

(a) includes—

(i) any building or other structure, including a tank or reservoir for which a building or resource consent is required from a City Council or District Council for the erection, placement, alteration, reconstruction, repair, or extension of that structure; and

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(ii) any hoarding or other structure used for the display of an advertisement; and

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New (unanimous)

(iia) any road; or

(iii) any pole or mast; but

(b) does not include—

(i) any line or pipe for the supply of fuel or water or for the disposal of sewage or effluent, or any

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- telephone or power cable or supply line, for domestic or farming purposes within the protected area; or
- (ii) any fence, gate, stile, driveway, track, or cattle stop for the control or movement of stock, produce, or farm machinery; or 5
- (iii) any traffic sign or any other sign necessary for the administration of a public open space
- subdivision** has the same meaning as in section 218 of the Resource Management Act 1991 10
- territorial authority** has the same meaning as in section 2(1) of the Local Government Act 1974
- walkway** means a walkway declared or established under the New Zealand Walkways Act 1990
- working day** means any day except— 15
- (a) a Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day:
- (b) a day commencing with 20 December in any year and ending with 15 January in the following year. 20
- (2) If this Act requires anything to be publicly notified, or refers to public notification or public notice,—
- (a) the subject matter must be published twice, with an interval of not less than 6 clear days, in a newspaper circulating throughout the area affected by the subject matter; and 25
- (b) if the public notice refers to a proposal under **section 10 or section 11**, the notice must also be published in the *Gazette*; and
- (c) a public notice, in large bold lettering capable of being read at a distance of 5 metres, must also be affixed in a conspicuous place on, or adjacent to, the site to which the proposal or application relates, unless it is impractical or unreasonable to do so. 30
- (3) If time is to be measured from anything being publicly notified or from any public notification or public notice, it must be measured from the date of the last newspaper publication. 35

New (unanimous)

- (4) If there is any inconsistency between the description of land contained in **Schedule 2** and the plans showing that land held in the office of Land Information New Zealand at Christchurch, reduced copies of which are set out in **Schedule 2A**, the description in those plans prevails.

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Struck out (unanimous)**5 Obligations of persons exercising functions and powers under this Act**

A person or committee making a recommendation or decision on an application made under **section 10 or section 11 or section 13** (whether initially or on appeal or otherwise) must give effect to the purposes of this Act, but must also have particular regard to—

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- (a) the effect of the application on the maintenance and enhancement of walkways; and
- (b) the effect of the application on the use of the roads for the public enjoyment of scenic amenities and on the safety of road users; and
- (c) any effect of the application on farming operations.

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New (unanimous)**5 Obligations of persons exercising functions and powers under this Act**

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- (1) A person or committee making a recommendation or decision on an application made under **section 10 or section 11 or section 13** (whether initially or on appeal or otherwise) must give effect to the purposes of this Act, but must also have particular regard to—

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- (a) the effect of the application on the maintenance and enhancement of the Summit Road, other roads, walkways, and paths; and
- (b) the effect of the application on the use of the roads for the public enjoyment of the scenic amenity and the natural amenities and on the safety of road users; and

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New (unanimous)

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| <ul style="list-style-type: none"> (c) the effect of the application (if any) on farming operations; and (d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. <p>(2) This section is subject to section 11(4A).</p> | 5 |
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6 Act to bind the Crown

This Act binds the Crown.

7 Summit Road Protection Authority

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| (1) There continues to be a Summit Road Protection Authority consisting of— | 10 |
| (a) 1 member appointed by the Christchurch City Council; and | |
| (b) 1 member appointed by the Banks Peninsula District Council; and | 15 |
| (c) 1 member appointed by the Selwyn District Council. | |
| (2) The Authority is a joint committee of the councils named in Schedule 1 , and must be treated, for the purposes of any enactment or rule of law, as if it were a joint committee appointed by those councils under section 114S of the Local Government Act 1974. | 20 |

8 Authority deemed to be affected local authority

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| (1) In relation to the protected land, the Authority is deemed to be— | |
| (a) an affected local authority under clause 3 of Part I of the First Schedule of the Resource Management Act 1991; and | 25 |
| (b) an adjacent local authority under clause 5(4)(d) and a constituent territorial authority under clause 5(4)(e) of Part I of the First Schedule of the Resource Management Act 1991. | 30 |
| (2) For the purposes of the Resource Management Act 1991, the Authority must be consulted and notified and may make submissions in respect of any proposal to prepare, change, or | |

review any policy statement or plan referred to in that Act that affects or may affect the protected land.

9 Advisory Committee

Struck out (unanimous)

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| (1) | The Authority must, for the better administration of the provisions of this Act, appoint an Advisory Committee consisting of— | 5 |
| (a) | 1 or more members appointed on the nomination of the contributory local bodies; and | |
| (b) | 1 or more members appointed on the nomination of persons (other than contributory local bodies, Ministers of the Crown, or groups represented on the Advisory Committee) who own land in the protected area; and | 10 |
| (c) | 1 member appointed on the nomination of the Minister of Conservation; and | |
| (d) | 1 member appointed on the nomination of the Summit Road Society Incorporated. | 15 |

New (unanimous)

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| (1) | The Authority must, for the better administration of the provisions of this Act, appoint an Advisory Committee consisting of— | |
| (a) | 3 members, each of whom must be appointed on the nomination of a different contributory local body; and | 20 |
| (b) | 2 members appointed on the nomination of persons (other than contributory local bodies, Ministers of the Crown, or groups represented on the Advisory Committee) who own protected land and who are not otherwise represented on the Committee; and | 25 |
| (c) | 1 member appointed on the nomination of the Minister of Conservation; and | |
| (d) | 1 member appointed on the nomination of the Summit Road Society Incorporated; and | 30 |
| (e) | 1 member appointed on the nomination of either— | |
| | (i) te Papatipu Rūnanga o Rapaki; or | |
| | (ii) te Rūnanga o Ngāi Tahu; and | |

New (unanimous)

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| | <p>(f) 1 member who has a knowledge of open space management and park management and who is appointed on the nomination of the contributory local bodies; and</p> <p>(g) 1 member appointed on the nomination of the Canterbury Regional Council (Environment Canterbury).</p> | 5 |
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| (2) | The Advisory Committee may operate with <i>(3 or more members if those members include at least 1 representative of 3 of the 4 persons)</i> <u>5 or more members if those members include at least 1 representative of 4 of the persons, groups of persons, or bodies entitled to nominate members under subsection (1).</u> | 10 |
| (3) | The Authority may delegate to the Advisory Committee the Authority’s powers and duties to hear and decide applications made to the Authority under this Act (other than applications under section 11). | |
| (4) | If the Advisory Committee is discharged, or if any member ceases to hold office or is removed from office, before the Advisory Committee has fully performed its functions under subsection (3) in respect of an application under this Act,— | 15 |
| | (a) the Authority may alter or reconstitute the membership of the Advisory Committee, or may reappoint the Advisory Committee; and | 20 |
| | (b) the Advisory Committee, whether or not it is so altered or reconstituted or reappointed, may continue and complete its hearing of the application and make its decision. | 25 |
| (5) | Despite subsection (4) , a member of the Advisory Committee who has not had the opportunity of reading or hearing the representations made in respect of an application under this Act, may not take part in making the decision of the Advisory Committee. | 30 |

10 Amendment to protected land

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| (1) | The Authority may give public notice of its intention to declare any land described in the notice to be protected land. | |
| (2) | The Authority must not give public notice under subsection (1) without the prior written consent of the owner of the land. | 35 |
| (3) | A public notice under subsection (1) must provide sufficient information to adequately describe the land or site affected by | |

the proposal and must invite any person to make submissions to the authority on the proposal.

- (4) In addition to publicly notifying the proposal, the Authority must serve a copy of the public notice on—
- (a) the owner or occupier of the land; and 5
 - (b) every territorial authority within whose district any part of the land lies; and
 - (c) any person that the Authority considers has a greater interest in the proposal than the public generally.
- (5) The closing date for receiving submissions on the application is 20 working days after the date of public notification. 10
- (6) If the Authority decides, after hearing all submissions, to add all or part of the land described in the notice given under **subsection (1)** to the protected land, it may, by public notice, after the time for lodging appeals has expired or all appeals have been disposed of, declare all or part of that land to be protected land. 15

11 Application for removal of land from protected land

- (1) The owner of any protected land may apply to the Authority to have the whole or any part of the land removed from the protected land. 20
- (2) An application under this section must be made to the Authority in writing and the Authority may require the applicant to supply such detail or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application by any person who may wish to make a submission. 25
- (3) The Authority must publicly notify all applications for removal of land from the protected land and must serve copies of the application on the following parties:
- (a) any territorial authority within whose district the land or part of the land lies: 30
 - (b) any person whom the Authority considers has a greater interest in the application than the public generally.
- (4) The closing date for receiving submissions on the application is 20 working days after the date of public notification. 35

New (unanimous)

- (4A) The Authority may not remove the land described in the application under **subsection (1)** from the protected land unless the Authority is satisfied that the removal would not—
- (a) be inconsistent with the purposes of the Act; or
 - (b) adversely affect—
 - (i) the use of the Summit Road or other roads in the Port Hills for the enjoyment of the scenic amenity or the natural amenities; or
 - (ii) the safety of road users; or
 - (c) adversely affect the maintenance and enhancement of walkways.
- (5) If the Authority decides, after considering all submissions, to remove the land described in the application under **subsection (1)** from the protected land, it may, by public notice after the time for lodging appeals has expired, or after all appeals have been disposed of,—
- (a) declare the land to be removed from **Schedule 2**; or
 - (b) declare the land to be removed from the protected land (if it is land that has been added under **section 10**).
- (6) A copy of the public notice must be deposited with the Registrar-General in accordance with **section 15**.

12 Actions on protected land requiring approval

- (1) A person may not carry out any action to which this section applies on protected land unless that person has the written consent of the Authority.
- (2) This section applies to the following activities:
- (a) the subdivision of land, except a subdivision that alters the boundary between adjacent allotments but does not increase the number of allotments or the area of any allotment by more than 50%:

Struck out (unanimous)

- (b) the erection, placement, alteration, reconstruction, repair, or extension of any structure, except the repair and maintenance of public works as defined in the Public Works Act 1981:

New (unanimous)

- (b) the erection, placement, alteration, reconstruction, repair, or extension of any structure, except—
- (i) the repair and maintenance of a public work (as defined in section 2 of the Public Works Act 1981); or 5
 - (ii) the erection, placement, alteration, reconstruction, repair, or extension of a structure that is carried out under a designation prepared and approved in accordance with the Resource Management Act 1991, and that is also approved by the Authority: 10
- (c) quarrying:
- (d) moving, removing, or heaping up more than 10 cubic metres of spoil:
- (e) the planting of— 15
- (i) any tree that is likely to grow to a height greater than 7 metres; or
 - (ii) a (*hedge*) hedge, forest, or shelter belt.

New (unanimous)

- (2A) **Subsection (2)(b) and (d)** does not apply if the action referred to in those provisions is carried out for the purpose of— 20
- (a) normal repairs and maintenance to a road (including resealing) that does not involve any realignment of the road, or any extension to the area of the formed surface of the road; or
 - (b) repairs to, or reconstruction of, a road to make it usable after a slip, subsidence, or other damage resulting from natural causes. 25
- (3) **Subsection (2)(e)** does not apply if the planting complies with a management plan for a public open space, prepared and approved in accordance with the Reserves Act 1977, or developed by the body or organisation responsible for the public open space after consultation with the Authority. 30
- (4) A structure that existed at the date of commencement of this Act or that was lawfully constructed after that date may be reconstructed, repaired, added to, or altered, (*if the effects of* 35

the structure on the scenic amenities) without the consent of the Authority, if the effect of the structure on the scenic amenity or natural amenities after reconstruction, repair, addition, or alteration do not differ substantially from the effects before the reconstruction, repair, addition, or alteration.

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New (unanimous)

- (5) A tree, hedge, or shelter belt that existed at the date of commencement of this Act, or that was lawfully planted after that date, may be replaced by replanting, without the consent of the Authority, if the effects of the replanting of the tree, hedge, or shelter belt on the scenic amenity and the natural amenities, when fully grown, will not differ substantially from the effects before the tree, hedge, or shelter belt was removed.

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13 Applications to be made to Authority

- (1) Any person may apply to the Authority, in writing, for consent to carry out any activity specified in **section 12(2)**.
- (2) Applications made to the Authority under this section must—
- (a) state the full name of the applicant, the owner, and the occupier of the land involved; and
- (b) the legal description of the land involved, and the nature of the work or activity for which approval is sought, including any plans necessary for proper understanding of the proposal; and

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New (unanimous)

- (ba) include an assessment of the effects of the proposal on the scenic amenity and the natural amenities; and

- (c) give an address for service; and
- (d) be signed by or on behalf of the applicant.

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- (3) The Authority may require the applicant to supply such further details or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application.

- (4) If the Authority is satisfied that it has received adequate information, *(the application is of more than a minor nature)* the likely effects of the application are more than minor, and the application has not been publicly notified separately by a

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territorial authority, it must give public notice of the application and ensure that notice of the application is served on the following persons:

- (a) the owner or occupier of any land to which the application relates: 5
 - (b) the territorial authority within whose district any part of the land lies:
 - (c) any person that the Authority considers has a greater interest in the application than the public generally.
- (5) The public notice must— 10
- (a) provide sufficient information to enable persons interested in the application to understand the general nature of the application; and

New (unanimous)

<p>(ab) be given within 10 working days after the date on which the Authority is satisfied, under subsection (4), that it has received adequate information; and 15</p>
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(b) invite submissions on the application to be made within 20 working days after the date of the public notice.

14 Procedures for hearing of submissions

- (1) Submissions made in respect of any proposal under **section 10 or section 11**, or any application under **section 13**, must be served on the Authority and state— 20
 - (a) the name and address of the submitter; and
 - (b) whether the submission is in support of, or in opposition to, the proposal or application; and 25
 - (c) the reason for making the submission; and
 - (d) whether or not the person making the submission wishes to be heard in respect of that submission.
- (2) As soon as practicable after lodging a submission with the Authority, the submitter must serve a copy of the submission on the applicant. 30
- (3) The Authority may require the applicant to pay to the Authority a sum not exceeding the actual cost of public notification and may require payment of a deposit against the cost of the hearing before dealing with the application. 35

- (4) The Authority must consider all submissions received and, if a submitter has given notice that he or she wishes to be heard,—
 - (a) must convene hearings, whether public or otherwise; and
 - (b) must establish a procedure that is fair and appropriate in the circumstances; and
 - (c) may summons witnesses and hear evidence on oath.

New (unanimous)

- (4A) If a hearing is convened by the Authority under **subsection 4(a)**, the date set for the commencement of the hearing must not be later than 25 working days after the closing date for submissions referred to in **section 13(5)(b)** unless the Authority is satisfied that it is impracticable to commence the hearing within that period or unless a later date of commencement is required for the purposes of **section 14A**.
 - (5) Not less than 10 working days’ notice of the hearing must be given to the landowner, every territorial authority within whose district any part of the land lies, and each submitter who has given an address for service.
 - (6) After considering the proposal or application and any submissions received, the Authority—
 - (a) must either—
 - (i) allow the proposal or application, with or without conditions; or
 - (ii) disallow the proposal or application in whole or in part; and
 - (b) must, within 15 working days of the hearing, notify its decision and the reasons for its decision to every proposer or applicant, the landowners, all those persons who made written submissions and who supplied an address for service, and every territorial authority in whose district the property is situated.
 - (7) The proposer or applicant, the landowner, the territorial authority within whose district the land is situated, and any person who made a submission may appeal to the Environment Court against that decision in the manner specified in **section 23**.

New (unanimous)

14A Joint hearings with consent authorities under Resource Management Act 1991

Any hearing under **section 14** relating to a proposal in respect of which a resource consent is also sought under the Resource Management Act 1991 may be held jointly with a hearing held by 1 or more consent authorities under that Act to consider the application for a resource consent.

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15 Copy of public notice to be deposited

(1) A copy of the public notice of every declaration made by the Authority under **section 10(6) or section 11(5)**, certified as containing a correct copy of the declaration, must be sent by the Authority to the Registrar-General.

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(2) On receiving a copy of any such notice, the Registrar-General must, without fee,—

(a) deposit it in his or her office; and

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(b) register against the title to all land affected by it a memorial that—

(i) the land is subject to restrictions imposed by a declaration (identified by the deposited number, if any) issued under this Act; or

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(ii) the restrictions no longer apply.

Struck out (unanimous)

16 Applications not requiring notification

If the effects of an application under **section 13** on the amenities are minor, any 2 members of the Authority may decide that the application does not require notification or approval by the Authority.

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New (unanimous)

16 Applications not requiring notification

(1) If the effects of an application under **section 13** on the amenities are minor, the Authority may decide that the application does not require notification or approval by the Authority.

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New (unanimous)

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| <p>(2) A decision under subsection (1) that an application does not require notification or approval by the Authority may only be made—</p> <p>(a) with the unanimous agreement of the members of the Authority; or</p> <p>(b) in a case where the decision is delegated to the Advisory Committee, with the unanimous agreement of the members of the Advisory Committee.</p> | 5 |
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17 Declaration by Environment Court

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| <p>(1) On an originating application made by the Authority, or by any territorial authority, or by the owner or occupier of land affected by this Act, or on an application made in the course of proceedings under this Act, the Environment Court may declare that any actual or proposed action does or does not require consent under section 13.</p> <p>(2) An originating application must be served on the Authority, the owner or occupier of the land (in cases where the owner or occupier is not the applicant), and the territorial authority within whose district any part of the land lies.</p> <p>(3) An application made in the course of proceedings must be served on all other parties to those proceedings.</p> | 10

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18 Acquisition of land

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| <p>(1) If the Authority considers that any private land or any interest in or over private land or any interest in a Crown lease should be acquired for the purposes of this Act, the Authority may recommend that such interest in the land be acquired by the contributory local bodies.</p> <p>(2) All land or interests in land acquired on the recommendation of the Authority by way of purchase or gift may be held jointly by the contributory local bodies for the purposes of this Act.</p> <p>(3) All interests in land acquired by way of lease under this section may be held jointly by the contributory local bodies and, during the term of the lease, are subject to this Act.</p> <p>(4) Despite the requirements of section 12(2)(a), the owner of any allotment which lies partly within the protected land may subdivide that allotment for the purpose of transferring to the</p> | 25

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contributory local bodies that part of the allotment which lies within the protected land.

- (5) This section does not confer on the Authority a power to take land compulsorily.

New (unanimous)

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| (6) | Land acquired for the purposes of this Act by the contributory local bodies is not a reserve for the purposes of the Reserves Act 1977. | 5 |
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19 Disposal of land

- (1) If any land or interest in land held by a contributory local body for the purposes of this Act is no longer required for the purposes of this Act, the contributory local body may, subject to the provisions of any other enactment affecting the disposal of the land or interest, sell or otherwise dispose of the land or interest. 10
- (2) No land or interest referred to in **subsection (1)** may be sold or disposed of without the prior written approval of the Authority. 15

20 Compensation

- (1) Every person having any estate or interest in any land, building, or other improvements detrimentally affected by any decision of the Authority given under **section 14** may, subject to the provisions of this section, make a claim for compensation from the Authority for loss sustained by that person. 20
- (2) A claim for compensation under this section must be made and determined in accordance with the provisions of the Public Works Act 1981. 25
- (3) In determining any claim for compensation under this section, the Authority or, on application under section 79 of the Public Works Act 1981, the Land Valuation Tribunal, must have regard to— 30
- (a) **section 3**; and
- (b) whether or not, and the extent to which, any decision by the Authority renders any land incapable of reasonable use, and places an unfair and unreasonable burden on any person having an interest in the land. 35

- (4) In **subsection (3)**, **reasonable use**, in relation to any land, includes the use or potential use of the land for any activity if the actual or potential effects of that activity in terms of **section 3** would not be significant.
- (5) If a person is entitled to claim compensation in respect of any matter or thing under this Act and also under any other enactment, that person is not entitled to receive— 5

Struck out (unanimous)

- (a) compensation both under this Act and that other enactment; or

New (unanimous)

- (a) compensation under this Act if compensation has been awarded under that other enactment; or 10
- (b) greater compensation under this Act than that person would be entitled to under that other enactment.

21 Withdrawal of restrictions

- (1) The Authority may, at any time within 1 month after the date of an award of compensation under this Act, give notice to the claimant of its intention to withdraw or modify all or any of the provisions of the decision or conditions that gave rise to the claim for compensation. 15
- (2) If notice is given under **subsection (1)**, the Authority must, within 3 months from the date of the notice, withdraw or modify the decision or conditions and, on payment by the Authority of the claimant's costs awarded by the Land Valuation Tribunal, the award is discharged. 20
- (3) A discharge under **subsection (2)** does not preclude the claimant from making a further claim for compensation under this Act in respect of the decision or conditions as modified. 25
- (4) If notice has been given under **subsection (1)**, no award of compensation under this Act is enforceable until after— 30
- (a) the expiration of 3 months from the giving of the notice; or
- (b) the time for objection or appeal has expired and all objections and appeals have been determined (in any

case where the Authority has publicly notified a proposal to make a declaration excluding from protected land any part of the land in respect of which compensation has been awarded).

- 22 Registration of compensation certificate** 5
- (1) If, under this Act or any other enactment, the Authority has entered into an agreement for the payment of compensation for damaging or detrimentally affecting any interest in land, or for the temporary occupation of any land, or any condition or restriction to be applied in respect of the land, the Authority may lodge with the Registrar-General a certificate to that effect. 10
- (2) The Registrar-General must, without fee, deposit a certificate under **subsection (1)** in his or her office and must register against the title to the land affected a memorial referring to the certificate. 15
- 23 Rights of appeal**
- (1) Any person who is directly affected by any decision, condition, or review of any decision made or imposed by the Authority under any of **sections 10, 12, 13, 14, and 21** may appeal against that decision, condition, or review to the Environment Court. 20
- (2) A notice of appeal must—
- (a) state the reasons for the appeal and the relief sought; and 25
- (b) state any matters that regulations made under the Resource Management Act 1991 require to be stated in the case of an appeal under section 120 of that Act; and
- (c) be lodged with the Environment Court within 15 working days of notification of any decision of the Authority (including any condition or review of any decision made or imposed by the Authority) to which **subsection (1)** relates. 30
- (3) For the purposes of **subsection (2)(c)**, a decision is notified on the date on which written notification would have been delivered in the ordinary course of post. 35
- (4) The appellant must ensure that a copy of the notice of appeal is served on the applicant or owner concerned (if that person is

not the appellant) within 5 working days after the notice has been lodged with the Environment Court.

- (5) Without limiting the powers of the Environment Court under the Resource Management Act 1991, in considering an appeal under this section, the Environment Court may confirm or reverse a decision appealed against or modify a decision in such manner as the Court thinks fit. 5
- (6) Subject to **subsections (2) to (4)**, every appeal must be made, heard, and determined by the Environment Court in the manner prescribed by the Resource Management Act 1991 and regulations made under that Act. 10

24 Expenses and funding of Authority

- (1) All expenses and liabilities, including compensation awards incurred by the Authority under this Act but excluding payments received by the Authority under **section 14(3)**, must be apportioned between the contributory local bodies. 15
- (2) The apportionment required by **subsection (1)** must be undertaken in accordance with the adjusted rateable capital values, as ascertained (*in*) under the provisions of the Rating Powers Act 1988, of so much of the district of each contributory local body as is specified in **Schedule 3**. 20
- (3) The amount to be paid at any time by a contributory local body in accordance with the apportionment is recoverable as a debt due to the Authority.
- (4) A contributory local body is not required, in any 1 year, to contribute to the expenditure of the Authority relating to the operation of this Act, a sum exceeding the amount of 1/4000 of a cent for every dollar of capital value of all rateable property within that part of its district specified in **Schedule 3**. 25
- (5) Despite **subsection (4)**, a contributory local body may be required to contribute to the expenditure of the Authority a sum exceeding the maximum amount due under **subsection (4)**, if the contributory local body gives prior consent to the Authority in that year to the provision of a greater contribution. 30 35

25 Estimates and reports

As soon as practicable after this Act comes into force and not later than 31 March in each subsequent year, the Authority

must, in respect of the administration of the provisions of this Act,—

- (a) prepare and send to each of the contributory local bodies estimates of expenditure for the period of 12 months from 1 July in each year to 30 June in each succeeding year; and 5
- (b) prepare a report on the Authority's activities for the preceding year and send that report to the contributory local bodies.

26 Service of notices 10

A notice must be served in accordance with sections 352 and 353 of the Resource Management Act 1991, as if it were a notice under that Act.

27 Restoration of land or structure

- (1) The Authority may serve on any person who has carried out, or is carrying out, any action contrary to **section 12**, or on the owner or occupier of the land, a notice requiring the person served, within such reasonable time as is specified in the notice, to restore the land or the structure affected by the action as nearly as may be to its previous condition. 15 20
- (2) Every notice served under **subsection (1)** must state—
 - (a) the name of the person to whom it is addressed; and
 - (b) the reasons for the notice; and
 - (c) the action required to be taken, ceased, or not undertaken; and 25
 - (d) the period within which the action must be taken or ceased, which must not be less than 7 days from the day on which the notice is served; and
 - (e) the consequences of not complying with the notice or lodging a notice of appeal; and 30
 - (f) the rights of appeal under **section 23** and the last day on which a notice of appeal can be lodged; and
 - (g) the rights of the Authority on failure of the recipient to comply with the notice within the time specified in the notice; and 35
 - (h) the name and address of the Authority.
- (3) Subject to the rights of appeal in **section 23**, a person on whom a notice has been served must—

- (a) comply with the notice within the period specified in the notice; and
- (b) unless the notice directs otherwise, pay all the costs and expenses of complying with the notice.

28 Enforcement orders

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- (1) If the person served with a notice under **section 27(1)** fails to comply with the notice within the time specified, then the Authority, in addition to any other action taken, may at any time after the expiry of the time specified in the notice—
 - (a) apply to the Environment Court for an enforcement order under section 314 of the Resource Management Act 1991, as if the notice under **subsection (1)** were an abatement notice within the meaning of section 322 of the Resource Management Act 1991; and 10
 - (b) take action as it sees fit to restore the land or structure. 15
- (2) The provisions of section 315 of the Resource Management Act 1991 apply in respect of any enforcement order made on an application under **subsection (1)**.
- (3) If a person continues to act in breach of **section 12** or commits a continuing offence against this Act, then, despite any other enactment, the Environment Court may, on application by the Authority, grant an enforcement order under section 314 of the Resource Management Act 1991, as if that continuing breach or continuing offence contravenes, or is likely to contravene, the Resource Management Act 1991. 20 25
- (4) An enforcement order may be granted under **subsection (2) or subsection (3)** whether or not the person against whom the enforcement order is sought has been charged with or convicted of an offence against this Act.

29 Offences

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- (1) Every person commits an offence against this Act who fails to comply with a notice served under **section 27(1)** within the time specified in the notice.
- (2) Every person who fails to restore the land or structure as required after expiry of the time specified in a notice served under **section 27(1)** commits a continuing offence against this Act. 35

- (3) The continued existence of any work or thing in a state, or the intermittent repetition of any action, contrary to any provision of this Act, is a continuing offence for the purposes of this section.
- 30 Proof of intention and defences** 5
- (1) In any prosecution for an offence against this Act it is not necessary to prove that the defendant intended to commit the offence.
- (2) It is a defence to a prosecution under this Act if the defendant proves— 10
- (a) that—
- (i) the action or event to which the prosecution relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment; and 15
- (ii) the conduct of the defendant was reasonable in the circumstances; and
- (iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or 20
- (b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case— 25
- (i) the action or event could not reasonably have been foreseen or prevented by the defendant; and
- (ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred. 30

Struck out (unanimous)

- (3) Except with the leave of the Court, **subsection (2)** does not apply unless, within 7 days after the service of the summons or within such further time as the Court may allow, the defendant delivers to the prosecutor a written notice— 35
- (a) stating that he or she intends to rely on **subsection (2)**; and
- (b) specifying the facts that support his or her reliance on **subsection (2)**.

New (unanimous)

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| (3) | Except with the leave of the Court, subsection (2) does not apply unless, within 14 days of the date on which the hearing of the proceedings commences, or within any further time that the Court may allow, the defendant delivers to the Authority a written notice— | 5 |
| | (a) stating that he or she intends to rely on subsection (2) ; and | |
| | (b) specifying the facts that support his or her reliance on subsection (2) . | |
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| 31 | Time within which information may be laid
Despite section 14 of the Summary Proceedings Act 1957, an information in respect of any offence against this Act may be laid at any time within 6 months from the date of the offence first coming to the notice of the Authority. | 10 |
| 32 | Penalty for offences
Every person who commits an offence under this Act is liable to a fine not exceeding \$20,000 and, if the offence is a continuing one, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues. | 15 |
| 33 | Proceedings in respect of offences | |
| (1) | An offence against this Act is punishable on summary conviction on the information of— | 20 |
| | (a) the principal administrative officer of the Authority; or | |
| | (b) a person appointed in writing by the Authority. | |
| (2) | An appointment under subsection (1) may be for the purpose of laying an information in respect of a particular offence or may be a general appointment authorising the person to lay informations in respect of all offences against this Act. | 25 |
| (3) | An officer or servant of the Authority (whether or not an informant) may appear and conduct the prosecution in all proceedings for offences against this Act. | 30 |

Struck out (unanimous)

34 Relationship with Resource Management Act 1991 and Building Act 1991

Nothing in this Act affects the Resource Management Act 1991, the Building Act 1991, or any rules or regulations made under those Acts.

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New (unanimous)

34 Relationship with other enactments

Nothing in this Act affects the Building Act 1991, Te Runanga o Ngai Tahu Act 1996, the Ngāi Tahu Claims Settlement Act 1998, Te Ture Whenua Maori Act 1993, or any regulations made under those Acts.

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35 Repeals

The enactments specified in **Schedule 4** are repealed.

s 4(1)

Schedule 1

Contributory local bodies

Christchurch City Council

Banks Peninsula District Council

Selwyn District Council

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Schedule 2 Protected land

s 4(1)

Schedule of areas

Shown	Description	Title reference	Area	
	The following parcels of land shown on SO Plan 20055 in the Canterbury Land District:			5
AA	Part Lot 8 DP6355	38D/1048	17.9450 ha	
AB	Part Lot 8 DP6355	38D/1048	13.8540 ha	
AC	Part Rural Section 12764	373/25 limited as to parcels	12.7620 ha	10
	Part Rural Section 12501			
	Part Rural Section 10164			
	Part Rural Section 12500			
	Part Rural Section 5788			
	Part Rural Section 4194			15
AD	Closed Road	<i>Gazette</i> 1931 p 2209	5185 m ²	
AE	Part Lot 8 DP6355	38D/1048	4.5810 ha	
AF	Part Lot 3 DP78999	45B/873	12.8450 ha	
AI	Part Lot 7 DP6355	45B/873	28.0400 ha	20
AO	Part Lot 3 DP3320	A1/558	3.8300 ha	
AP	Part Lot 3 DP3320	A1/558	5.1900 ha	
AQ	Reserve 5005	290/270	6.7784 ha	
AR	Part Rural Section 1182	440/136	7710 m ²	
AT	Reserve 5004	290/270	4.1986 ha	25
	The following parcels of land shown on SO Plan 20056 in the Canterbury Land District:			
BB	Part Lot 5 DP70453	40D/1032	8.2700 ha	
BC	Reserve 3920	659/44	14.8721 ha	
BD	Part Rural Section 21719	32B/808	1.6960 ha	30
	Part Rural Section 34958			
BF	Reserve 3950	<i>Gazette</i> 1914 p 2847	1.2039 ha	
BG	Lot 8 DP3125	535/56	10.9341 ha	
BH	Part Rural Section 22306	32A/848	8850 m ²	35
	Part Rural Section 20961			
BI	Part Rural Section 35510	23B/333	1.5380 ha	
BJ	Part Lot 1 DP70111	40A/637	10.3250 ha	
BK	Part Rural Section 34229	32A/848	210 m ²	
BL	Part Lot 1 DP8199	387/255	1.1930 ha	40
BM	Part Rural Section 35510	23B/333	3.4850 ha	
	Parts Rural Section 35511			

Schedule 2 **Summit Road (Canterbury) Protection**

Shown	Description	Title reference	Area	
BN	Part Lot 4 DP3125	535/56	4.0240 ha	
BO	Part Rural Section 35511	23B/333	1.2800 ha	
BP	Reserve 3921	<i>Gazette</i> 1914 p 3235	2.8125 ha	5
BQ	Reserve 3922	<i>Gazette</i> 1951 p 934	4755 m ²	
BR	Part Lot 1 DP70111	40A/637	3.2930 ha	
BS	Part Rural Section 35511	33A/521	1070 m ²	
BT	Part Lot 5 DP79401	45C/527	1.0300 ha	
BU	Part Reserve 3923	<i>Gazette</i> 1941 p 3193	3.2580 ha	10
BV	Part Rural Section 565	23B/331	1.9270 ha	
The following parcels of land shown on SO plan 20057 in the Canterbury Land District:				
CA	Part Reserve 4773	<i>Gazette</i> 1954 p 1956	1.0500 ha	15
CB	Reserve 4774	<i>Gazette</i> 1954 p 1957	1285 m ²	
CC	Part Reserve 3735A	<i>Gazette</i> 1954 p 733	3.9050 ha	
CD	Reserve 4775	<i>Gazette</i> 1954 p 1957	8645 m ²	20
CE	Part Lot 5 DP53086	45A/643	1560 m ²	
CF	Part Reserve 3735A	<i>Gazette</i> 1908 p 733	3.9800 ha	
CG	Part Reserve 3735	<i>Gazette</i> 1906 p 2504	1.6100 ha	25
CH	Part Reserve 3735A	<i>Gazette</i> 1908 p 733	1.8050 ha	
CI	Part Reserve 3735	<i>Gazette</i> 1906 p 2504	1070 m ²	
CJ	Part Reserve 3735A	<i>Gazette</i> 1908 p 733	1760 m ²	
CK	Part Reserve 4069	<i>Gazette</i> 1941 p 3193	1.9830 ha	30
CL	Crown Land	<i>Gazette</i> 1989 p 3100	880 m ²	
CM	Part Reserve 4069	<i>Gazette</i> 1941 p 3193	2.5350 ha	35
CN	Reserve 3956	288/137	11.6068 ha	
CO	Part Lot 2 DP2905	24B/988	1.0260 ha	
CP	Part Lot 2 DP2905	24B/988	22.1870 ha	
CQ	Rural Section 42340	<i>Gazette</i> 1912 p 3352	1.6600 ha	40
CR	Part Lot 4 DP53086	45A/643	1.6100 ha	
CS	Part Lot 3 DP2905	<i>Gazette</i> 1982 p 2156	1.3911 ha	
CT	Part Lot 3 DP2905	<i>Gazette</i> 1982 p 2156	1720 m ²	45
CU	Rural Section 42339	<i>Gazette</i> 1912 p 3352	15.0720 ha	

Summit Road (Canterbury) Protection

Schedule 2

Shown	Description	Title reference	Area	
CV	Part Lot 4 DP18411	9K/528	3757 m ²	
CW	Part Lot 3 DP18411	9K/527	3762 m ²	
CX	Part Lot 2 DP18411	9K/526	2345 m ²	
CY	Part Lot 1 DP18411	9K/525	3974 m ²	5
CZ	Part Lot 1 DP12886	493/86	2239 m ²	
DA	Part Lot 3 DP34290	31A/689	6.3320 ha	
DB	Part Lot 1 DP16075	13A/691	15.0370 ha	
DC	Lot 1 DP11163	453/41	655 m ²	
DD	Part Lot 2 DP34290	14F/403	3.1200 ha	10
DE	Reserve 3900	<i>Gazette</i> 1990 p 3358	3.4170 ha	
DF	Part Lot 4 DP34291	14F/405	650 m ²	
The following parcels of land shown on SO plan 20058 in the Canterbury Land District:				15
EA	Part Lot 1 DP11796	592/31	2.4187 ha	
EB	Lot 2 DP11796	592/31	7.0137 ha	
EC	Part Lot 1 DP11796	33A/1045	8898 m ²	
ED	Part Lot 1 DP11796	592/31	5.0786 ha	
EE	Rural Section 37957	<i>Gazette</i> 1952 p 1734	8400 m ²	20
EF	Part Lot 1 DP26504	8F/544	1.4610 ha	
EG	Part Lot 2 DP26504	8F/545	7520 m ²	
EH	Part Lot 3 DP26504	8F/546	6675 m ²	
EI	Part Lot 2 DP42834	21K/1266	7595 m ²	25
EJ	Part Lot 5 DP26504	8F/548	9640 m ²	
EK	Part Lot 6 DP26504	8F/549	1.2580 ha	
EL	Part Lot 7 DP26504	8F/550	1.0890 ha	
EM	Part Lot 3 DP42834	25A/152	2.1417 ha	
EN	Part Rural Section 41112	<i>Gazette</i> 1982 p 3397	15.4900 ha	30
EO	Rural Section 41115	<i>Gazette</i> 1982 p 3397	3956 m ²	
EP	Rural Section 41114	<i>Gazette</i> 1982 p 3397	5.0053 ha	35
EQ	Rural Section 41113	<i>Gazette</i> 1982 p 3397	11.1782 ha	
ER	Part Rural Section 11170	<i>Gazette</i> 1984 p 14	1.6820 ha	
ES	Part Reserve 4259	<i>Gazette</i> 1930 p 3128	7.1629 ha	40
ET	Part Reserve 4259	<i>Gazette</i> 1930 p 3128	4.6412 ha	
EU	Part Lot 3 DP42834	25A/152	1050 m ²	
EV	Reserve 4170	<i>Gazette</i> 1927 p 2	2.8151 ha	
EW	Part Lot 3 DP42834	25A/152	7.2420 ha	45

Schedule 2 **Summit Road (Canterbury) Protection**

Shown	Description	Title reference	Area	
EX	Part Reserve 4259, Part Reserve 4170	<i>Gazette</i> 1990 p 2079	24.8800 ha	
EY	Part Rapaki Maori Reserve 875 1B1	45B/793	1850 m ²	5
EZ	Lot 1 DP78960	45B/793	3210 m ²	
FA	Part Rapaki Maori Reserve 875 1C	405/114	950 m ²	
FB	Reserve 4478	<i>Gazette</i> 1990 p 2078	4.8360 ha	10
FC	Part Lot 1 DP28705	<i>Gazette</i> 1989 p 2926	13.0350 ha	
FD	Part Rapaki Maori Reserve 875 1C	405/114	9980 m ²	
FE	Part Rapaki Maori Reserve 875 1A2B	544/102	4.7850 ha	15
FF	Reserve 4477	<i>Gazette</i> 1990 p 2078	2.9491 ha	
FG	Part Lot 2 DP28705	<i>Gazette</i> 1989 p 2926	2.9410 ha	20
FH	Part Lot 1 DP2855	30F/894	20.0500 ha	
FI	Part Lot 1 DP2907	30F/894	27.4900 ha	
FJ	Part Rapaki Maori Reserve 875 1A2B	544/102	3.6250 ha	
The following parcels of land shown on SO plan 20059 in the Canterbury Land District:				25
GA	Reserve 3814	37C/1206	5.3848 ha	
GB	Part Lot 1 DP2983	18A/1439	3300 m ²	
GC	Part Lot 2 DP2907	40A/601	13.0960 ha	
GD	Part Lot 1 DP2983 Part Lot 2 DP2983	18A/1439	8.5000 ha	30
GE	Part Lot 1 DP68647	40A/601	3.4810 ha	
GF	Reserve 3815	37C/1206	5.3544 ha	
GG	Part Lot 3 DP2907	<i>Gazette</i> 1997 p 947	10.7300 ha	
GH	Part Lot 2 DP2983	18A/1439	1.1170 ha	35
GI	Part Lot 3 DP2983	24A/40	3.9000 ha	
GJ	Part Rural Section 23561	106/138	33 m ²	
GK	Reserve 4476	<i>Gazette</i> 1980 p 2566	172 m ²	
GL	Part Lot 2 DP72702	44C/1181	1420 m ²	40
GM	Part Lot 2 DP82547	47D/58	2.0380 ha	
GN	Part Lot 2 DP57455	35C/1196	2.3100 ha	
GO	Part Lot 2 DP62065	38D/627	1125 m ²	
GP	Tunnel Reserve	-	2500 m ²	
GQ	Part Lot 2 DP82547	47D/58	5.4800 ha	45
GR	Part Lot 2 DP57455	35C/1196	3.1000 ha	

Summit Road (Canterbury) Protection

Schedule 2

Shown	Description	Title reference	Area	
GS	Lot 3 DP61966	37C/1205	7.3802 ha	
GT	Lot 1 DP61966	37C/1204	1177 m ²	
GU	Part Reserve 101	<i>Gazette</i> 1986 p 2401	1295 m ²	5
GV	Part Reserve 101	<i>Gazette</i> 1986 p 2401	1.1800 ha	
The following parcels of land shown on SO plan 20060 in the Canterbury Land District:				
HA	Part Reserve 101	<i>Gazette</i> 1986 p 2401	1900 m ²	10
HB	Part Lot 1 DP11832	481/101	9.2217 ha	
HC	Part Lot 1 DP11832	<i>Gazette</i> 1945 p 1555	3166 m ²	
HD	Part Reserve 3817	<i>Gazette</i> 1984 p 5671	5.2660 ha	15
HE	Part Lot 3 DP62292	43B/35	10.5600 ha	
HF	Lot 4 DP11832	481/101	2364 m ²	
HG	Lot 2 DP6336	452/71	2342 m ²	
HH	Lot 3 DP6336	403/201	2180 m ²	20
HI	(Lot 3) Lot 4 DP6336	365/6	2638 m ²	
HJ	Lot 1 DP4434	28A/1132	5232 m ²	
	Lot 2 DP4434			
HK	Lot 3 DP4434	28A/1109	3826 m ²	
HL	Lot 4 DP4434	28A/1133	2663 m ²	25
HM	Lot 1 DP6312	342/231	7208 m ²	
	Lot 2 DP6312			
	Lot 3 DP6312			
HN	Part Lot 1 DP6898	355/180	885 m ²	
HO	Part Lot 2 DP11832	478/137	4.5977 ha	30
HP	Part Lot 2 DP11832	<i>Gazette</i> 1964 p 1117	8.3859 ha	
	Part Lot 1 DP4018			
	Part Rural Section 500			
	Part Rural Section 34917			35
HQ	Part Lot 1 DP11832	<i>Gazette</i> 1964 p 1117	5205 m ²	
HR	Part Reserve 3817	<i>Gazette</i> 1984 p 5671	2175 m ²	
HS	Part Lot 3 DP11832	478/137	3.4100 ha	40
HT	Part Lot 1 DP4018	6B/860	27.7400 ha	
HU	Part Lot 1 DP4018	6B/860	77.5000 ha	
HV	Reserve 3818	37C/1206	1.1002 ha	
HW	Part Lot 1 DP10532	507/256	6.9430 ha	

Schedule 2 **Summit Road (Canterbury) Protection**

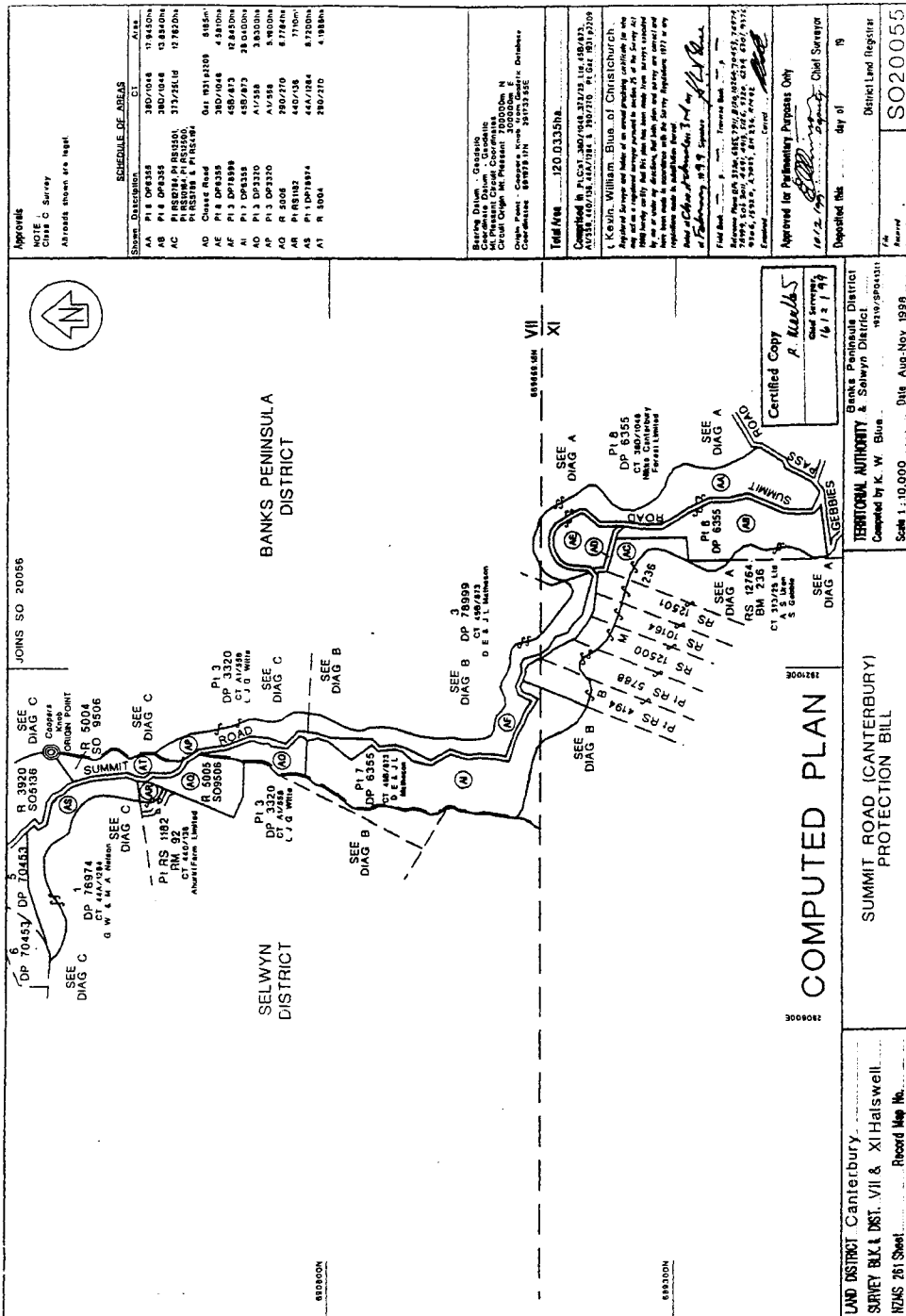
Shown	Description	Title reference	Area	
HX	Part Rural Section 500	<i>Gazette</i> 1994 p 2481	4.4700 ha	
	Part Rural Section 500X			
HY	Part Lot 1 DP4462	23K/704	2.1500 ha	5
HZ	Part Lot 1 DP4462	23K/704	18.9600 ha	
IA	Part Reserve 276	<i>Gazette</i> 1979 p 3843	1.9400 ha	
The following parcels of land shown on SO Plan 20209 in the Canterbury Land District:				10
A	Part Lot 7 DP81401	47A/1278	11.6700 ha	
B	Part Lot 8 DP81401	47A/1279	5.1800 ha	
The following parcels of land shown on SO Plan 20210 in the Canterbury Land District:				15
C	Part Lot 3 DP81448	46C/452	11.0860 ha	
	Part Lot 1 DP76974			

New (unanimous)

Schedule 2A
Plans of areas described in Schedule 2

5 4

Plan 1 (SO 20055)



Approvals
NOTE 1
Class C Survey
Areas shown are legal

System	Description	CT	Area
AA	PI 2	380/004	119450ha
AB	PI 2	380/004	128800ha
AC	PI 2	317/261C	127820ha
AD	PI 2	317/261C	127820ha
AE	PI 2	317/261C	127820ha
AF	PI 2	317/261C	127820ha
AG	PI 2	317/261C	127820ha
AH	PI 2	317/261C	127820ha
AI	PI 2	317/261C	127820ha
AJ	PI 2	317/261C	127820ha
AK	PI 2	317/261C	127820ha
AL	PI 2	317/261C	127820ha
AM	PI 2	317/261C	127820ha
AN	PI 2	317/261C	127820ha
AO	PI 2	317/261C	127820ha
AP	PI 2	317/261C	127820ha
AQ	PI 2	317/261C	127820ha
AR	PI 2	317/261C	127820ha
AS	PI 2	317/261C	127820ha
AT	PI 2	317/261C	127820ha

SCHEDULE OF AREAS

Checked by: [Name]
Checked on: [Date]

Total Area: 120,033.5ha

Checked by: [Name]
Checked on: [Date]

Approved for Preliminary Purposes Only
16/12/1999
[Signature] Chief Surveyor

Deposited this 16th day of December 1999
District Land Registrar
SO20055

LAND DISTRICT Canterbury
SURVEY Bk. & DIST. VII & XI Halswell
NZMS 261 Sheet

COMPUTED PLAN
SUMMIT ROAD (CANTERBURY)
PROTECTION BILL

Scale 1:10,000
Date: Aug-Nov 1999
Territorial Authority & Selwyn District
Completed by: K. W. Blue

Bank Peninsula District
Territorial Authority & Selwyn District
Completed by: K. W. Blue
Date: Aug-Nov 1999

Approved for Preliminary Purposes Only
16/12/1999
[Signature] Chief Surveyor

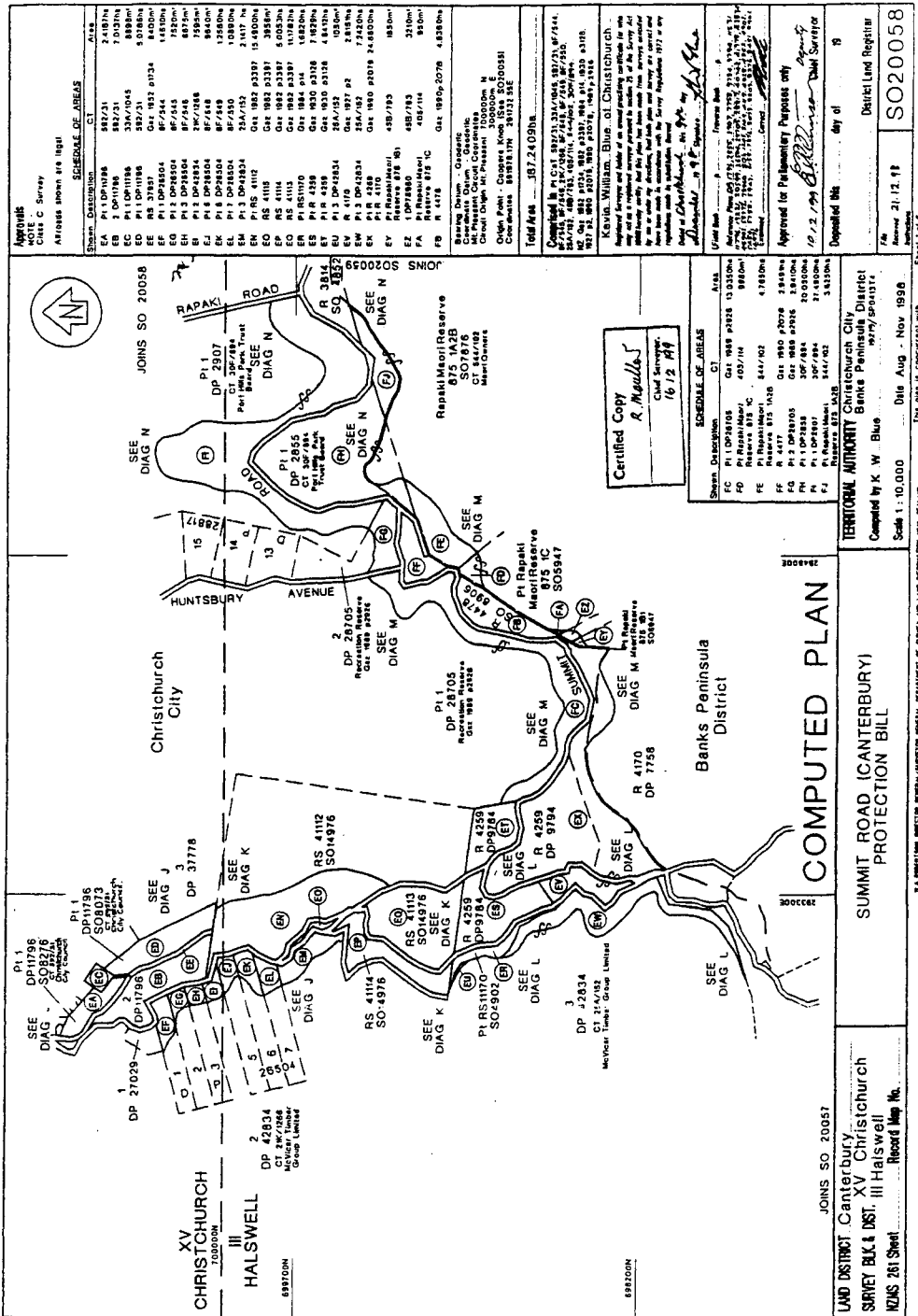
Deposited this 16th day of December 1999
District Land Registrar
SO20055

Scale 1:10,000
Date: Aug-Nov 1999
Territorial Authority & Selwyn District
Completed by: K. W. Blue

Bank Peninsula District
Territorial Authority & Selwyn District
Completed by: K. W. Blue
Date: Aug-Nov 1999

New (unanimous)

Plan 4 (SO 20058)



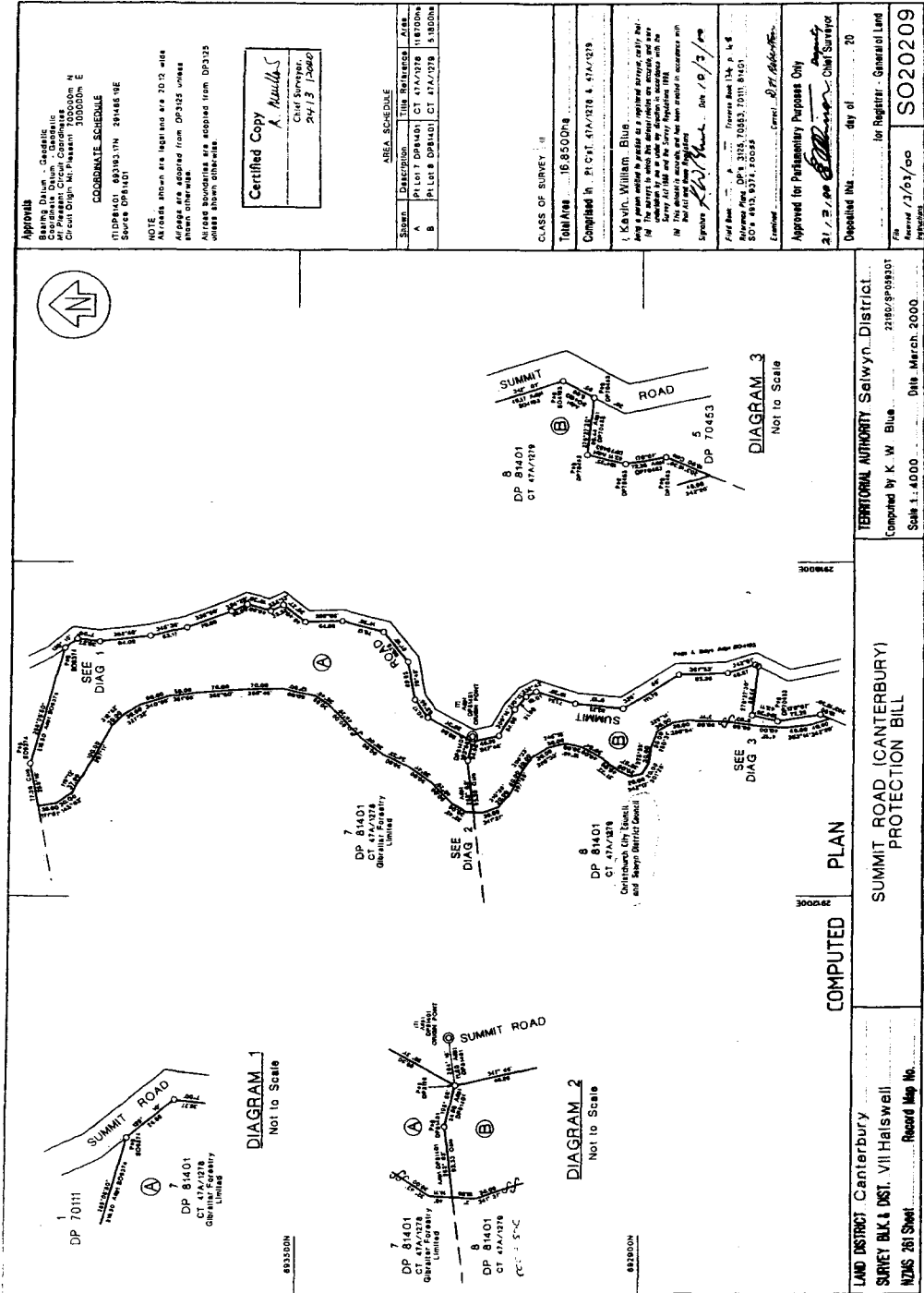
Approvals
NOTE
SOLID C Survey
AREAS shown are legal

System Description	CT	Area
EA P1 1796	587/21	2.4187ha
EA P1 1796	587/21	587/21
EC P1 1796	587/21	587/21
ED P1 1796	587/21	587/21
EE P1 1796	587/21	587/21
EF P1 1796	587/21	587/21
EG P1 1796	587/21	587/21
EH P1 1796	587/21	587/21
EI P1 1796	587/21	587/21
EJ P1 1796	587/21	587/21
EK P1 1796	587/21	587/21
EL P1 1796	587/21	587/21
EM P1 1796	587/21	587/21
EN P1 1796	587/21	587/21
EO P1 1796	587/21	587/21
EP P1 1796	587/21	587/21
EQ P1 1796	587/21	587/21
ER P1 1796	587/21	587/21
ES P1 1796	587/21	587/21
ET P1 1796	587/21	587/21
EU P1 1796	587/21	587/21
EV P1 1796	587/21	587/21
EZ P1 1796	587/21	587/21
EA P1 1796	587/21	587/21
EB P1 1796	587/21	587/21
EC P1 1796	587/21	587/21
ED P1 1796	587/21	587/21
EE P1 1796	587/21	587/21
EF P1 1796	587/21	587/21
EG P1 1796	587/21	587/21
EH P1 1796	587/21	587/21
EI P1 1796	587/21	587/21
EJ P1 1796	587/21	587/21
EK P1 1796	587/21	587/21
EL P1 1796	587/21	587/21
EM P1 1796	587/21	587/21
EN P1 1796	587/21	587/21
EO P1 1796	587/21	587/21
EP P1 1796	587/21	587/21
EQ P1 1796	587/21	587/21
ER P1 1796	587/21	587/21
ES P1 1796	587/21	587/21
ET P1 1796	587/21	587/21
EU P1 1796	587/21	587/21
EV P1 1796	587/21	587/21
EZ P1 1796	587/21	587/21

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L581: 100000m WJ
L582: 100000m WK
L583: 100000m WL
L584: 100000m WM
L585: 100000m WN
L586: 100000m WO
L587: 100000m WP
L588: 100000m WQ
L589: 100000m WR
L590: 100000m WS
L591: 100000m WT
L592: 100000m WU
L593: 100000m WV
L594: 100000m WX
L595: 100000m WY

New (unanimous)

Plan 7 (SO 20209)



Approvals
 Bearing Datum - Geodetic
 At Present Circuit Coordinates
 Circuit Origin Mt Pleasant 1000000m E
 1000000m N

COORDINATE SCHEDULE
 (NTP) 81401 803193.17N 291485.19E
 Source DP 81401

NOTE
 All roads shown are light and are 20.12 wide
 All roads are adopted from DP 3125 unless
 shown otherwise.
 All road boundaries are adopted from DP 3125
 unless shown otherwise.

Certified Copy
 K. Matthews
 Chief Surveyor
 24/13/2009

Block	Description	Time Reference	Area
A	Plot 81401	CT 474/1218	19.8500ha
B	Plot 81402	CT 474/1218	19.8500ha

CLASS OF SURVEY III

Total Area 19.8500ha

Completed in Pt. Ct. 474/1218 & 474/1219

I, Kevin, William, Blue,
 being a person entitled to practice as a registered surveyor, certify that
 the above is a true and correct copy of the original survey, and that
 the same has been prepared in accordance with the provisions of the
 Survey Act 1976 and the Survey Regulations 1977.
 In the presence of me and two other persons whose names and
 addresses are given below and who were present at the execution of
 this survey.

Surveyor K.W. Blue, Date 13/03/09

Field Book A
 Reference Nos. DP's 3125, 1053, 1011, 8101
 SO's 8410, 8314, 10029

Examined [Signature] Date 13/03/09

Approved for Parliamentary Purposes Only
 21/03/09 [Signature] Chief Surveyor

Deposited this ... day of ... 20

for Registrar - General Land
 SO20209
 Received 13/03/09

Approved by 917 2001 (am 5)

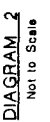
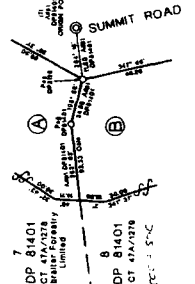
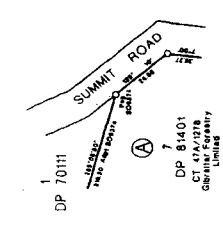


COMPUTED PLAN

TERRITORIAL AUTHORITY Setwyn District
 Computed by K. W. Blue. Date March 2000
 Scale 1:4000

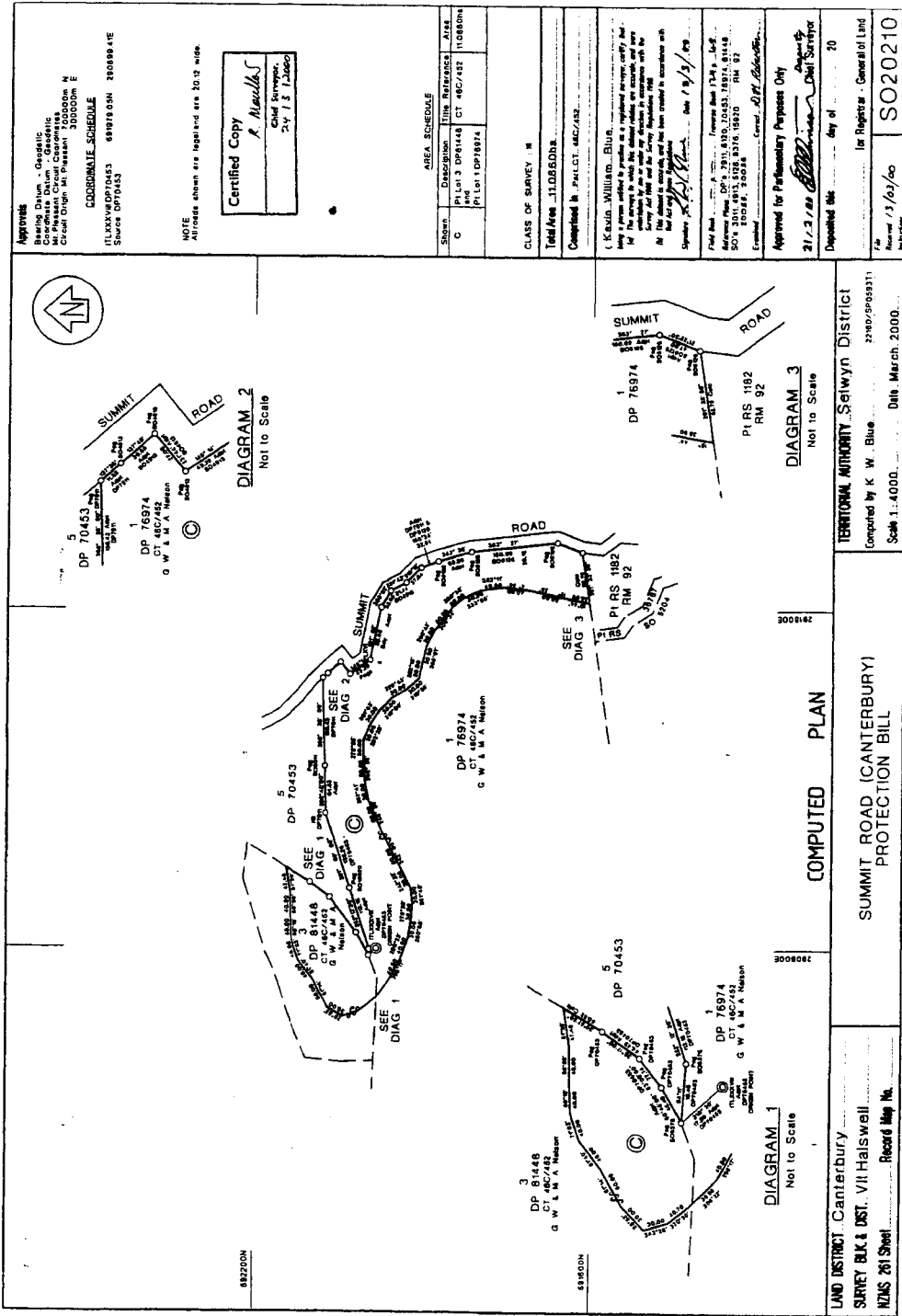
SUMMIT ROAD (CANTERBURY)
 PROTECTION BILL

W. A. HARTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND



New (unanimous)

Plan 8 (SO 20210)



Approved
 Bearing Datum - Geodetic
 Coordinate Datum - Geodetic
 Central Origin - 1500000m N
 Central Origin - 300000m E
 COORDINATE SCHEDULE
 ITLXKXVDP70453 691978 03N 300699 41E
 Source DP70453

NOTE
 Allotments shown are legal and are 30.32 wide.

Certified Copy
R. Maxwell
 Civil Surveyor
 24/13/2000

AREA SCHEDULE	
Shown	LINE REFERENCE AREA
G	Lot 3 DP81448 CT 46C/442 110800m ²
	Pl Lot 1 DP76974

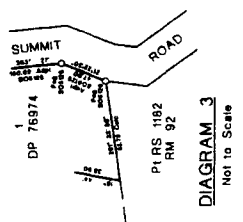
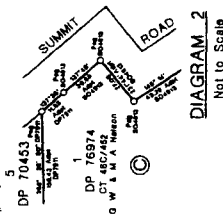
CLASS OF SURVEY - M
 Total Area 110808.0m²
 Completed in 2 parcels CT 46C/442

(Keanu William Blue
 The person entitled to practice as a registered surveyor, hereby declares that the information contained in this plan is true and correct to the best of his knowledge and belief and that he is not aware of any facts which would render the information furnished herein misleading or deceptive and that he is not acting in breach of any fiduciary duty.
 Signed: *R. Maxwell* Date 19/13/00

Field Book
 Volume Book 1748 p. 1-62
 Reference Plans DP 76974, DP 70453, DP 81448, DP 81453, DP 76974, DP 1182, DP 92
 SO 20210
 2000
 General *R. Maxwell*

Approved for Preliminary Purpose Only
 21/2/00
R. Maxwell Civil Surveyor

Deposited this 20th day of February 2000
 For Registrar - General of Land
 Received 13/03/00
 SO20210



LAND DISTRICT - Canterbury
 SURVEY BLK & DIST. VII Halswell
 NZRS 261 Sheet
 Record Map No.

COMPUTED PLAN
 SUMMIT ROAD (CANTERBURY)
 PROTECTION BILL
 Completed by K. W. Blue
 Scale 1:4000
 Date March 2000

TERRITORIAL AUTHORITY - Selwyn District
 321002000311
 Date March 2000

BY AUTHORITY OF THE DIRECTOR GENERAL OF LAND AND SURVEY
 THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Schedule 3

s 24

Districts of contributory local bodies subject to levy

The whole of the City of Christchurch

The whole of the District of Banks Peninsula

The whole of the District of Selwyn

5

s 35

Schedule 4
Enactment repealed

Summit Road (Canterbury) Protection Act 1963 (1963 No 16)

Legislative history

18 October 2000

Introduction (Bill 73–1)

8 November 2000

First reading and referral to Government
Administration Committee
