

Resource Management Act 1991

Selwyn District Plan

Township and Rural Volume

**Report on Plan Change 13
Miscellaneous Changes and Corrections**

Report Number: PC090013
To: Council Meeting (14 October 2009)
From: Emma Bishop

Attachments

Attachment A Detailed changes to the District Plan

Attachment B Amendments to the District Plan

1. Introduction

- 1.1 My full name is Emma Bishop, I am a Assistant Policy Planner. I have worked in Planning administration and development at the Selwyn District Council for the past 3 years. I am familiar with the Selwyn District and its resource management issues and the Selwyn District Plan (SDP).

2. Report Content

- 2.1 This report:
- (i) Outlines the Plan Change and the processes followed
 - (ii) Identifies the changes made to the Selwyn District Plan
 - (iii) Provides a recommendation for decision.

3. Procedural Matters

- 3.1 On the 22 July 2009, Plan Change 13 was resolved by the Council to be publicly notified on August 8, 2009. The notification appeared in The Press, Selwyn Times, the Central Canterbury News (newspapers) and on the Council's website. The submission period closed on Friday 4th September 2009. Only one submission in support of the Plan Change was received from Rolleston Square Limited and then withdrawn (by the submitter), therefore no further submissions were sought and no hearing was undertaken.
- 3.2 This report and plan change is presented to the Council for decision, at its meeting on Wednesday, 14 October 2009.

4. Overview of the Plan Change

- 4.1 The Plan Change undertakes a number of separate and miscellaneous minor changes that have been identified by Council as being necessary to correct anomalies in both the Township and Rural Volumes of the District Plan ("the Plan") and to provide greater certainty when assessing compliance and the status of activities for resource consents.

The minor changes that have been identified are all typically areas of the District Plan that are frequently used and therefore generating consistent difficulties when administering the provisions of the Plan. Generally, the proposed changes are minor corrections and corrections of inconsistencies in the Plan. In addition, there are small changes to clarify rule

interpretation and/or to undertake small updates to areas of the Plan that are now no longer relevant.

4.2 **BRIEF SUMMARY OF AMENDMENTS TO THE PLAN**

The following is a brief summary of each proposed change. Greater detail on each change is contained in Attachment A.

Township Volume

- Amendment 1* – Additional wording to the assessment matter seeking a “step in plan” for buildings greater than 20m in length.
- Amendment 2* – Removing the exclusion for the township of Doyleston for connecting to a reticulated water supply now that water reticulation has been made available.
- Amendment 3* – Clarifying the use of the word “earthworks” as defined in the Plan in the permitted activity rule and reasons for rule.
- Amendment 4* – Confirming that the townships of Darfield and Kirwee do not have reticulated effluent disposal to allow consideration of on-site disposal systems.
- Amendment 5* – Clarify that the calculation formula for allotments twice the average allotment size in a subdivision are part of the same zone.
- Amendment 6* – Clarify what setbacks apply to each wall when a garage is proposed on a corner site i.e. with two road frontage.
- Amendment 7* – Clarify the status of subdivisions within the Living 2 Zone in Lincoln.
- Amendment 8* – Confirm that the demolition of a utility building does not trigger height or setback non-compliances.
- Amendment 9* – Provide additional subdivision note to confirm that land use resource consent is required where new non-compliance are generated by the subdivision.

Rural Volume

- Amendment 10* – Clarify the need for applicants to provide information on reflectivity values regarding all building materials, as opposed to just reflectivity values for paint finishes.
- Amendment 11* – Remove the reference to development within 0.5km and 1km of townships as an anticipated environmental result to be consistent with the remainder of the Plan.
- Amendment 12* – Clarification of the status of garages and accessory buildings which fail to meet setback requirements.

- Amendment 13* - Clarify the applicable provisions in the Buildings and Building Position Table with regard to 1ha sized properties.
- Amendment 14* – Correct the wording of Policy B3.4.7 regarding non site related signs and the plains area.
- Amendment 15* - Clarify land use and subdivision rules with regard to meeting minimum floor levels.
- Amendment 16* - Clarify the intention of visual screening with regard to shelterbelts.

5. Assessment of the Plan Change

District Plan

Plan Change 13 allows the District Plan to be administered in a more clear and concise manner.

Regional Planning Documents

Plan Change 13 is consistent with regional planning documents.

Recommendation

- 1. That the Council** accepts all amendments to the Selwyn District Plan as made by Plan Change 13.

Emma Bishop

24 September 2009

Attachment A

Detailed changes to the District Plan made by Plan Change 13

From the notified Section 32 document...

5.0 PROPOSED AMENDMENTS TO THE PLAN

In undertaking this assessment, each issue with the existing Plan provisions is noted, the proposed solution is described, and the efficiency and effectiveness of the proposed change discussed. The full text version of the proposed changes are contained in "**Appendix B**" (Township) and "**Appendix C**" (Rural).

5.1 Proposed Amendment 1

Township Volume – Assessment Matters - Steps in Building Length

- 5.1.2 Under rule 4.6.3, the erection of two dwellings on an allotment is a restricted discretionary activity in the Living 1 zone, with Council's discretion limited to a number of matters, one of which is the need for a 'step-in-plan' so as to avoid long, monotonous walls facing an internal boundary. The purpose of this change is to clarify what the outcome is that the 'step in plan' assessment matter is seeking. At present, the assessment refers to a "step in plan" being needed but there is limited detail on what extent of a step is actually required in order to provide an effective outcome where a long, potentially monotonous, building is proposed e.g. a very small step is unlikely to be effective whereas a larger or more noticeable step can help to break up the monotony of a building.
- 5.1.3 A precise minimal dimension is not considered to be appropriate for an assessment matter, as such dimensional requirements would more properly take the form of a rule. Drafting an effective, clear rule to achieve consistent positive outcomes for what is essentially a design matter is considered to be extremely problematic, as evidenced by the continuous building length rule in the Christchurch City Plan takes up nearly a page in length. It is however considered to be appropriate to include additional reference in this assessment matter to the amenity outcomes that are being sought and to clarify that the 'step in plan' should be of sufficient spacing and length to be visually effective and provide visual variety and relief from long monotonous structures.
- 5.1.4 An additional sentence is therefore proposed to be included at the end of this assessment matter as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Township Volume – 4.6 Buildings and Building Density - Rule 4.6.4.6 – Page C4-003

4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:

4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and.....

.....

.....4.6.4.6 The need for a 'step in plan' to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property. **The step shall be of sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.**

5.2 Proposed Amendment 2

Township Volume – Doyleston - Buildings and Water Supply and Subdivision

- 5.2.1 The Plan currently requires all dwellings in townships to be connected to a reticulated water supply, apart from Doyleston where no reticulated supply was available at the time the Plan was originally drafted.
- 5.2.2 Since the District Plan was made operative, all living and business zoned land within the township of Doyleston now has the ability to connect to a reticulated water supply (copy of utilities map contained in "**Appendix A**"). It is therefore appropriate that any new dwellings or principal buildings are permitted to connect to this reticulated water supply, as they are in all other reticulated Selwyn townships. It is important to note that this amendment only applies to new dwellings and principle buildings and does not require any existing buildings to retrospectively connect to the reticulated system.
- 5.2.3 Therefore, the rule and reasons for rules in both the Living and Business sections of the Township Volume now remove the reference to Doyleston failing to have a reticulated system.

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Townships Volume – Buildings and Outstanding Landscape Areas – Rules 4.4.1, 16.3.1, 24.1.3.2 - Pages C4-002, C4-012, C16-004, C16-010, C24-002

- 4.4.1 In all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.
~~The requirement that connection be to a reticulated supply does not apply to the erection of any dwelling or principal building within the existing Living zone at Doyleston.~~

Reasons for Rules (Page C4-012)

Water Supply

Every house is required to have a potable water supply and effluent disposal, in order to be 'habitable' under the Building Act 2004. The rules in the District Plan set out additional conditions, such as whether the service must be reticulated, to avoid effects on natural and physical resources such as groundwater and amenity values.

~~Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The depth to groundwater, the small population and reticulated sewerage means that on-site water supplies to households in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Living Zone at Doyleston will require a reticulated water supply and may bring about the need to provide such a supply for the whole of the township.~~

16.3.1 Permitted Activities – Buildings and Water Supply

In all Business zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards, except where it can be demonstrated that the use of the principal building in the Business 3 Zone does not require such a supply.

~~The requirement that connection be to a reticulated supply does not apply to the erection of a dwelling or principal building within the existing Business zone at Doyleston.~~

Reasons for Rules (Page C16-010)

Water Supply

Every principal building, which may include a dwelling, is required to have a potable water supply for health reasons.

~~Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The low depth of the groundwater, the small population of the township, and the reticulated sewerage schemes means that on-site water supplies in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Business zone at Doyleston will require a reticulated water supply and may bring about the need to provide such a supply for the whole of the township.~~

(Note: Permits to drill bores and take water are issued by Environment Canterbury.)

24.1.3.2 Water:

~~Except in Doyleston, a~~Any allotment created is supplied with a reticulated water supply which complies with the current New Zealand Drinking water standard; and

5.3 Proposed Amendment 3

Township Volume - Earthworks – Permitted Activities

- 5.3.1 The purpose of this change is to clarify the use of the term earthworks. Earthworks is defined within the Plan as “any disturbance to, or excavation, removal or deposition of, soil, earth, or any other mineral derived from the ground”.

- 5.3.2 Under permitted activities for earthworks activities, the rule lists the “disturbance, deposition or removal of any soil, rock, or other mineral”. It is considered more precise to simply use the word “earthworks” rather than list these activities as the definition of “earthworks” covers all of these activities anyway along with additional matters. This in turn will help to provide clarity and reduce interpretation issues. This will also ensure that use of this word matches that undertaken in the Rural Volume. Undertaking the same change to the reasons for rules is also required to clarify this matter.
- 5.3.3 It is therefore proposed to amend the earthworks section of the Plan as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Township Volume – 2.1 Earthworks – Permitted Activities – Living Zones - Page C2-001

- 2.1 Permitted Activities — Earthworks
- 2.1.1 Any ~~disturbance, deposition or removal of any soil, rock, or other mineral~~ earthworks shall be a permitted activity if the following conditions are met:

Township Volume – 2.1 Earthworks – Reasons for Rules – Living Zones - Page C2-003

Reasons for Rules

~~Disturbing, depositing or removing soil, rock or other minerals~~ Earthworks may create the following effects: dust nuisance; slope failure or erosion; siltation effecting neighbouring properties; waterbody bank erosion; sedimentation in waterbodies; and unsightliness of the Living Zone if left unoccupied.

Rule 2.1 sets out the conditions for when earthworks are likely to have minor effects on the environment, including timeframes for the completion and rehabilitation. Earthworks that cannot comply with Rule 2.1.1 may still be allowed, by granting of a resource consent for a discretionary activity (under Rule 2.1.4).

Mineral exploration and mining require resource consent in Living zones, irrespective of the scale of earthworks. The reason that mineral exploration within townships requires resource consent is because this activity may have the potential for adverse effects on amenity values and property values.

Note 1 clarifies that earthworks associated with the activities listed are, in the view of the Council, de minimus activities (very minor/negligible). Rule 2 is not intended to affect or control those activities.

Township Volume – 14.1 Earthworks – Permitted Activities – Business Zones - Page C14-001

- 14.1.1 ~~Any disturbance, deposition or removal of any soil, rock, or other mineral~~ Earthworks shall be a permitted activity if the following conditions are met:

Township Volume – 14.1 Earthworks – Reasons for Rules – Living Zones - Page C14-003

Reasons for Rules

~~Excavating and the stockpiling of soil or other minerals~~ **Earthworks** can have the following adverse environmental effects in the Business zones – create a dust nuisance, siltation effecting adjoining properties and be unsightly if left uncompleted. To ensure that the adverse effects arising on the environment will be no more than minor, controls need to be imposed requiring the dampening down of excavated areas and excavated spoil to prevent dry material being blown about in strong winds. Any stockpiled material needs to be adequately consolidated or covered to prevent scouring etc by water runoff.

Mineral exploration and mining require resource consents, irrespective of the scale of earthworks. The reason is potential effects on property values as a result of lessened environmental standards if mineral exploration occurs within the township area. Mining and quarrying tend to be associated with the generation of significant adverse environmental effects that can persist for a long time even after those activities have concluded.

5.4 Proposed Amendment 4

Township Volume – Subdivision – On-Site Effluent Disposal – Darfield and Kirwee

- 5.4.1 The purpose of this change is to provide recognition in the Plan that the townships of Darfield and Kirwee do not have access to reticulated effluent disposal systems at present.
- 5.4.2 Therefore it is appropriate that there is provision in the Plan for any subdivision in Darfield or Kirwee to have regard to the treatment and disposal of effluent via on site systems. This is similar to other townships within the District e.g. Arthur's Pass, Coalgate that do not have a reticulated system. The lack of provision in the Plan for consideration of the effectiveness of on-site sewerage systems for these townships has resulted in applications for subdivision dismissing the need to assess the disposal of effluent, which is inappropriate and not supported by objectives and policies in the Plan.
- 5.4.3 In addition, the subdivision of any Business zoned land in a non-reticulated township does not presently allow consideration of this potential issue. Historically, there has been little to no pressure to subdivide within the Business zoned land in non-reticulated townships but should this occur in the future, it is important that there is provision to deal with this matter. Whilst on-site disposal systems generally require a discharge consent from Canterbury Regional Council, it is still important for the Council to be able to consider on-site disposal at the time of subdivision. This is particularly so given there is no minimum lot size for the Business Zone and therefore there is potential for allotments to be created that do not have sufficient size to readily enable on-site systems to work. On-site effluent treatment, depending on the nature of its future use, requires varying amounts of land to deal with the discharge to ground to avoid it contaminating water supplies, and therefore broad assessment is desirable to ensure that proposed allotments or new dwellings and principle buildings are able to be readily serviced in a manner that will not result in unacceptable environmental effects.
- 5.4.4 It is therefore proposed to amend the Plan's subdivision provisions for both living and business zones regarding on-site servicing for Darfield and Kirwee and also to provide for on-site effluent disposal as a matter of discretion for non-reticulated townships as follows:

PROPOSED DISTRICT PLAN AMENDMENTS:

Township Volume - On-Site Effluent Disposal – Subdivision General – Living Zone - Page C12-012

12.1.4.10 On-Site Effluent Disposal

In the Living zones at Arthur's Pass, Coalgate, Darfield, Dunsandel, Glentunnel, Hororata, Kirwee, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs:

(a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

Note: The consent authority shall use the requirements of the relevant regional plan and the New Zealand Building Code to measure when on-site effluent treatment and disposal is satisfactory.

Township Volume - On-Site Effluent Disposal – Subdivision Boundary Adjustment – Living Zone - Page C12-019

12.2.2.7 On-Site Effluent Disposal

In the Living zones at Arthur's Pass, Coalgate, Darfield, Dunsandel, Glentunnel, Hororata, Kirwee, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs:

Whether any allotment is of appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

Note: The consent authority will have regard to the requirements of the relevant Regional Plan and the provisions of the New Zealand Building Code to assist in determining whether on-site sewage treatment and disposal can satisfactorily be achieved.

Township Volume - On-Site Effluent Disposal – Subdivision General – Business Zone - Page C24-006

Stormwater Disposal

.....

24.1.4.7 The method(s) for disposing of stormwater; and

24.1.4.8 Any adverse effects of stormwater disposal on any land drainage scheme which is administered by Selwyn District Council; and

24.1.4.9 The quantity and rate of stormwater disposed into any land drainage scheme which is administered by Selwyn District Council.

On-Site Effluent Disposal

24.1.4.10 In the Business Zones at Coalgate, Dunsandel and Darfield:

(a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

Note: The consent authority shall use the requirements of the relevant regional plan and the New Zealand Building Code to measure when on-site effluent treatment and disposal is satisfactory.

Roads, Reserves and Walkways/Cycleways

.....

5.5 Proposed Amendment 5

Township Volume - Subdivision – Average Lot Sizes

- 5.5.1 The Plan currently requires subdivision applications within the townships to comply with minimum average allotment sizes, with the minimum average allotment size for specific zones identified in Table C12.1. At present, there is confusion over how the minimum average allotment sizes are to be calculated, especially where living zoned lots adjoin larger rural areas under the same ownership. Where a number of smaller allotments are created that in themselves are below the required minimum average, a larger 'balance' lot can be left which allows the minimum average lot size to be met over the entire site, subject to the larger lot being covenanted to prevent future subdivision of that lot.
- 5.5.2 Applications have been received by Council whereby confusion has arisen as to what zones are applicable when considering subdivisions with lots that are twice the size of the average lot for that subdivision. Lots that are twice the size of the overall average of lots are calculated using the formula "2 x average allotment – 10m²" to avoid the average being drastically altered through gradual ongoing subdivision of the new lots over time. However, where different zones are involved, this has the potential to create confusion or even result in larger adjoining rural lots being proposed as the large balance lot to enable the creation of smaller living zoned lots that are below the minimum average allotment size anticipated in the living zone.
- 5.5.3 Therefore an amendment is proposed to introduce the words "for that zone" when calculating the average lot size. This means that if smaller living zoned lots are to be created, the larger lots used to keep up the average must also be within the same living zone. The proposed amendment is as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Township Volume - 12.1 Subdivision - Restricted Discretionary Activities — Subdivision – General – Page C12-007

Table C12.1

.....

All Living Zones Calculating Allotment Sizes

The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation.

Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size **for that zone** – 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.

All Townships Allotment sizes for Flats/Townhouses – Living 1

In any Living 1 zone, where two or more dwellings have been erected on an allotment the average allotment size per dwelling shall be 0.5 x the average.

.....

5.6 Proposed Amendment 6

Township Volume - Buildings and Building Position - Garage Setbacks on Corner Sites

- 5.6.1 The purpose of this change is to clarify what building setbacks are applicable where a garage is proposed on a corner site i.e. with more than one road frontage. At present, the Plan is unclear as to which setback dimension applies to a garage where it is proposed on a corner site. The Plan does direct the applicable setback for the road boundary to which the vehicle door faces, however, the applicable setback relating to the side wall of the garage which also faces a road boundary is not stated.
- 5.6.2 In determining what distance is appropriate for the side wall setback from a road, the plan does state that a garage wall can be up to 2m from a road boundary where the vehicle door faces an internal boundary i.e. where the garage is side on to the street. Therefore, in principle, the Plan anticipates that the side walls of garages are appropriate up to 2m of a road boundary and therefore such a setback should also be generally appropriate for corner sites. A note has therefore been included to clarify this matter. This also corresponds with the conclusions of a Council Decision that dealt with a resource consent on this particular issue (RC 065080). The proposed amendments are as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

TOWNSHIP VOLUME - 4.9 BUILDINGS AND BUILDING POSITION PERMITTED ACTIVITIES — BUILDINGS AND BUILDING POSITION – PAGE C4 - 006

Setbacks from Boundaries

4.9.2 Except as provided in Rules 4.9.3 to 4.9.18, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

Table C4.2 - Minimum Setbacks for Buildings

Building Type	Metres from Boundary	
	Internal	Road
Dwelling or principal building	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces <u>road</u>	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces <u>internal boundary</u>	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces <u>road</u>	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces <u>internal boundary</u>	2 m	4 m
<u>Accessory Building</u> with wall length not more than	1 m	2 m

7m		
<u>Accessory Building</u> with wall length greater than 7m	2 m	4 m
<u>Utility Structures</u>	0 m	0 m

Note: Where a garage is proposed on a corner site i.e. has two road frontages, only one wall may be located up to 2m from a road boundary, provided that that wall does not contain a vehicle door and is less than 7m in length. All other walls are to be set back at least 4m from the road boundary, with walls containing a vehicle door set back 5.5m from the road boundary

5.7 Proposed Amendment 7

Township Volume – Subdivision Minimum Average Lot Sizes – Living 2 Zone - Lincoln

- 5.7.1 The purpose of this change is to clarify the status of Living 2 zoned subdivisions within Lincoln. At present, the Living 2 zone at Lincoln has a minimum average area requirement of 3000m², whereas Living 2 subdivisions in other Selwyn townships have a minimum average area of 5,000m², apart from Coalgate and Dunsandel where the minimum average size is 1 hectare. Within the Living 2 zone in Lincoln, a subdivision that complies with the minimum average area requirements of 3,000m² should therefore be a restricted discretionary activity. However, under Rule 12.1.6.4, subdivision is a fully discretionary activity where any subdivision within the L2 zone has a minimum average area less than 5000m². Therefore in the case of L2 subdivisions in Lincoln, meeting the complying minimum allotment size will always get caught by the fully discretionary status.
- 5.7.2 Most L2 in Lincoln is set to become LZ Deferred via proposed Plan Change 7 (PC7) in Lincoln, albeit that PC7 is at an early stage in the plan development process and is currently subject to the public notification, submissions, and hearings. Whilst most of the current Living 2 zone in Lincoln is proposed to go under PC7, there is one small L2 area in Lincoln that has already been developed and therefore will retain its L2 zoning. Given that this small pocket has already been developed, there is little further risk regarding this rule in terms of other L2 subdivisions in Lincoln being accidentally caught by fully discretionary status. However, an exemption has nonetheless been included in rule 12.1.6.4 in case either further subdivision within the L2 pocket occurs, or the proposed provisions of PC7 do not survive the submission process and larger areas of undeveloped Living 2 zone remain in Lincoln. The proposed exemption is designed so that the L2 zone in Lincoln is not caught by rule 12.1.6.4 when the minimum average lot size is obviously intended to be 3000m². If a subdivision were to occur with an average of *less than* 3000m² in this zone then it will now default to fully discretionary status.

5.7.3 The proposed amendments are as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

TOWNSHIP VOLUME - 12.1.6 Subdivision -General - Discretionary Activities – Page C12-017

Discretionary Activities — Subdivision – General

12.1.6 The following activities shall be discretionary activities:

12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or 12.1.3.10.

12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13.

12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate or Dunsandel with an average allotment size of less than 1 hectare.

12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate, ~~or~~ Dunsandel **or Lincoln** with an average allotment size of less than 5000m².

12.1.6.5 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m².

5.8 Proposed Amendment 8

Township Volume – Demolition of Utility Buildings

5.8.1 The purpose of this amendment is to clarify whether the setback provisions in the Plan should relate to the demolition of a utility building. At present, Rule 6.2.1 permits the erection, modification, or demolition of a utility building, provided it complies with all of the conditions set out in 6.2.1.1-6.2.1.3. Taken literally, the rule therefore permits the demolition of a utility building only if that demolition complies with height and setback standards. This is not technically possible when undertaking demolition works to an existing building which already breaches these standards.

5.8.2 The demolition of a utility building is not something that is considered necessary to control in terms of height and setbacks. The District Plan reasons for rules for utilities state that setbacks and recession planes covered by Rule 6.2 are to protect neighbours and any living zone land from the bulk of utility buildings. Therefore, there are no recognised effects if an existing building is to be demolished.

5.8.3 It is therefore proposed to remove the word "demolition" from Rule 6.2.1. This will mean that demolition of a utility structure is not covered by a rule and is therefore permitted. The proposed amendment is as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

TOWNSHIP VOLUME - LIVING ZONES - 6.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS – PAGE 16 - 004

Permitted Activities — Height and Setbacks – Utility Buildings

6.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

TOWNSHIP VOLUME - BUSINESS ZONES 18.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS – PAGE C18 - 003

Permitted Activities — Height and Setbacks – Utility Buildings

18.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or~~ ~~demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

5.9 Proposed Amendment 9

Township Volume – Subdivision – Notes

- 5.9.1 The purpose of this change is to clarify in the notes what must happen if a subdivision results in the creation of a new land use non-compliance. At present, there is no note listed at the start of the subdivision chapter to specify that if a subdivision results in a new non compliance for an existing building e.g. if a new lot is created containing an existing rural dwelling which as a result of the subdivision will now intrude a building setback, then a land use consent will also be required to address the effects of that new non-compliance.
- 5.9.2 A note to this effect is present at the start of the boundary adjustment section and therefore a similar note is proposed to be added to the subdivision notes for both Living and Business zones to clarify this matter. The proposed amendment is shown as follows:

PROPOSED DISTRICT PLAN AMENDMENTS:

12 - SUBDIVISION GENERAL - LIVING ZONE – NOTES – Page C12-001

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent)

.....

10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.^{V30}

11. If a subdivision completed under 12.1 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

24 - SUBDIVISION GENERAL - BUSINESS ZONE– NOTES – PAGE C24-001

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent)

.....
10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.^{V30}

11. If a subdivision completed under 12.1 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

5.10 Proposed Amendment 10

Rural Volume – Notes - Buildings and Outstanding Landscape Areas –Buildings and SH73 and the Midland Rail Corridor –buildings and Rural Character

- 5.10.1 The Plan currently controls building reflectivity as part of a suite of measures designed to minimise the visual impact of buildings within outstanding landscape areas. The purpose of this change is to clarify the notes contained within the District Plan concerning the calculation of reflectivity values. At present, these notes provide guidance regarding the reflectivity of only painted surfaces, which can be readily obtained from colour charts. However, it is important to acknowledge that there are other claddings/materials that may also be used on buildings that can also generate reflectivity e.g. stonework, unpainted timber or metallic finishes. Where the reflectivity value of such materials is not known, the discretion is currently placed upon Council to determine what the reflectivity value will be even if no information on the product is provided.
- 5.10.2 It is therefore considered to be more appropriate for the applicant to provide this information with their application. Where a non-paint product is used, evidence should be provided of the reflectivity value of the product used e.g. obtaining a product statement from the supplier or comparing the material to a similar paint colour on a chart.
- 5.10.3 It is therefore proposed to amend the notes associated with Rules 3.2.1.1, 3.3.1.1 and 3.4.1.1 as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Rural Volume – 3.2 Buildings and Outstanding Landscape Areas – Rules 3.2.1, 3.3.1, 3.4.1 - Page C3-003

Rule 3.2.1.1 (c)

Notes:

For Rule 3.2.1.1(c), reflectance applies to the exterior surfaces of the building excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance values for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.**

Rule 3.3.1.1 (c)

Notes:

For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance values for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.**

Rule 3.4.1.1

Note:

For Rule 3.4.1, reflectance applies to the exterior surfaces of the building, excluding any aerial or satellite dish on a dwelling, spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.**

5.11 Proposed Amendment 11

Rural Volume - Buildings and Residential Density – Restricted Discretionary Activities

5.11.1 The District Plan used to contain rules and policies that encouraged residential development within 1km of townships. The merits (or not) of this policy approach and the appropriateness of these provisions have been considered in detail in earlier planning processes through Variation 23 with the result that these provisions were removed as a result of decisions on submissions to V.23 and therefore reference to this original Plan approach to managing urban growth is no longer appropriate. At present, the second bullet point of the anticipated environmental results looks to encourage residential development on smaller allotments to be located within a set radius of certain townships. However, as the 1 km rule has now been removed from the plan, the reference to this outcome as an anticipated environmental result ought also to be removed as it is no longer appropriate as an outcome that is no longer supported by the Plan's objectives and policies.

5.11.2 It is therefore proposed to amend the Plan by deleting the second bullet point as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Rural Volume – Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results - Page B4 -013

The following results should occur from implementing Section B4.1:

- Residential development remains lower in rural areas than in townships.
- ~~Most residential development on smaller allotments occurs within 1km of Leeston, Lincoln, Prebbleton and Rolleston and 0.5km of other remaining townships, except for those in the High Country, West Melton and Kirwee.~~
- Dwellings built on small allotments in the rural area, are surrounded by land without buildings.
- Papakainga housing occurs at Taumutu.
- There is variety in the size and shape of allotments subdivided in the District.
- Residential density varies across the rural area.
- Other activities have allotments which are of an appropriate size and shape with the utility connections the activity requires.

5.12 Proposed Amendment 12

Rural Volume - Buildings and Building Position – Status of Garages and Accessory Buildings

5.12.1 The purpose of this change is clarify present uncertainty regarding the status of garages and accessory buildings which fail to meet the permitted setback standards. Rule 3.13.1 permits the erection of any building, provided the building complies with various setback rules set out in Table C3.2. All buildings, other than garages or accessory buildings, that fail to comply with the setbacks specified in table C3.2 then become fully discretionary activities under rule 3.13.4, Therefore there is no status for a garage or accessory building that fails to comply with the setback standards specified in Table C3.2.

5.12.2 It is therefore proposed to amend Rule 3.13.4 to remove the exemption for garages and accessory buildings, so that garages and accessory buildings that fail to comply with the required building setbacks become fully discretionary activities.. This will allow the appropriate assessment of any such buildings that intrude the permitted setback standards.

5.12.3 This proposed change is shown as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Rural Volume – 3.13 Buildings and Building Position - Discretionary Activities — Page C3-016

3.13.4 Any building or part of any building, ~~other than a garage or accessory building~~, which does not comply with Rule 3.13.1.1 shall be a discretionary activity.

5.13 Proposed Amendment 13

Rural Volume - Buildings and Building Position – Property Size

5.13.1 The purpose of this change is to clarify what setbacks are to apply to a building in the rural zone where a property of exactly 1 hectare in size is involved. At present, the wording in Table C3.2 does not allow for lots which are precisely 1ha in size, rather it allows for below and above 1ha in size only when determining which setbacks are appropriate. Given that there are a number of parcels that are a precise 1ha in size, the wording in this table needs to allow for 1 hectare lots.

5.13.2 It is therefore proposed that table C3.2 be amended to allow for lots “up to 1ha” in size, and “greater than 1ha” to address this matter as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Rural Volume – 3.13 – Table C3.2 - Buildings and Building Position – Page C3-016

3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:

Table C3.2 – Setbacks from Boundaries Property Size	Building Type	Setbacks		
		Property Boundary	Arterial Road or Strategic Road	Other Road
Less than Up to 1ha (<1ha)	Garage or Accessory	3m	10m	10m
	Dwelling or Principal Building	3m	20m	10m
Greater than 1ha (>1ha)	Garage or Accessory	5m	10m	10m
	Dwelling or Principal Building	5m	20m	10m
Any Size	Building housing Animals	30m	30m	30m

5.14 Proposed Amendment 14

Rural Volume – Rural Character – Policy B3.4.7 - Signs

5.14.1 The purpose of this change is provide consistency of Policy B3.4.7 to its explanation and reasons. Policy B3.4.7 deals with the location of signs and noticeboards in the rural area. At present this policy seeks that signs located on sites to which they do not relate are acceptable either in townships or anywhere in the Inner or Outer Plains areas, which covers the majority of the District.

5.14.2 When reading the explanation and reasons accompanying this policy, it is evident that non site related signage is only considered appropriate within townships on the Plains area. This therefore means that townships in the Malvern Hills or High Country Areas are not included, nor are sites in the Inner or Outer Plains areas generally as could be misconstrued from the current wording of this Policy.

- 5.14.3 It is therefore proposed to amend the word "or" to "on" in this policy to ensure that its intention is not misunderstood. The proposed amendment is shown as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

Rural Volume - Policy B3.4.7 - Page B3-040

Policy B3.4.7

Require signs and noticeboards to be located on the site to which the sign or notice board relates except for:

- Temporary signs; and
- Signs and noticeboards located close to townships ~~or~~ on the Plains area.

Policy B3.4.8

Ensure signs and noticeboards are designed and positioned to avoid:

- Restricting people's visibility along roads;
- Impeding access to or past sites;
- Nuisance effects from sound effects, moving parts, glare or reflectivity;
- Large structures protruding above rooftops.

Explanation and Reasons

Signs and noticeboards are important tools for businesses to advertise their products and their location, and for people to find out information. Outdoor signs and noticeboards can have adverse effects. For example: Sound effects and moving parts can annoy neighbours and distract motorists; and too many signs can create a built up or metropolitan feel which may affect the character of an area. Policies B3.4.7 and B3.4.8 describe the effects which outdoor signs and noticeboards should avoid, in the Rural zone. Policy B3.4.7 discourages the erecting of general advertising hoardings in the Rural zone except in close proximity to townships on the Plains. General advertising hoardings, particularly along roadsides or railway lines, are often associated with townships. They may create a metropolitan or built up effect. The Plains area, particularly around townships is more built up than other parts of the Rural zone. The effects on rural character will be less advertising, in these areas.

Policies B3.4.7 and B3.4.8 are implemented through rules which establish conditions for erecting outdoor signs and noticeboards as permitted activities. Policy B2.1.5, Transport addresses effects of signs alongside roads on traffic safety.

5.15 Proposed Amendment 15

Rural Volume – Buildings and Natural Hazards – Subdivision in Flood Areas

- 5.15.1 The purpose of this change is to clarify the criteria regarding the use of minimum floor levels for new buildings or subdivision within flood/natural hazard areas. Buildings are currently permitted under rule 3.1.1 provided the proposal complies with a list of conditions set out in clause 3.1.1.1(a) – (e). Clause 3.1.1.1(d) and (e) are as follows:

(d) The area shown on the Planning Maps as the lower Plains flood area; unless a minimum building floor level of 300mm above a 2% Annual Exceedance Probability (AEP) hazard event is identified and the building floor level is at or above that level;

(e) The area shown on the planning Maps as the Lake Ellesmere./ Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified.

- 5.15.2 Any proposal that fails to comply with rule 3.1.1.1 (d) or (e) is then subject to rule 3.1.2 as a restricted discretionary activity. At present Rule 3.1.2 for restricted discretionary activities makes a distinction between being within the flood hazard areas listed in 3.1.1.1 (d) and (e) **or** failing to achieve the minimum floor levels required for dwellings and principal buildings in these areas. In reality, you have to be within the area listed in the rule **and** fail to achieve the minimum floor levels to become a restricted discretionary activity (as 3.1.1(d) and (e) state that buildings are permitted in these areas provided minimum floor levels are achieved), therefore the word **or** should be removed from Rule 3.1.2 so that it can be implemented correctly and is consistent with the rationale set out in the 'reasons for the rules' section.
- 5.15.3 Similarly, clause (c) of subdivision Rule 10.2.3.2 allows the discretion to place a consent notice on land stating that dwellings are not permitted in flood areas. However, this is not correct as provided minimum floor levels are met, dwellings can be permitted in flood areas, therefore the text of this standard has been amended to say this.
- 5.15.4 The proposed amendments are shown as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

RURAL VOLUME - 3.1 BUILDINGS AND NATURAL HAZARDS - RESTRICTED DISCRETIONARY ACTIVITIES - BUILDINGS AND NATURAL HAZARDS – PAGE C3-001

- 3.1.2 Erecting any new dwelling or other principal building on any site in the areas listed in Rule 3.1.1.1(d) and (e) ~~or~~ with a minimum floor level which does not comply with Rule 3.1.1.1(d) or (e) shall be a restricted discretionary activity.

RURAL VOLUME - 10.2 SUBDIVISION IN FLOOD AREAS - RESTRICTED DISCRETIONARY ACTIVITIES - SUBDIVISION IN FLOOD AREAS – PAGE C10-006

10.2.3.2 In the areas shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas:

- (a) Whether any allotment created contains a site or sites where a dwelling or other principal building may be erected in accordance with the requirement of Building Rule 3.1.1.1(d) (for the Lower Plains flood area) or Building Rule 3.1.1.1(e) (for the Lake Ellesmere/Te Waihora flood area) and Earthworks Rule 1.3.
- (b) The potential effects of inundation on pedestrian and vehicular access to the allotment, or to the dwelling or other principal building to be erected on the allotment; and
- (c) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building on the allotment is not a permitted activity under the District Plan, unless it meets the minimum floor levels set out in Rules 3.1.1.1(d) and 3.1.1.1(e).

Note: In relation to Rule 10.2.3.2(c), such a condition may not be needed if a land use consent to erect a dwelling or other principal building is granted.

5.16 Proposed Amendment 16

Rural Volume – Shelterbelts and Amenity Planting – Page C2-001

- 5.16.1 The purpose of this change is to address the term 'visual screening' as it relates to Rule 2.1 regarding shelterbelts and amenity planting. At present, rule 2.1.1 permits "the planting of any trees for amenity planting, shelterbelts or visual screening" provided various conditions set out in 2.1.1.1-9 are met. The terms 'amenity planting' and 'shelterbelts' are defined but there is currently no definition for 'visual screening' and therefore it can be interpreted very broadly to potentially justify screening anything in particular, which has the potential to detract from the character of the rural area by the overplanting of vegetation thereby reducing views of open rural space. It is also noted that plantations are subject to their own set of rules under clause 2.2, with the term 'plantation' having its own definition so that it means "any group of trees planted on a site, whether intended to be harvested or not, which are not classed as amenity plantings or shelterbelts...". Trees intended to be planted for visual screening under rule 2.1 therefore default by definition to being 'plantations and will become subject to the provisions of 2.2.
- 5.16.2 The key intention of rule 2.1 as it relates to 'visual screening' is the ability to plant trees as a permitted activity where their purpose is to screen buildings and thereby reduce their visual effects in order to maintain rural landscape values.
- 5.16.3 It is therefore proposed to amend the definition of 'amenity planting' to include planting for the purposes of screening buildings, so that such planting is permitted (subject to meeting the conditions of 2.1.1.1-9) and is not caught by the definition of 'plantation', and also to ensure that the loose term 'visual screening' is not used as a loophole for enabling planting some distance from buildings that would have unacceptable environmental effects. Rule 2.1.1 and the definition of 'amenity planting' are therefore proposed to be amended as follows:

PROPOSED AMENDMENTS TO DISTRICT PLAN:

2.1 SHELTERBELTS AND AMENITY PLANTING Permitted Activities — Shelterbelts and Amenity Plantings – PAGE C2 - 001

2.1.1 The planting of any trees for ~~amenity planting, or shelterbelts, or visual screening~~ shall be a permitted activity if all of the following conditions are met:

2.1.1.1.....

DEFINITION – PAGE D - 001

Amenity Planting: means any tree or trees planted in the immediate vicinity of a house or principal building, primarily to provide shelter or aesthetic appeal, or **to visually screen any building as a means of mitigating potential adverse environmental effects**. Amenity plantings include any woodlot, orchard or vineyard planted in close proximity to a house or principle building, primarily to supply the residents on-site. The total area of any woodlot, orchard or vineyard which is classed as amenity planting shall not exceed 4 ha.

Attachment B

Recommended Changes to the District Plan

TOWNSHIP VOLUME AMENDMENTS

PAGE C2 – 001-003

PART C

2 LIVING ZONE RULES – EARTHWORKS

2.1 EARTHWORKS

Permitted Activities – Earthworks

2.1.1 Any ~~disturbance, deposition or removal of any soil, rock, or other mineral~~ earthworks shall be a permitted activity if the following conditions are met:

2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and

2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and

2.1.1.3 Any site subject to earthworks is either:

(a) built upon,

(b) sealed,

(c) landscaped, or

(d) the land recontoured and replanted,

no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

2.1.1.4 Earthworks do not occur and material from earthworks is not deposited within:

(a) 20m of any waterbody listed in Appendix 12.

(b) 10m of any other waterbody (excluding aquifers).

2.1.1.5 On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.

2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has:

(a) a volume of not more than 2,000m³ per project; and

(b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.

2.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.

2.1.1.8 The earthworks are not part of mining or mineral exploration.

Restricted Discretionary Activities – Earthworks

2.1.2 Any activity which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.

2.1.3 Under Rule 2.1.2 the Council shall restrict its discretion to consideration of:

2.1.3.1 The nature of any flooding or land instability and whether this makes the site unsuitable to undertake the proposed earthworks.

2.1.3.2 Any effects of earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.

2.1.3.3 Any mitigation measures proposed.

Discretionary Activities – Earthworks

2.1.4 The following shall be discretionary activities:

2.1.4.1 Mineral exploration.

2.1.4.2 Any activity which does not comply with any of Rules 2.1.1.1 to 2.1.1.4 and 2.1.1.6 to 2.1.1.8.

Non- Complying Activities – Earthworks

2.1.5 Mining shall be a non-complying activity.

Notes

1. Rule 2 does not apply to any of the following activities:
 - Landscaping or maintenance of gardens, lawns or public spaces;
 - Sowing, tending or cultivating crops, grazing or planting trees;
 - Digging post holes, soak holes, building foundations and related activities;
 - Maintaining and clearing rivers, water races or drains;
 - Maintaining or repairing existing flood protection works; or
 - Earthworks required to duct cables.
2. Stockpiling of material disturbed by earthworks may be affected by Rule 10.11 – Activities and the Outdoor Storage of Materials and Goods.
3. Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.
4. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed

or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.v30

Reasons for Rules

~~Disturbing, depositing or removing soil, rock or other minerals~~ Earthworks may create the following effects: dust nuisance; slope failure or erosion; siltation effecting neighbouring properties; waterbody bank erosion; sedimentation in waterbodies; and unsightliness of the Living Zone if left unoccupied.

Rule 2.1 sets out the conditions for when earthworks are likely to have minor effects on the environment, including timeframes for the completion and rehabilitation. Earthworks that cannot comply with Rule 2.1.1 may still be allowed, by granting of a resource consent for a discretionary activity (under Rule 2.1.4).

Mineral exploration and mining require resource consent in Living zones, irrespective of the scale of earthworks. The reason that mineral exploration within townships requires resource consent is because this activity may have the potential for adverse effects on amenity values and property values.

Note 1 clarifies that earthworks associated with the activities listed are, in the view of the Council, de minimus activities (very minor/negligible). Rule 2 is not intended to affect or control those activities.

PAGE C4-002

4.4 BUILDINGS AND WATER SUPPLY

Permitted Activities – Buildings and Water Supply

- 4.4.1 In all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.

~~The requirement that connection be to a reticulated supply does not apply to the erection of any dwelling or principal building within the existing Living zone at Doyleston.~~

Non-Complying Activities – Buildings and Water Supply

- 4.4.2 Any activity which does not comply with Rule 4.4.1 shall be a non-complying activity.

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities – Buildings and Building Density

- 4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:
- One dwelling and one family flat up to 70m² in floor area; or
 - One principal building (other than a dwelling) and one dwelling,
- shall be a permitted activity.
- 4.6.2 The erection of not more than one principal building on any site at Castle Hill shall be a permitted activity.

Restricted Discretionary Activities – Buildings and Building Density

- 4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.
- 4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:
- 4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and
 - 4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and
 - 4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and
 - 4.6.4.4 The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and
 - 4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and
 - 4.6.4.6 The need for a 'step in plan' to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property. **The step shall be of sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.**

Note: Building density and site coverage rules both apply.

Discretionary Activities – Buildings and Building Density

- 4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones.

Non-Complying Activities – Buildings and Building Density

4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living 1A, 1A2, 1A3, 1A4 zones at Prebbleton and all Living 2 and 2A zones.

Note: There is no maximum number of accessory buildings allowed on an allotment, but Rule 4.7 – Site Coverage – applies to all buildings.

PAGE C4-006

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities – Buildings and Building Position

The following shall be permitted activities:

Recession Planes

4.9.1 The construction of any building which complies with the Recession Plane A requirements set out in Appendix 11.

Setbacks from Boundaries

4.9.2 Except as provided in Rules 4.9.3 to 4.9.18, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

Table C4.2 - Minimum Setbacks for Buildings

Building Type	Metres from Boundary	
	Internal	Road
Dwelling or principal building	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces <u>road</u>	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces <u>internal boundary</u>	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces <u>road</u>	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces <u>internal boundary</u>	2 m	4 m
<u>Accessory Building</u> with wall length not more than 7m	1 m	2 m
<u>Accessory Building</u> with wall length greater than 7m	2 m	4 m

Building Type	Metres from Boundary	
Utility Structures	0 m	0 m

Note: Where a garage is proposed on a corner site i.e. has two road frontages, only one wall may be located up to 2m from a road boundary, provided that that wall does not contain a vehicle door and is less than 7m in length. All other walls are to be set back at least 4m from the road boundary, with walls containing a vehicle door set back 5.5m from the road boundary

Common Wall

4.9.3 Buildings may be sited along an internal boundary of the site if the building shares a common wall with another building.

Castle Hill

4.9.4 Buildings or structures shall be setback not less than 6m from the south eastern boundaries of Lots 1 and 2 DP 22544 in the Living 1A Zone at Castle Hill Village.

4.9.5 Buildings or structures shall be setback not less than 1.5 metres from all internal and road boundaries within the Living 1A Zone at Castle Hill, except that:

4.9.5.1 Along the Living 1A Zone boundaries the minimum setback shall be 3 metres; and

4.9.5.2 Where an internal boundary is also the boundary of a reserve (other than a road reserve) exceeding 1 metre in width or of an access lot or right of way there shall be no minimum setback.

Prebbleton

4.9.6 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.

4.9.7 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.

4.9.8 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.

4.9.9 Any dwelling in the Living 2A Zone in Prebbleton shall have:

4.9.9.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.

4.9.9.2 A setback from the southern zone boundary of not less than 20 metres.

4.9.10 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.

4.9.11 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Def Zone in Prebbleton, as identified in Appendix 19.

West Melton

- 4.9.12 Any dwelling within the area shown in Appendix 20 (Living 1B and Living 2 zones) shall be set back at least 40 metres from State Highway 73.
- 4.9.13 Any dwelling in the Living 2A Zone at West Melton shall have:
- 4.9.13.1 A setback from any internal boundary of not less than 6 metres.
- 4.9.13.2 A setback from any road boundary of not less than 10 metres.

Leeston

- 4.9.14 Any dwelling in the Living 2A Zone at Leeston shall have a setback from any Business Zone boundary of not less than 20 metres.

Temporary Activities

- 4.9.15 Rule 4.9.2 does not apply to the siting of any building, tent, caravan or trailer on a site if:
- 4.9.15.1 The building, tent, caravan or trailer is erected for a temporary activity; and
- 4.9.15.2 The building, tent, caravan or trailer is removed within 2 days of the activity ceasing.
- 4.9.16 Rule 4.9.2 does not apply to the siting of any building on a site which is for temporary accommodation associated with a construction project on the site if:
- 4.9.16.1 The building is removed within 12 months or when construction ceases, whichever is the shorter time.

Setback from Lincoln Sewerage Treatment Plant

- 4.9.17 Any dwelling in the Living 1A Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewage Treatment Plant, as identified on Planning Map 116.

Rolleston

- 4.9.18 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 40m from the State Highway 1 carriageway. Except that this distance can be reduced where the dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes has been acoustically insulated or subject to mounding or other physical barriers so that traffic noise from State Highway 1 is limited to levels set out below, with all external doors and windows closed:

	Day-time (0700-2200 hours)	Night-time (2200-0700 hours)
Within Bedrooms	35 <u>dBA</u> (<u>Leg</u> 1 hour)	30 <u>dBA</u> (<u>Leg</u> 1 hour)
Within Living Area Rooms	40 <u>dBA</u> (<u>Leg</u> 1 hour)	35 <u>dBA</u> (<u>Leg</u> 1 hour)

Living Area rooms means any room in a dwelling other than a room used principally as a bedroom, laundry, bathroom, or toilet.

Restricted Discretionary Activities – Buildings and Building Position

- 4.9.19 Any activity which does not comply with Rule 4.9.1 shall be a restricted discretionary activity.
- 4.9.20 Under Rule 4.9.19 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.20.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.
- 4.9.21 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.14 and 4.9.18 shall be a restricted discretionary activity.
- 4.9.22 Under Rule 4.9.21 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.22.1 Internal Boundary
- Any adverse effects on the:
- (a) privacy
 - (b) outlook
 - (c) shading; or
 - (d) amenity values
- of the adjoining property, its occupiers and their activities; and
- 4.9.22.2 Road Boundary
- Any adverse effects on:
- (a) the character of the street
 - (b) safety and visibility of pedestrians, cyclists and motorists, and
 - (c) shading of the road or footpath in winter;
 - (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and
- 4.9.22.3 Any reverse sensitivity issues at the southern zone boundary of the Living 2A zone at Prebbleton.

Discretionary Activities – Buildings and Building Position

- 4.9.23 Any activity which does not comply with Rule 4.9.3 shall be a discretionary activity.

Non-Complying Activities – Buildings and Building Position

- 4.9.24 Any dwelling which does not comply with Rule 4.9.17 shall be a non-complying activity.

PAGE C4 - 012

Reasons for Rules

.....

Water Supply

Every house is required to have a potable water supply and effluent disposal, in order to be 'habitable' under the Building Act 2004. The rules in the District Plan set out additional conditions, such as whether the service must be reticulated, to avoid effects on natural and physical resources such as groundwater and amenity values.

~~Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The depth to groundwater, the small population and reticulated sewerage means that on-site water supplies to households in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Living Zone at Doyleston will require a reticulated water supply and may bring about the need to provide such a supply for the whole of the township.~~

.....

PAGE C6 - 004

6.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities – Height and Setbacks – Utility Buildings

6.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

6.2.1.1 The height of the utility building shall not exceed 8m. For Rule 6.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.

6.2.1.2 Except as specified under subclauses (a) or (b) below, the utility building is setback a minimum distance of 4 metres from a road boundary, and 2 metres from an internal property boundary except that a utility building may be sited along the internal boundary of a site if the boundary shares a common wall with another building.

(a) Prebbleton

Any utility building in the Living 1A Zone at Prebbleton shall be set back from the road boundary of Trices Road by not less than 10 metres, provided that the 10 metre area is landscaped.

Any utility building shall be set back not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.

(b) Castle Hill

Any utility building shall be set back not less than 6m from the south eastern boundaries of Lots 1 and 2 DP 22544 in the Living 1A Zone at Castle Hill Village.

Any building or structure shall be set back not less than 1.5 metres from all internal and road boundaries within the Living 1A zone at Castle Hill, except that:

- along the Living 1A zone boundaries the minimum setback shall be 3 metres; and
- where an internal boundary is also the boundary of a reserve (other than a road reserve) exceeding 1 metre in width or of an access lot or right of way there shall be no minimum setback.

6.2.1.3 The utility building is positioned so that it complies, at the property boundary with the recession plane angles in Appendix 11.

Restricted Discretionary Activities: Height and Setbacks – Utility Buildings

6.2.2 Any activity which does not comply with Rule 6.2.1.2 shall be a restricted discretionary activity.

6.2.3 Under Rule 6.2.2 the Council shall restrict its discretion to:

6.2.3.1 Internal Boundary

Any adverse effects on:

- (a) Privacy;
- (b) Outlook;
- (c) Shading; or
- (d) Amenity values of the adjoining property, it's occupiers and their activities; and

6.2.3.2 Road Boundary

Any adverse effects on:

- (a) The character of the street;
- (b) Safety and visibility of pedestrians, cyclists and motorists, and;
- (c) Shading of the road or footpath in winter.

Discretionary Activities: Height and Setbacks – Utility Buildings

6.2.4 Any activity which does not comply with Rules 6.2.1.1 and 6.2.1.3 shall be a discretionary activity.

PART C

12 LIVING ZONE RULES – SUBDIVISION

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading “Matters over which the Council has restricted the exercise of its discretion”.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under Sections 104, 104B and 104D of the Act.
4. Rule 12 applies to the subdivision of land, within the meaning of Section 218 of the Act.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 5: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 2: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 4: Buildings or Rule 6: Utilities.
8. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.^{V30}
11. If a subdivision completed under 12.1 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

PAGE C12-007

Table C12.1 – Allotment Sizes

Township	Zone	Average Allotment Size Not Less Than
Arthur's Pass	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Castle Hill	Living 1A	500m ² , and a minimum <u>allotment</u> size of 350m ²
Coalgate	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 2	1 ha
Darfield	Living 1	650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	Refer to Subdivision – General Rules. 5,000m ² if criteria met.
	Living 2A (Deferred)	Refer to Subdivision – General Rules. 1 ha if criteria met.
	Living 2A1	2 ha
	Living X (Deferred)	Refer to Subdivision – General Rules. What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m ²) if criteria met.
Doyleston	Living 1	650m ²
Dunsandel	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 2	1 ha
	Living (Area A) (Deferred)	Refer to Subdivision – General Rules. Final density still to be determined.
	Living (Area B) (Deferred)	Refer to Subdivision – General Rules. Final density still to be determined.
Glenntunnel	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Hororata	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Kirwee	Living 1	800m ²
	Living 2	1 ha

Township	Zone	Average Allotment Size Not Less Than
	Living 2A	1 ha 2 ha for lots along the northern and eastern boundaries of the zone that abuts a Rural Zone.
Lake Coleridge Village	Living 1	800m ²
Leeston	Living 1	650m ²
	Living 1 (Deferred)	4 ha until deferral lifted, then 650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	4 ha until deferral lifted, then 5,000m ²
	Living 2A	5,000m ²
	Living XA	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m ²)
Lincoln	Living 1	650m ²
	Living 1A	850m ² Minimum of 31 lots for any subdivision plan
	Living 1A1	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A2	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A3	500m ²
	Living 1A4	1,500m ²
	Living 2	3,000m ²
	Living X	2,000m ²
Prebbleton	Living 1	800m ²
	Living 1A	2,000m ²
	Living 1A (Deferred)	4 ha

Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living 1A Zone will apply.

Township	Zone	Average Allotment Size Not Less Than
	Living 1A1	800m ²
	Living 1A2	800m ² and no more than 10 % at less than 700m ²
	Living 1A3	800m ² and no more than 10 % at less than 700m ²
	Living 1A4	800m ² and no more than 10 % at less than 700m ²
	Living 1A5	800m ² and no more than 10 % at less than 700m ² . For <u>comprehensive residential development</u> , the minimum average area shall be 350m ² .
	Living 1A5 (Deferred)	800m ² and no more than 10 % at less than 700m ²
	<p>Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u>, the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.</p>	
	Living 2	5,000m ²
	Living 2A	5,000m ² Maximum number of allotments is 32, and on the south side of Trices Road the maximum number of allotments is 8
	Living 2A (Blakes Road)	5,000m ² Subdivision shall proceed in substantial accordance with the development plan in Appendix 19
	Living 2A (Deferred)	4 ha
	<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.</p>	
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m ²)
	Living X (Deferred)	4 ha

Township	Zone	Average Allotment Size Not Less Than
		Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living X Zone will apply.
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Rolleston	Living 1	750m ²
	Living 1A	Minimum lot area of 300m ²
	Living 1B	1,200m ² with a minimum lot area 750m ²
	Living 1B Deferred	5,000m ² until deferral lifted in January 2010, then 1,200m ² with a minimum lot area of 750m ²
	Living 2	5,000m ²
	Living 2A	1 ha
Sheffield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 1A	The size needed for on-site effluent disposal but not less than 800m ²
Southbridge	Living 1	650m ²
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Springston	Living 1	800m ²
	Living 1A	800m ²
Tai Tapu	Living 1A	800m ²
	Living 2A	5,000m ²
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
West Melton	Living 1	1,000m ²
	Living 1 Deferred	Refer to Subdivision – General Rules. 800m ² if criteria met.
	Living 1B	2,800m ²
	Living 2	5,000m ²
	Living 2 Deferred	Refer to Subdivision – General Rules. 5,000m ² if criteria met.

Township	Zone	Average Allotment Size Not Less Than
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m ²

Township	Zone	Average Allotment Size Not Less Than
All <u>Townships</u>	Heritage Buildings listed in Appendix 3	Listed in Appendix 3. The <u>building</u> , <u>curtilage</u> and any other area needed to: <ul style="list-style-type: none"> - mitigate adverse effects; or - maintain the heritage values of the site
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area

All Living Zones

Calculating Allotment Sizes

The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments).

The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation.

Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being:

2 x average allotment size **for that zone** – 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.

All Townships

Allotment sizes for Flats/Townhouses – Living 1

In any Living 1 zone, where two or more dwellings have been erected on an allotment the average allotment size per dwelling shall be 0.5 x the average allotment size listed in this table for the Living 1 zone in that township.

PAGE C12 – 012

.....

Stormwater Disposal

12.1.4.7 The method(s) for disposing of stormwater; and

- 12.1.4.8 Any adverse effects of stormwater disposal on any land drainage scheme which is administered by Selwyn District Council; and
- 12.1.4.9 The quantity and rate of stormwater disposed into any land drainage scheme which is administered by Selwyn District Council.

On-Site Effluent Disposal

- 12.1.4.10 In the Living zones at Arthur’s Pass, Coalgate, **Darfield**, Dunsandel, Glentunnel, Hororata, **Kirwee**, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs:
 - (a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

***Note:** The consent authority shall use the requirements of the relevant regional plan and the New Zealand Building Code to measure when on-site effluent treatment and disposal is satisfactory.*

.....

PAGE C12 -017

Discretionary Activities – Subdivision – General

- 12.1.6 The following activities shall be discretionary activities:
 - 12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or 12.1.3.10.
 - 12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13.
 - 12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate, ~~or~~ Dunsandel **or Lincoln** with an average allotment size of less than 1 hectare.
 - 12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m².
 - 12.1.6.5 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m².**

Non-Complying Activities – Subdivision – General

- 12.1.7 Except as provided for in Rules 12.1.5 and 12.1.6, the following activities shall be non-complying activities:
 - 12.1.7.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.

- 12.1.7.2 Upon deposit of a Plan of subdivision, any further subdivision (other than by way of boundary adjustment) of any allotment within that Plan of subdivision (other than a balance lot) in the Living 1A Zone at Lincoln.
- 12.1.7.3 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a non-complying activity where a land use consent for a comprehensive residential development has not been obtained.

PAGE C12 - 019

.....

On Site Effluent Disposal

- 12.2.2.7 In the Living zones at Arthur's Pass, Coalgate, Darfield, Dunsandel, Glentunnel, Hororata, Kirwee, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs: Whether any allotment is of appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

Note: The consent authority will have regard to the requirements of the relevant Regional Plan and the provisions of the New Zealand Building Code to assist in determining whether on-site sewage treatment and disposal can satisfactorily be achieved.

.....

PAGE C14-001-003

14.1 EARTHWORKS

Permitted Activities – Earthworks

- 14.1.1 Any ~~disturbance, deposition or removal of any soil, rock, or other mineral~~ earthworks shall be a permitted activity if the following conditions are met:
- 14.1.1.1 Any disturbed or stockpiled material is to be kept moist until it has consolidated, and
- 14.1.1.2 Any stockpiled material is to be kept consolidated or covered to avoid sediment run-off from rainfall, and
- 14.1.1.3 Any site subject to earthworks is to be:
- (a) Built upon; and/or

- (b) Sealed; and/or
- (c) Landscaped; or
- (d) The land recontoured and replanted

No more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

- 14.1.1.4 Earthworks are not to occur and material from earthworks is not to be deposited within:
 - (a) 20m of any waterbody listed in Appendix 12.
 - (b) 10m of any other waterbody (excluding aquifers).
- 14.1.1.5 Any earthworks has:
 - (a) A volume of not more than 5,000m³ per project; and
 - (b) A vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
- 14.1.1.6 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.
- 14.1.1.7 The earthworks are not part of mining or mineral exploration.

Discretionary Activities – Earthworks

- 14.1.2 The following shall be discretionary activities:
 - 14.1.2.1 Mineral exploration.
 - 14.1.2.2 Any activity which does not comply with any of Rules 14.1.1.1 – 14.1.1.7.

Non- Complying Activities – Earthworks

- 14.1.3 Mining shall be a non-complying activity.

Reasons for Rules

~~Excavating and the stockpiling of soil or other minerals~~ **Earthworks** can have the following adverse environmental effects in the Business zones – create a dust nuisance, siltation effecting adjoining properties and be unsightly if left uncompleted. To ensure that the adverse effects arising on the environment will be no more than minor, controls need to be imposed requiring the dampening down of excavated areas and excavated spoil to prevent dry material being blown about in strong winds. Any stockpiled material needs to be adequately consolidated or covered to prevent scouring etc by water runoff.

Mineral exploration and mining require resource consents, irrespective of the scale of earthworks. The reason is potential effects on property values as a result of lessened environmental standards if mineral exploration occurs within the township area. Mining and quarrying tend to be associated with the generation of significant adverse environmental effects that can persist for a long time even after those activities have concluded.

PAGE C16 - 004

16.3 BUILDINGS AND WATER SUPPLY

Permitted Activities – Buildings and Water Supply

16.3.1 In all Business zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards, except where it can be demonstrated that the use of the principal building in the Business 3 Zone does not require such a supply.

~~The requirement that connection be to a reticulated supply does not apply to the erection of a dwelling or principal building within the existing Business zone at Doyleston.~~

Non-Complying Activities – Buildings and Water Supply

16.3.2 Any activity which does not comply with Rule 16.3.1 shall be a non-complying activity.

PAGE C16 – 010

.....

Water Supply

Every principal building, which may include a dwelling, is required to have a potable water supply for health reasons.

~~Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The low depth of the groundwater, the small population of the township, and the reticulated sewerage schemes means that on site water supplies in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Business zone at Doyleston will require a reticulated water supply and may bring about the need to provide such a supply for the whole of the township.~~

(Note: Permits to drill bores and take water are issued by Environment Canterbury.)

.....

18.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities – Height and Setbacks – Utility Buildings

18.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

18.2.1.1 The height of the utility building shall not exceed the following standards:

- (a) Business 1A Zone; 8m
- (b) Business 1 Zone; 10m
- (c) Business 2 Zone; 15m
- (d) Business 3 Zone; 25m

For Rule 18.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.

18.2.1.2 The setback of the utility building shall not be less than the following standards:

- (a) Business 1A Zone – 6m from a road boundary, or from the boundary of Lots 1 and 2 DP 22544.
- (b) Business 2 Zone (excluding area at Rolleston that is depicted on the Outline Development Plan at Appendix 22): 2m from a road boundary, or any boundary adjoining a Living Zone.
- (c) Business 2 Zone at Rolleston as is depicted on the Outline Development Plan at Appendix 22):
 - Road Boundaries: 10m
 - Internal Boundaries: 10m (only along the common boundary of the Business 2 Zone at Rolleston as shown on the Outline Development Plan at Appendix 22 and the Rural Zone).

Within area Z on the Outline Development Plan attached at Appendix 22: 30m until the shelter planting reaches a height of 3m across its length; and 10m thereafter.

- (d) Business 3 Zone: 10m from a road boundary or a Living Zone boundary.
- (e) In all Business Zones, the building shall be positioned so that it complies on a Living Zone boundary, with the recession plane angles in Appendix 11.

Restricted Discretionary Activities – Height and Setbacks – Utility Buildings

- 18.2.2 Any activity which does not comply with Rule 18.2.1.2 (a)-(d) shall be a restricted discretionary activity.
- 18.2.3 Under Rule 18.2.2 the Council shall restrict the exercise of its discretion to consideration of:
- 18.2.3.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.
- 18.2.3.2 Road Boundary
- Any adverse effects on:
- (a) Roadscape; and
- (b) Landscaping potential; and
- (c) Shading of the adjoining road.
- 18.2.3.3 Internal Boundary
- Any adverse effects on:
- (a) Privacy; and
- (b) Outlook; and
- (c) shading; and
- (d) any other amenity values of the adjoining property.

Discretionary Activities – Height and Setbacks – Utility Buildings

- 18.2.4 Any activity which does not comply with Rule 18.2.1.1 or 18.2.1.2(e) shall be a discretionary activity.

PAGE C24 - 001

PART C

24 BUSINESS ZONE RULES - SUBDIVISION

Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading "Matters over which the Council has restricted the exercise of its discretion".

3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the Act.
4. Rule 11 applies to the subdivision of land, within the meaning of section 218 of the Act.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 17: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 14: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 16: Buildings, Rule 18: Utilities or Rule 22: Activities.
8. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B.4 for further information on development contributions.v30
11. If a subdivision completed under 12.1 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

PAGE C24 - 002

.....

24.1.3 Standards and Terms

Access

- 24.1.3.1 Any allotment created, including a balance allotment, has legal access to a legal, formed road; and

Water

- 24.1.3.2 ~~Except in Doyleston, a~~ Any allotment created is supplied with a reticulated water supply which complies with the current New Zealand Drinking Water Standard; and

.....

PAGE C24 - 005

.....

24.1.4 Matters over which the Council has restricted the exercise of its discretion:

Access

- 24.1.4.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7:
- (a) Any adverse effects, including cumulative effects, on traffic safety and traffic flow on the Strategic Road; and
 - (b) The design and location of the vehicular accessway and vehicle crossing; and
 - (c) Whether access to the allotment(s) can be obtained off another road which is not a Strategic Road either directly or by an easement across other land.

Water

- 24.1.4.2 The provision of water for fire fighting; and
- 24.1.4.3 In relation to any new bore to provide a potable water supply:
- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
 - (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
 - (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Solid Waste Disposal

- 24.1.4.4 The appropriateness of the proposed facilities for solid waste collection or disposal, considering:
- (a) The number of allotments; and
 - (b) The type of accommodation (permanent or holiday); and
 - (c) The distance to a public solid waste collection service or disposal facility.

Utility Cables

- 24.1.4.5 Whether any utility cables shall be laid underground.

Telephone and Power

- 24.1.4.6 Whether telecommunication and electricity connections shall be made available to any allotment; and, if not, the mechanism(s) used to alert prospective buyers of an allotment that these connections are not installed to.

Stormwater Disposal

- 24.1.4.7 The method(s) for disposing of stormwater; and
- 24.1.4.8 Any adverse effects of stormwater disposal on any land drainage scheme which is administered by Selwyn District Council; and
- 24.1.4.9 The quantity and rate of stormwater disposed into any land drainage scheme which is administered by Selwyn District Council.

On-Site Effluent Disposal

24.1.4.10 In the Business Zones at Coalgate, Dunsandel and Darfield:

(a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

Note: The consent authority shall use the requirements of the relevant regional plan and the New Zealand Building Code to measure when on-site effluent treatment and disposal is satisfactory.

Roads, Reserves and Walkways/Cycleways

- 24.1.4.~~1011~~ The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 24.1.4.~~1112~~ The provision, location, coordination, layout and formation of any land required for reserves, which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP; and^{v30}
- 24.1.4.~~1213~~ The provision of footpaths, lighting and street furniture; and
- 24.1.4.~~1314~~ Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council’s Engineering Standards (2000) where appropriate, in using its discretion under Rules 24.1.4.~~1011~~ to 24.1.4.~~1314~~.

Special Sites

- 24.1.4.~~1415~~ For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 24.1.4.~~1516~~ If the land to be subdivided contains any place or item which is listed in Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation:

- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
- (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
- (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
- (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

Size and Shape

24.1.4.~~16~~17 The size and shape of allotments in accordance with Rules 24.1.3.5 and 24.1.3.6; and

24.1.4.~~17~~18 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3.

24.1.4.~~18~~19 Whether subdivision in the Business 2 Zone at Hoskyns Road – North, Rolleston, as depicted on the Outline Development Plan at Appendix 33 creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of the locations shown on the Outline Development Plan.

Utilities and Facilities

24.1.4.~~19~~20 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:

- (a) Vest in Selwyn District Council as owner or manager; or
- (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and

24.1.4.~~20~~21 For other utilities and facilities:

- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and
- (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Note: *The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 24.1.4.~~19~~20.*

Construction of any Works

24.1.4.~~21~~22 Any measures to mitigate potential adverse effects on people or other parts of the environment from all engineering works associated with preparing land, creating allotments, and installing associated utilities.

Fencing

24.1.4.~~2223~~ Any measures to avoid or mitigate the potential adverse visual effects of 1.8 metre high (or higher) solid fencing being erected along road boundaries where subdivisions “back onto” roads.

Easements

24.1.4.~~2324~~ Any easements or other mechanism(s) needed to obtain or maintain legal access to land or utilities.

High Voltage Transmission Lines

24.1.4.~~2425~~ Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves

24.1.4.~~2526~~ Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;

24.1.4.~~2627~~ Whether any esplanade reserve will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Prebbleton

24.1.4.~~2728~~ In any Deferred Business zones at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:

- (a) a road or indicative road identified on an Outline Development Plan in Appendix 19; or
- (b) any allotment(s) that are wholly contained within the Banham and Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road.

Rolleston

24.1.4.~~2829~~ The extent to which failure to provide a pedestrian linkage identified in Appendix 23 will result in increased use of private motor vehicles within Rolleston;

24.1.4.~~2930~~ The degree to which pedestrian and cycle access throughout Rolleston may be enhanced from an efficiency and amenity perspective through the provision of cycleways and walkways;

24.1.4.~~3031~~ The need to provide linkages (road, cycle, walkways) to schools, business areas, community facilities and reserves to ensure that the town develops in an integrated manner;

24.1.4.~~3132~~ The need to provide for pedestrian and cycle movement within the road reserve;

- 24.1.4.~~3233~~ The extent to which failure to provide walkways/cycleways may result in a loss of opportunity to enable non-vehicular access by children to and between residential areas, schools and community facilities;
- 24.1.4.~~3334~~ The need for local reserves;
- 24.1.4.~~3435~~ The extent to which failure to provide walkways/cycleways may result in a loss of pedestrian safety and amenity;
- 24.1.4.~~3536~~ The design guidelines contained in Appendix 23;
- 24.1.4.~~3637~~ The extent to which a failure to conform with the roading pattern identified in Appendix 23 will adversely affect:
- (a) ease of access within and an efficient road network throughout Rolleston
 - (b) bus routes
 - (c) the ability of nearby landowners also to conform with the indicative roading layout and the degree to which access (actual or potential) to nearby properties may be changed or compromised.
- 24.1.4.~~3738~~ The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and community facilities.

Non-Complying Activities – Subdivision – General

24.1.5 The following activities shall be non-complying activities:

24.1.5.1 Any subdivision which is subject to Rule 24.1.1 and does not comply with 24.1.3.

RURAL VOLUME AMENDMENTS

PAGE B3 - 040

Policy B3.4.7

Require signs and noticeboards to be located on the site to which the sign or notice board relates except for:

- Temporary signs; and
- Signs and noticeboards located close to townships ~~or~~ on the Plains area.

Policy B3.4.8

Ensure signs and noticeboards are designed and positioned to avoid:

- Restricting people's visibility along roads;
- Impeding access to or past sites;
- Nuisance effects from sound effects, moving parts, glare or reflectivity;
- Large structures protruding above rooftops.

Explanation and Reasons

Signs and noticeboards are important tools for businesses to advertise their products and their location, and for people to find out information. Outdoor signs and noticeboards can have adverse effects. For example: Sound effects and moving parts can annoy neighbours and distract motorists; and too many signs can create a built up or metropolitan feel which may affect the character of an area. Policies B3.4.7 and B3.4.8 describe the effects which outdoor signs and noticeboards should avoid, in the Rural zone. Policy B3.4.7 discourages the erecting of general advertising hoardings in the Rural zone except in close proximity to townships on the Plains. General advertising hoardings, particularly along roadsides or railway lines, are often associated with townships. They may create a metropolitan or built up effect. The Plains area, particularly around townships is more built up than other parts of the Rural zone. The effects on rural character will be less advertising, in these areas.

Policies B3.4.7 and B3.4.8 are implemented through rules which establish conditions for erecting outdoor signs and noticeboards as permitted activities. Policy B2.1.5, Transport addresses effects of signs alongside roads on traffic safety.

Methods

District Plan Rules

- Outdoor signs
- Noticeboards

PAGE B4-013

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B4.1:

- Residential development remains lower in rural areas than in townships.
- ~~Most residential development on smaller allotments occurs within 1km of Leeston, Lincoln, Prebbleton and Rolleston and 0.5km of other remaining townships, except for those in the High Country, West Melton and Kirwee.~~
- Dwellings built on small allotments in the rural area, are surrounded by land without buildings.
- Papakainga housing occurs at Taumutu.
- There is variety in the size and shape of allotments subdivided in the District.
- Residential density varies across the rural area.
- Other activities have allotments which are of an appropriate size and shape with the utility connections the activity requires.

PAGE C2-001

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities – Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, or shelterbelts ~~or visual screening~~ shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
 - Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziessi*)
 - Mountain pine (*Pinus mugo/unaciata*)
 - 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
 - 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:

- (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
- (b) Set back a minimum distance of 300m from the road boundary;

2.1.1.4 The tree(s) are planted at least:

- (a) 20m from the edge of any waterbody listed in Appendix 17; and
- (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

2.1.1.5 No tree shades:

- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;

2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;

2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;

2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

2.1.1.9 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;

2.1.1.10 In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.^{PC6}

3.1 BUILDINGS AND NATURAL HAZARDS

Permitted Activities – Buildings and Natural Hazards

3.1.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.1.1.1 Any new dwelling or other principal building is not erected in any of the following areas:

- (a) Any area shown on the Planning Maps as the Waimakariri Flood Category A area;
- (b) Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps;
- (c) Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and
- (d) The area shown on the Planning Maps as the Lower Plains flood area; unless a minimum building floor level 300mm above a 2% Annual Exceedence Probability (AEP) hazard event is identified and the building floor level is at or above that level;
- (e) The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified.

Notes

The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m², including any extensions or alterations, seaward of the Coastal Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities by Environment Canterbury.

Refer to Council pamphlet “Building a House in the Rural Zone” in respect to Rules 3.1.1.1(d) or 3.1.1.1(e).

Rule 3.1.1 does not apply to additions or alterations to existing dwellings or existing principal buildings located in these areas.

Existing buildings may be able to be replaced as Existing Uses under section 10 of the RMA.

Restricted Discretionary Activities – Buildings and Natural Hazards

3.1.2 Erecting any new dwelling or other principal building on any site in the areas listed in Rule 3.1.1.1(d) and (e) ~~or~~ with a minimum floor level which does not comply with Rule 3.1.1.1(d) or (e) shall be a restricted discretionary activity.

3.1.3 Under Rule 3.1.2, the Council shall restrict its discretion to consideration of:

- 3.1.3.1 The potential risk of the dwelling or other principal building being inundated and the extent of any flood damages; including its proximity to any adjacent stopbank where in the case of overtopping, breach or failure of a stopbank, the depth and velocity of that event (i.e. depth (m) x velocity (ms⁻¹) > 1) shall be taken into account.
- 3.1.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
- 3.1.3.3 Any effects of the dwelling or other principal building or the proposed flood mitigation measures on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
- 3.1.3.4 Any other effects of any proposed mitigation measures on the environment;
- 3.1.3.5 Any positive effects which may offset any adverse effects; and
- 3.1.3.6 Any monitoring or review conditions.

Non-Complying Activities Buildings and Natural Hazards

- 3.1.4 Erecting any new dwelling or other principal building on any site in the areas listed in Rules 3.1.1.1(a), 3.1.1.1(b) or 3.1.1.1(c) shall be a non-complying activity.

PAGE C3 - 003

3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

Permitted Activities – Buildings and Outstanding Landscape Areas

- 3.2.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
 - 3.2.1.1 In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:
 - (a) A maximum gross floor area exceeding 40m²;
 - (b) A maximum height exceeding 4m; and
 - (c) A maximum reflectance exceeding 37%;

Notes

For Rule 3.2.1.1(b), maximum height is measured from the ground surface to the top of the highest point on the building, and includes any mast aerial or other structure protruding above the framework of the building.

For Rule 3.2.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance values for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.**

PAGE C3 – 004-005

3.3 BUILDINGS AND STATE HIGHWAY 73 (SH 73) AND THE MIDLAND RAILWAY CORRIDOR

Permitted Activities – Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

3.3.1 Erecting any building or any additions or alterations to, or modification or demolition or, any building shall be a permitted activity if all of the following conditions are met:

3.3.1.1 In the areas shown on the Planning Maps as the High Country, no building on land within a distance of 300m of SH 73 or the Midland Railway has

(a) A maximum gross floor area exceeding 40m²; and

(b) A maximum height exceeding 4m; and

(c) A maximum reflectance exceeding 37%.

Notes

For Rule 3.3.1.1(b), maximum height is measured from the ground surface to the top of the highest point on the building, and includes any mast aerial or other structure protruding above the framework of the building.

For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance values for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.**

Restricted Discretionary Activities – Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

- 3.3.2 Any building that does not comply with Rule 3.3.1 shall be a restricted discretionary activity.
- 3.3.3 Under Rule 3.3.2, the Council shall restrict its discretion to consideration of:
- 3.3.3.1 The effects of the proposed building on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to):
- (a) Whether expansive views, uncluttered by man made structures, either side of the building would remain;
- (b) Whether the building will screen the view of any Lake, Silent File Area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Ka Site, or any area of Outstanding Landscape.
- 3.3.3.2 The visual impact of the building on the views from SH 73 or the Midland Railway.

3.4 BUILDINGS AND RURAL CHARACTER

Permitted Activities – Buildings and Rural Character

- 3.4.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:
- 3.4.1.1 In the areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), the exterior finish of any dwelling or other principal building has a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron;

Note

*For Rule 3.4.1, reflectance applies to the exterior surfaces of the building, excluding any aerial or satellite dish on a dwelling, spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the **Council applicant** shall **determine supply evidence of** its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. **Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.***

Discretionary Activities Buildings and Rural Character

- 3.4.2 Erecting any building or any part

3.13 BUILDINGS AND BUILDING POSITION

Permitted Activities – Buildings and Building Position

3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:

Table C3.2 – Setbacks from Boundaries Property Size	Building Type	Setbacks		
		Property Boundary	Arterial Road or Strategic Road	Other Road
Less than Up to 1ha (<1ha)	Garage or Accessory	3m	10m	10m
	Dwelling or Principal Building	3m	20m	10m
Greater than 1ha (>1ha)	Garage or Accessory	5m	10m	10m
	Dwelling or Principal Building	5m	20m	10m
Any Size	Building housing Animals	30m	30m	30m

Notes:

1. The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production.
2. Refer to Rule 9 Activities for rules relating to intensive livestock production.

3.13.1.2 No building is positioned so that it encroaches into the line of sight for any railway crossing as shown in Appendix 11.

3.13.1.3 Any building is positioned so that it complies, at the property boundaries, with the relevant recession plane angles in Appendix 16;

- 3.13.1.4 Any building is setback a minimum distance of:
- (a) 100m from the edge of any lake or any wetland which adjoins a lake; and
 - (b) 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
 - (c) 10m from the edge of any other waterbody (excluding aquifers).

Notes

For the purposes of Rules 3.13.1.4(a) and 3.13.1.4(c), the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake or wetland level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

For the purposes of Rules 3.13.1.4(b) and 3.13.1.4(c) the edge of any waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks.”

3.13.1.5 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive farming activity, except for any sensitive activity located in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 where a setback of a minimum distance of 150m from the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 is required.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs or is permitted by a rule in the Plan (or a resource consent) to the position of the new sensitive activity.

Restricted Discretionary Activities – Buildings and Building Position

3.13.2 Any sensitive activity which does not comply with Rule 3.13.1.5 shall be a restricted discretionary activity.

3.13.3 Under Rule 3.13.2 the Council shall restrict its discretion to consideration of:

3.13.3.1 The potential for reverse sensitivity effects on the existing intensive farming activity;

3.13.3.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;

3.13.3.3 Any positive effects which may offset any adverse effects; and

3.13.3.4 Any monitoring or review conditions.

Discretionary Activities – Buildings and Building Position

3.13.4 Any building or part of any building, ~~other than a garage or accessory building~~, which does not comply with Rule 3.13.1.1 shall be a discretionary activity.

3.13.5 Any building which does not comply with Rule 3.13.1.2 or 3.13.1.3 shall be a discretionary activity.

3.13.6 Except as provided in Rule 3.13.7, any building other than a dwelling or other principal

Non-Complying Activities – Buildings and Building Position

- 3.13.7 Any dwelling or other principal building which does not comply with Rule 3.13.1.4 shall be a non-complying activity.

PAGE C10 - 006

10.2 SUBDIVISION IN FLOOD AREAS

Restricted Discretionary Activities – Subdivision in Flood Areas

- 10.2.1 Any subdivision of land which does not comply with Rule 10.1.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 10.2.1.1 Any land subdivided within the areas shown on the Planning Maps as the Waimakariri Flood Category A area or seaward of the Coastal Hazard 1 Line is not used to erect any dwelling or other principal building; and
 - 10.2.1.2 Any land subdivided between any waterbody and any stopbank designed to contain floodwater from that waterbody is not used to erect any dwelling or building.
- 10.2.2 Any resource consent application made under Rule 10.2.1 shall not be notified and shall not require the written approval of affected parties.
- 10.2.3 Under Rule 10.2.1, the Council shall restrict its discretion to consideration of:
- 10.2.3.1 All the matters listed in Rule 10.1.2;
 - 10.2.3.2 In the areas shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas:
 - (a) Whether any allotment created contains a site or sites where a dwelling or other principal building may be erected in accordance with the requirement of Building Rule 3.1.1.1(d) (for the Lower Plains flood area) or Building Rule 3.1.1.1(e) (for the Lake Ellesmere/Te Waihora flood area) and Earthworks Rule 1.3.
 - (b) The potential effects of inundation on pedestrian and vehicular access to the allotment, or to the dwelling or other principal building to be erected on the allotment; and
 - (c) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building on the allotment is not a permitted activity under the District Plan, unless it meets the minimum floor levels set out in Rules 3.1.1.1(d) and 3.1.1.1(e).

Note: In relation to Rule 10.2.3.2(c), such a condition may not be needed if a land use consent to erect a dwelling or other principal building is granted.

Non-Complying Activities – Subdivision in Flood Areas

10.2.4 Any subdivision of land which does not comply with Rule 10.2.1 shall be a non-complying activity.

Note: *The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m², including any extensions or alterations, seaward of the Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities.*

PAGE D-001

DEFINITIONS

- This section lists the meaning of underlined words used in this Plan in alphabetical order.
- Where reference is made to an interpretation provided in a particular act, and is marked with an asterisk (*), the meaning is provided at the end of this section, to assist readers.
- Any singular definition includes the plural and vice versa.
- Words and phrases defined in section 2 of the Act take the same meaning for the purposes of this Plan.

A

Access: means that area of land over which lawful vehicular or pedestrian access is obtained to a legal road.

Accessory building: means any building which is separate from the principal building or buildings on the site, the use of which is incidental to the use of the principal building or buildings on the site or to the use of a site. In respect of land used for a residential activity “accessory building” extends to include a sleepout (but not a family flat), garage or carport (whether freestanding or attached to any other building), shed, glasshouse, fence over 2 metres in height, swimming pool or similar structure. Accessory buildings also include implement sheds, storage sheds, and commercial glasshouses and packing facilities which generate less than 15 equivalent car movements/day (refer to the definition of Equivalent Car Movements Per Day).

Act: means the Resource Management Act 1991.

Adjoining: includes any land which is physically attached or separated by road, railway, vehicular accessway, easement, water-race or drain, or a river or stream which has a formed bed of not more than 3 metres in width.

Agrichemical: means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, used to eradicate, modify or control flora and fauna. This excludes fertilisers, lime, vertebrate toxic agents, and oral nutrition compounds.

Airport: means any land intended or designed to be used, whether wholly or partly, for the landing, departure and movement of aircraft.

Allotment: has the same meaning as in section 218 of the Act. *

Amenity Planting: means any tree or trees planted in the immediate vicinity of a house or principal building, primarily to provide shelter or aesthetic appeal, or **to visually screen any building as a means of mitigating potential adverse environmental effects**. Amenity plantings include any woodlot, orchard or vineyard planted in close proximity to a house or principle building, primarily to supply the residents on-site. The total area of any woodlot, orchard or vineyard which is classed as amenity planting shall not exceed 4 ha.

Antenna: means that part of a communication facility used for the transmission or reception of signals including the antenna mounting but not including any supporting mast, pole or similar structure. This definition includes any dish antenna.

Archaeological site: has the same meaning as in section 2 of the Historic Places Act 1993. *

.....