

Before the Selwyn District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Proposed Private Plan Changes 81 and 82 to the  
Operative District Plan: Dunns Crossing Road, Rolleston

*and:* **Rolleston Industrial Developments Limited** and  
**Brookside Road Residential Limited**  
*Applicant*

Supplementary evidence of Jeremy Phillips (Planning)

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Dated: 24 November 2022

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## **SUPPLEMENTARY EVIDENCE OF JEREMY PHILLIPS**

- 1 My name is Jeremy Goodson Phillips. I am a senior planner and Director practising with Novo Group Limited in Christchurch and my qualifications and experience are set out in full in my statement of evidence.
- 2 In this evidence I:
  - 2.1 Address the supplementary evidence of Mr Gary Sellars on household capacity.
  - 2.2 Address the supplementary evidence of Mr David Compton-Moen, on urban design matters.
  - 2.3 Address the supplementary evidence of Mr Donovan Van Kekem and Mr John Iseli on odour matters.
  - 2.4 Address the most appropriate zoning of that part of the PC82 site within 1000m of the Pines Resource Recovery Park ('PRRP'), in the event that the proposed 600m setback for sensitive activities is extended.
  - 2.5 Provide additional evaluation of PC81 and PC82 in terms of sections 32 and 32AA of the Resource Management Act 1991 ('the Act') and the alternative option of comprehensive spatial planning and rezoning for Rolleston.
  - 2.6 Provide a revised suite of provisions for PC81 and PC82, incorporating amendments in response to the matters raised at the hearing and as a result of the conferencing of urban design experts.

## **SUPPLEMENTARY EVIDENCE OF MR SELLARS**

- 3 A joint response from Mr Sellars and Selwyn District Council to the Commissioner's Minute 3<sup>1</sup>, concluded that there is general alignment in their estimates of total vacant land capacity at Rolleston, amounting to between 6554 and 6629 sites<sup>2</sup>.
- 4 Accounting for this joint response 3, Mr Sellars' supplementary evidence reconfirms his conclusions regarding the supply of vacant residential land in Rolleston. Accordingly, the conclusions in my

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<sup>1</sup> Dated 17 November 2022

<sup>2</sup> I note that the conclusion in the Minute 3 response refers to figures of 6097 and 6549. I understand that this is a typo and the correct figures / range should be 6554- 6629 as set out in the summary on page 7 of the response.

evidence in chief remain unchanged to the extent that they rely on Mr Sellars' evidence.

- 5 For completeness, I set out below in **Table 1** and **Table 2** a numerical summary of capacity (incorporating the conclusions from the response to Minute 3) relative to demand (from Mr Colegrave's evidence) to illustrate why, in my opinion, the capacity provided by PC81 and PC82 is needed in order to meet the medium-term capacity requirements and otherwise help reduce the shortfall in long-term capacity requirements.

**Table 1: Summary of vacant land capacity**

Vacant land capacity / supply	Households
Rolleston vacant land capacity, including Faringdon Oval (based on response to Minute 3 estimates of 6,554 (Colliers) and 6,629 (SDC))	6,629
Other Selwyn vacant land capacity, based on: PC62- 410, PC63 -440, PC67 – 131, PC68 – 820, PC69 – 1710, PC72- 290. Excludes: PC73 - declined and on appeal, PC74/77/79 – yet to be heard and NPS-HPL issues).	3801
<b>TOTAL (excl PC81 &amp; PC82):</b>	<b>10,430</b>
PC81 supply	350
PC82 supply	1,320
<b>TOTAL (incl PC81 &amp; PC82):</b>	<b>12,100</b>

**Table 2: Revised Dwelling Supply/Demand Estimates (from Table 2 of F Colegrave evidence)**

Scenario 1: Excluding Future Urban Development Areas (FUDAs)				
Timeframes	Feasible Capacity	Likely Market Supply	Demand incl buffer	Surplus/Shortfall
Short Term	5,060	3,036	3,886	-850
Medium term	6,734	5,050	11,819	-6,769
Long term	6,734	6,060	30,438	-24,378
Scenario 2: Including Future Urban Development Areas (FUDAs) @ 12.5 hh/ha				
Timeframes	Feasible Capacity	Likely Market Supply	Demand incl buffer	Surplus/Shortfall
Short Term	5,060	3,036	3,886	-850
Medium term	6,734	5,050	11,819	-6,769
Long term	11,626	10,464	30,438	-19,974
Scenario 3: Including Future Urban Development Areas (FUDAs) @ 15 hh/ha				
Timeframes	Feasible Capacity	Likely Market Supply	Demand incl buffer	Surplus/Shortfall
Short Term	5,060	3,036	3,886	-850
Medium term	6,734	5,050	11,819	-6,769
Long term	12,726	11,454	30,438	-18,984

### **SUPPLEMENTARY EVIDENCE OF MR COMPTON-MOEN**

- 6 Mr Compton-Moen's supplementary evidence elaborates on the matters set out in the Joint Witness Statement from the Urban Design Experts and explains the urban design benefits of providing for activities that are complementary to and effectively integrated with adjacent residential areas, in any buffer.
- 7 I accept Mr Compton-Moen's supplementary evidence and as such, the conclusions in my evidence in chief remain unchanged to the extent that they rely on Mr Compton-Moen's evidence. I otherwise account for Mr Compton-Moen's supplementary evidence below, when I consider the most appropriate zoning of the land should a larger odour setback/buffer be required.

### **SUPPLEMENTARY EVIDENCE OF MR VAN KEKEM AND MR ISELI**

#### **Reverse Sensitivity- Odour & the PWWTP**

- 8 Mr Van Kekem's supplementary evidence notes that Mr Curtis considers<sup>3</sup> that the proposed 1,000 m setback distance between PC81/82 and the Pines Wastewater Treatment Plant ('PWWTP') is sufficient and that all of the experts agree on this point. Accordingly, I remain of the view that potential reverse sensitivity odour effects on the PWWTP operations as a result of the proposed PC81/82 development are acceptable and should not preclude the rezoning.

#### **Reverse Sensitivity- Odour & the PRRP**

- 9 Mr Van Kekem's supplementary evidence comprehensively rebuts Mr Curtis' concerns regarding reverse sensitivity effects associated with odour from upset conditions with the PRRP's active composting facility. In conclusion, Mr Van Kekem stands by the conclusions presented in his evidence in chief despite the opinions expressed, and additional information presented, by Mr Curtis and Mr Boyd. Mr Iseli's supplementary evidence also concurs with Mr Van Kekem's assessment and conclusions in this regard.
- 10 I accept the findings in Mr Van Kekem's and Mr Iseli's supplementary evidence and therefore remain firmly of the view that PC82, with a 600m setback for residential buildings from the active composting area at the PRRP, will ensure reverse sensitivity effects are acceptable and this matter should not preclude the rezoning of the subject land.

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<sup>3</sup> At paragraph 6.4

## **MOST APPROPRIATE ZONING OF ODOUR SETBACK**

- 11 Accounting for the primary evidence and supplementary evidence of Mr Van Kekem and Mr Iseli and having accounted for the evidence of Council on this matter at the hearing, I remain of the view that a 600m setback proposed for residential buildings from the active composting area at the PRRP is appropriate. On that basis, the evidence which follows only considers a greater setback for the sake of completeness. More specifically, should a greater setback than 600m be entertained, notwithstanding the evidence of Mr Van Kekem and Mr Iseli, I consider whether the land within such a setback is most appropriately retained as a Rural zone per the status quo, or rezoned as a Living MD zone with an Odour Constrained Area ('OCA') overlay and provisions that otherwise address reverse sensitivity.
- 12 In the evidence which follows, I firstly address the Living zone provisions that I consider are necessary to adequately manage potential reverse sensitivity effects from activities within the buffer. I then assess whether these provisions and a Living MD zone are more appropriate for the buffer than retention of the status quo.

### **Suitable provisions to address reverse sensitivity**

- 13 As to the nature of the provisions required to address reverse sensitivity, if an enlarged buffer area were to retain a Living MD zoning, I consider this is already adequately provided for by the operative District Plan provisions and the ODP, rules and amendments to rules proposed by PC82. More specifically and as set out in detail in **Attachment 1** to this evidence:
- 13.1 Section B2 of the Plan clearly describes reverse sensitivity as an issue for activities establishing in proximity to utilities, objective B2.2.2 seeks that the *'Efficient use of utilities is promoted'* and policy B2.2.5 seeks to ***'Avoid potential 'reverse sensitivity' effects of activities on the efficient development, use and maintenance of utilities'***.
- 13.2 Section B3 of the Plan recognises reverse sensitivity as an issue for urban growth and establishes a strategy whereby ***'The policies and rules manage those zones to avoid activities which will be sensitive to the effects in that zone, from setting up in the zone and creating "reverse sensitivity" effects'***. As emphasised in this statement, rules (such as those relating to the OCA) are recognised as an appropriate method for avoiding reverse sensitivity effects, as distinct from zoning or not zoning land to preclude activities outright.
- 13.3 Policy B3.4.39 seeks to avoid rezoning land which might lead to potential reverse sensitivity effects, ***'unless any potential 'reverse***

*sensitivity' effects will be avoided, remedied or mitigated'*. Again, I take this to mean that rezoning is appropriate subject to methods (such as the OCA) to manage effects.

- 13.4 Section B4 of the Plan and policy B4.3.8 requires that ODPs *'Demonstrate that the design will minimise any reverse sensitivity effects'* and the identification of an OCA buffer on the ODP can readily achieve this.
- 13.5 Rule 4.9.39 requires any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes to be located outside of an OCA and rule 4.9.58 stipulates that any new dwellings within this area is a non-complying activity. These rules are existing methods that implement the policies and objectives described above.
- 14 In addition to the operative provisions above, PC82 proposes:
- 14.1 An ODP and narrative describing that: dwellings are not permitted within the specified setback from the active composting area in the Pines Resource Recovery Park, no sensitive activities are provided for in the OCA adjoining the area's north-western boundary on Brookside Road; the restrictions in this area shall be supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision. These requirements are supported by rule 12.1.6.10 requiring subdivision to be in general accordance with the ODP.
- 14.2 Rules 4.9.39 and 4.9.58 (as described above) are proposed to be amended so as to apply to any OCA identified on the PC82 site. As such, if a setback greater than 600m is required, the OCA simply needs to reflect this.
- 14.3 Subdivision assessment matters specific to the PC82 site under rule 12.1.4.77A specifically require assessment of *How land within the Odour Constrained Area is to be managed and integrated into the development, while ensuring activities sensitive to odour are avoided within this area.*
- 15 In my view, the combination of operative and proposed provisions described above establish a specific, clear and directive framework and robust method for avoiding inappropriate activities within the OCA (of whatever spatial extent is deemed appropriate) unless they are suitably assessed and justified through a non-complying activity resource consent.

## Rural or Living zoning?

### *Urban design considerations-*

- 16 When considering whether the status quo or a Living MD zone (subject to an OCA overlay with the provisions described above) is most appropriate for any buffer area, I note that from an urban design perspective, the Joint Witness Statement (JWS) from the urban design experts relevantly notes that:
- 16.1 The revised ODP (see **Attachment 3**) provides *'an acceptable and functional alternative to the original ODP'* and *'the extension of the odour control setback does not compromise the integrity of the revised ODP'*.
- 16.2 Several different 'urban activities' and 'rural activities'<sup>4</sup> could be suitable for the buffer area, recognising the need to avoid significant numbers of people and/or long exposure due to sensitivity or incompatibility with odour. Examples of potentially suitable activities within the buffer include:
- (a) Forestry, either plantation or ecological;
  - (b) Cemetery;
  - (c) Low-intensity recreation eg. bike tracks, dog park, drone park, frisbee golf, golf course, orienteering, horse riding; and associated facilities i.e. public toilets, outdoor seating, lighting to pathways, car parking, bike stands;
  - (d) Rural land uses that do not create reverse sensitivity towards the residential environment;
  - (e) A combination of the above.
- 16.3 Whilst not agreed in the JWS, Mr Compton-Moen and Ms Lauenstein considered that a residential zoning with a rule preventing dwellings for the buffer would provide for better integration and use of this land with the adjacent residential zones that are beyond the buffer.
- 17 Accounting for the urban design considerations above, I note that a rural zoning would generally preclude or significantly constrain the potential for the buffer to be used for any of the suggested urban activities (including cemeteries or recreational facilities), noting the broad definition of urban activities in the CRPS, and the directive

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<sup>4</sup> Accounting for the corresponding definitions in the CRPS.

'avoid' policies in the CRPS and District Plan. Among other things the CRPS definition of 'urban activities' captures: *'activities of a size, function, intensity or character typical of those in urban areas'* and specifically includes *'Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location)'*.

- 18 I note from experience that this definition presented a significant policy barrier to the establishment of sports fields and recreational facilities at 466-482 Yaldhurst Road (rural zoned land adjoining Christchurch's residential zones and urban area), to the point that an amendment to the CRPS was required in order to make a specific exemption for this facility such that the District Plan could be amended to allow for the activity<sup>5</sup>.
- 19 Conversely, a Living zoning (and identification of the land as part of the urban environment) would allow for a variety of urban (and rural) activities to be considered on their merits, without facing potentially insurmountable avoidance policies.
- 20 Noting the above, I consider that a Living zoning would be more efficient, effective, and appropriate, in terms of accommodating the range of uses and activities contemplated by the urban design experts for the buffer.

*Removal of odour constraint / issue*

- 21 Mr Van Kekem's supplementary evidence states that if *'a forced aeration composting method were to be used on the PRRP site, this would in my opinion reduce the potential for odour effects beyond the boundary of the site. This composting methodology (forced aeration) is considered to be a better methodology and have lower odour emission rates overall (primarily as a result of the ability to treat odour discharged from the active composting phase via a biofilter). This is supported by a number of publications, including published separation distance guides (i.e. the VIC EPA recommended separation distances half from 2,000m to 1,000m and the Netherlands recommended separation distances reduce from 700 m to 200 m)'*.
- 22 Whilst Mr Van Kekem does not examine in detail what alternative setbacks might be appropriate with the adoption of alternative composting methods, I consider this statement highlights the potential for process or technological changes at the PRRP which in turn may reduce setback requirements. In such circumstances, a Living zone applying to the setback/buffer with the provisions described in paragraphs 13 and 14 above would provide for

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<sup>5</sup> See CRPS policy 6.3.1(7) and the corresponding explanations and reasons, and CRPS 6.4 Anticipated Environmental Result 19.

alternative urban uses of the land to be proposed and assessed with relative ease and efficiency. Conversely, if zoned rural, a plan change with its associated costs and inefficiencies would be required to enable urban use.

*Rural productivity potential*

- 23 The proponents of PC81 and PC82 have sought advice from Reeftide Environmental & Projects Limited regarding the productive potential of the (approximately) 34 hectare area of land that would be located within a 1000m setback from the PRRP active composting area. The advice received is included as **Attachment 2** to this evidence. Among other things, this considers the LUC Class 4 classification of the land and locational and geographic factors. In summary, the advice concludes that: *'The 34.1 ha has very low productive value as a rural block of land and is not a protected land resource under the NPS-HPL. It would not be sensible planning to keep the 34.1 ha block zoned as rural. Utilisation of the land is likely to be low if the land retains the existing rural zoning'*.

*s32 & s32AA considerations*

- 24 In regards to the relevant considerations in s32 and s32AA of the Act, providing a Living zoning for the buffer with the provisions described in paragraphs 13 and 14 would not require any new, or the alteration of any existing, objectives (or policies) of the Selwyn District Plan. And as the use of an OCA overlay is a method already adopted by the District Plan for Living zones (and otherwise accounting for the wording of the provisions set out in paragraph 14 above), I also consider it is the most appropriate way of achieving the relevant District Plan objectives.
- 25 In terms of the benefits and costs of retaining a Rural zoning vs. rezoning a buffer as a Living Zone with an OCA overlay, the latter option clearly provides a greater range of benefits in terms of land use flexibility and opportunity, for the reasons expressed above. Conversely, a Rural zoning would significantly constrain the potential use of the land and impose significant costs on any future (appropriate) urban use of the land. And, given that the operative District Plan provisions applying to the OCA would avoid land uses that are incompatible with the PRRP, I consider this option to be as effective and more efficient than Rural zoning and that there would be no risks as a consequence of acting.
- 26 In forming the views above, I am also mindful of the NPS-UD provisions seeking 'enablement' and 'responsiveness' and consider a Rural zoning would be less enabling and responsive of appropriate urban land use now or in the future than a Living zoning with OCA overlay.

- 27 In summary, I consider that a Living MD zoning with an OCA overlay (to reflect the relevant setback) would be the more appropriate method for achieving the purpose and objectives of the proposal, the District Plan and the Act than the status quo alternative, and it would have economic, social and environmental benefits that outweigh any potential costs.

### **S32 EVALUATION OF PROPOSAL VS SPATIAL PLANNING**

- 28 The plan change requests as notified assessed four options in terms of benefits, costs, efficiency and effectiveness:
- 28.1 Leave the area zoned Rural Outer Plains
- 28.2 Rezone the entire site as proposed
- 28.3 Apply for resource consent(s) for subdivision and development under the current zoning to otherwise achieve an extension to the existing Rolleston residential environment.
- 28.4 Apply for multiple plan changes in other locations around Rolleston to otherwise achieve an equivalent extension to the existing Rolleston residential environment<sup>6</sup>.
- 29 At the hearing, the Commissioner enquired as to the relevance of evaluating the proposal in terms of s32 and s32AA against the alternative option of a more comprehensive spatial planning and rezoning process for Rolleston. This option has some similarities to the option described in paragraph 28.4 above, albeit it is envisaged to entail a more comprehensive spatial planning and community engagement process, followed by the statutory review of and change to the CRPS and District Plan. The benefits costs, efficiency and effectiveness of this option are assessed in the table below<sup>7</sup>:

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<sup>6</sup> I note that this option includes the multiple requests for rezoning through the proposed District Plan.

<sup>7</sup> Table 3 should be read alongside Tables 3-6 in the plan change request and s32 evaluation report, as notified.

**Table 3: Benefits and Costs of Option 5– Await spatial planning process and comprehensive rezoning**

Benefits/Advantages	Costs/Disadvantages
<ul style="list-style-type: none"> <li>• As for option 2</li> <li>• Distribution of growth to other locations, to the extent this may be advantageous.</li> <li>• Community input to planning/choices for growth.</li> </ul>	<ul style="list-style-type: none"> <li>• As for option 2</li> <li>• Time (slow and time consuming process, potentially requiring spatial planning, CRPS review/amendment, District Plan review/amendment to get to the same point as a private plan change decision).</li> <li>• Cost (expensive accounting for multiple planning processes/decisions and extent of input by community, landowners, etc)</li> <li>• Opportunity costs (of not rezoning land now).</li> <li>• Inflationary costs (increased material / land / labour / build costs) and decreased affordability.</li> <li>• Reduced economies of scale (for smaller scale or discrete plan changes)</li> <li>• No certainty of landowner appetite for rezoning or development</li> <li>• Potential site specific or locational effects/issues relevant to other land.</li> </ul>

Efficiency	Effectiveness
<ul style="list-style-type: none"> <li>• Inefficient, noting additional planning processes (and associated time and cost) required in order to deliver household supply.</li> <li>• Inefficient, noting potential for site specific or locational effects/issues relevant to other land that would need to be assessed and resolved and potential inefficiencies of resolving areas in discrete areas (e.g. horizontal infrastructure provision in multiple areas vs one larger area).</li> <li>• Inefficient, noting opportunity and inflationary costs.</li> <li>• Inefficient, noting limited certainty of supply once land rezoned. This may also necessitate the rezoning of additional land as a buffer to ensure adequate capacity.</li> </ul>	<ul style="list-style-type: none"> <li>• Effective, in terms of community input and engagement.</li> <li>• Effective in terms of comprehensive evaluation of available options.</li> <li>• Ineffective noting limited certainty of supply once land rezoned (e.g. appetite or capability of landowners to develop rezoned land).</li> </ul>

30 The above assessment indicates that the costs of a wider spatial planning process would likely outweigh the benefits, and it is likely to be inefficient and potentially ineffective. However, I acknowledge that these costs and inefficiencies are generally accepted in the interests of enabling community participation and comprehensive planning, where there is no preferable alternative, or any urgency to act.

- 31 In this case, rezoning the land as proposed by PC81 and PC82 provides an option that is efficient and effective at delivering significant housing capacity and has benefits that outweigh costs. Moreover, given the scale of housing capacity and well-functioning urban environment able to be delivered by PC81 and PC82, the imperatives in the NPS-UD (particularly Policy 2), and the likely timeframes for comprehensive spatial planning and rezoning in the alternative, I remain of the view that the proposed option is the most appropriate one.

#### **REVISED PROVISIONS**

- 32 **Attachments 3 and 4** to this statement include updated and revised provisions for PC81 and PC82. These amendments reflect matters raised during the hearing and the conferencing of the urban design experts. Comments are provided alongside a number of amendments to provide context.

Dated: 24 November 2022

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Jeremy Phillips

**ATTACHMENT 1: PC82 PROVISIONS RELEVANT TO THE ODOUR  
BUFFER FOR THE ACTIVE COMPOSTING AREA AT THE PRRP:**

## **Provisions relevant to reverse sensitivity effects and the PRRP**

### *Operative SDP Provisions*

The following operative provisions within the SDP are relevant to reverse sensitivity, support the buffer / setback from the active composting area at the PRRP and provide a framework for assessing any resource consent(s) for activities within the setback. Operative District Plan text is shown in italics:

### **1. B2.2. Utilities- Issues**

#### ***B2.2 UTILITIES — ISSUES***

##### ***...Effects of Activities on Utilities***

- *Activities can adversely affect utilities:*
- *Demand to use utilities can exceed their design capacity, requiring additions or upgrades.*
- *Activities located next to a utility can affect how it operates: e.g. trees growing under power lines.*

*Activities located next to utilities may be sensitive to effects from the utility and seek to restrict its operation: e.g. residential activities next to a sewage disposal area or a generator that “hums”. These are known as ‘reverse sensitivity’ effects.*

#### ***UTILITIES — STRATEGY***

*The Township Volume of the District Plan uses the following basic strategy to address issues associated with utilities:*

##### ***...Effects of Utilities***

*Effects of utilities on the environment are managed*

*Potential ‘reverse sensitivity’ effects of activities on utilities are also managed, similar to any other activity.*

### **2. B2 Utilities- Objectives & Policies**

#### ***UTILITIES — OBJECTIVES***

***Objective B2.2.2 -Efficient use of utilities is promoted.***

***...Policy B2.2.5- Avoid potential ‘reverse sensitivity’ effects of activities on the efficient development, use and maintenance of utilities.***

### **Explanation and Reasons**

*‘Reverse sensitivity’ effects occur when activities, which are sensitive to the effects of utilities, establish close to the utility and then complain about its operation. The complainants can force expensive relocation of or restrictions on the operation of the utility.*

*‘Reverse sensitivity’ effects can occur with many activities. The topic is addressed, in general terms, under Part B, Section 3.4 of the Plan.*

### **Method**

#### *District Plan Zones*

- *Provide through policies and rules zones which are appropriate areas for utilities to locate likely to have adverse effects on the environment*
- *Restrict “sensitive” activities from establishing in these zones unless potential ‘reverse sensitivity’ effects will be minor*

## **3. B3 Health Safety and Values**

### **QUALITY OF THE ENVIRONMENT — STRATEGY**

*The Township Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, amenity values and ‘reverse sensitivity’.*

#### **Quality of the Environment and Amenity Values**

- *The Plan uses zones to identify areas within townships which have a similar character and amenity values.*
- *The Plan policies and rules manage effects of activities in each zone, to maintain the character and amenity values of that zone.*

#### **Reverse Sensitivity**

- *The Plan identifies zones where activities which have nuisance or visual effects can be located.*
- *The policies and rules manage those zones to avoid activities which will be sensitive to the effects in that zone, from setting up in the zone and creating “reverse sensitivity” effects.*

***Policy B3.4.39 Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential ‘reverse sensitivity’ effects will be avoided, remedied or mitigated.***

### **Explanation and Reasons**

*Rezoning land for new residential development around townships should not create 'reverse sensitivity' issues with existing activities in any zone. Policy B3.4.39 does not preclude rezoning of land for residential development adjoining Business 2, 2A and 2B Zones or sites in the Rural Zone which have activities with incompatible effects provided appropriate methods are used to address potential 'reverse sensitivity' issues. Appendix 14 suggests information on activities in the surrounding area be included with any plan change request to rezone land.*

### **Method**

*District Plan Policy*

*To assess plan changes to rezone land for new residential development*

## **4. B4 Growth of Townships**

### **Policy B4.3.8**

**Each Outline Development Plan shall include:**

- ...
- *Demonstrate that the design will minimise any reverse sensitivity effects.*

### *Proposed PC82 Provisions*

The following provisions, as currently proposed for P82, are relevant to the buffer / setback from the active composting area at the PRRP and provide a framework for assessing any resource consent(s) for activities within the setback. Operative District Plan text is shown in italics, and amendments are shown by way of 'tracked changes'.

## **5. Proposed ODP text:**

*The development area shall achieve a minimum net density of 12 household per hectare (hh/ha), averaged over the area of the Site, excluding the area identified as an Odour Constrained Area where dwellings are not permitted 600m from the active composting area in the Rolleston Resource Recovery Park ~~Pines Wastewater Treatment Plant~~.*

*...No sensitive activities are provided for in the 'Odour Constrained Area' adjoining the area's north-western boundary on Brookside Road. The restrictions in this area shall be supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.*

**[Note - Figure 1 in the Appendix 38 ODP narrative illustrates the extent of the buffer/setback]**

## 6. **Proposed amendments to Rule 4.9.39 and 4.9.58 (buildings):**

### ***Permitted Activities — Buildings and Building Position***

*The following shall be permitted activities...*

#### ***Rolleston***

4.9.39 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)) or located outside the 'Odour Constrained Area' shown in Appendix 38 ODP Area XX (Brookside).

### ***Non-Complying Activities — Buildings and Building Position...***

4.9.58 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 38 ODP Area XX (Brookside). Appendix 39 and Appendix 40

[Note Appendix 38 ODP illustrates the extent of the buffer/setback]

## 7. **Proposed Subdivision Assessment Matters in Rule 12.1.4:**

12.1.4 Matters over which the Council has reserved its control or restricted the exercise of its discretion:  
12.1.4.77A In respect of the land identified at Appendix 38 ODP Area XX (Brookside):  
e. How land within the Odour Constrained Area is to be managed and integrated into the development, while ensuring activities sensitive to odour are avoided within this area.

**ATTACHMENT 2: REEFTIDE ADVICE ON RURAL POTENTIAL OF  
POTENTIAL BUFFER**

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To Brookside Road Residential Limited  
Level 2, ASB House, The Crossing  
166 Cashel Street, Christchurch 8011  
P O Box 2726 Christchurch

Attention – Tim Carter/Bruce Van Duyn

FROM Victor Mthamo  
DATE 26 October 2022  
SUBJECT Comments on Rural Use of the land within  
Plan Change 82 1,000m offset zone from the  
Pines Resource Recovery Park (PRRP)

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Project Specific - MemoReport  
 For Information Only  
 For Your Action

## 1 Introduction

This memo has been prepared to address the matter raised in the Commissioner's Minute #3 relating to the urban design and land use of a portion of the PC82 land.

## 2 Area Under Consideration

The portion of PC82 land involved is approximately 34.1 ha. This area is bound by Edwards Road to the west, Brookside Road to the north and the potential 1,000 m offset zone (from the Pines Resource Recovery Park mature compost area, which is otherwise currently proposed to be 600 m from the active compost area). Attachment 1 shows the extent of the 1,000 m offset zone (shown by the solid blue arc).

## 3 LUC Classification and Definition

This 34.1 ha block, as is the rest of the PC81 & PC82 area, is LUC Class 4 which is defined as:

*Land with severe physical limitations to arable use. These limitations substantially reduce the range of crops which can be grown, and/or make intensive soil conservation and careful management necessary. Because of these difficulties, Class 4 land is suitable only for occasional cropping but is suitable for pasture, tree crops or production forestry.*

## 4 Retention as Rural vs Rezoning

### 4.1 Productive Potential

The 34.1 ha land is not highly productive, and the soils are not protected under the NPS-HPL. This is because:

- There is no shortage of >LUC3 land in the district or in the region. In other words, plenty of LUC 4-8 land can be used to achieve more or less the same productivity as this 34.1 ha block.
- The LUC4 land does not support a wide range of arable crop options. Thus, leaving it as rural does not mean it will be used productively in the future.
- Using these soils requires careful management. Conservation practices are more difficult to apply and maintain for production to be sustainable.
- LUC4 or LUC5-8 soils if used can only be economic if available in large areas. This is because of their low productivity potential. For example, if used for natural sheep and beef farming the stocking rates are considerably lower which means larger tracts (several tens to

hundreds of hectares) of land are required to make production economic. The 34.1 ha is not economic for most land-based productive options.

- Irrigation generally helps to lift production. However, some LUC Class 4 soils such as those making up the 34.1 ha have very low water holding capacity. While irrigation (if available) may lift up production, the increase in productivity is unlikely to be high enough to justify the use of irrigation water on these soils, especially if the same water can be used on ≤LUC Class 3 soils elsewhere within the district or region.

#### 4.2 Consideration of the Location and Geographical Factors

The shape of the block (part circle or a sector) adds complexity and inconvenience to the normal productive land use activities such as land preparation, irrigation, and general operation of machinery. Typically, regularly shaped blocks of land are more efficient and economical to work on (e.g. for mechanised farming activities) than irregularly shaped blocks. This reduces the attractiveness of the land for productive use especially given the low economic value of the land. In other words, managing such a block on these LUC4 soils requires extra effort.

Being bound by Edwards Road, Brookside Road and the 1,000 m offset boundary, the 34.1 ha will become an isolated rural block. While the block is not HPL as defined in the NPS-HPL, we note that the NPS-HPL in:

- Clause 3.4(5)(b) states that *"where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines)"*.
- Clause 3.4(5)(d) states that *"small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land"*.

Using the same rationale as in Clause 3.4, I conclude that the 34.1 ha of LUC 4 area does not form a cohesive area with the rest of the other land beyond the site. In other words, the block is not cohesive and stands alone. There is no opportunity for it to be amalgamated with other land to form a cohesive block of land that could be of sufficient size, for LUC4 land, to be economic.

In summary, rezoning this 34.1 ha as urban means Edwards Road and Brookside Road then provide hard boundaries separating rural and urban zones. This would be consistent with general planning objectives as evidenced by most developments in Selwyn and Canterbury where rural and urban zones are separated by a road or roads.

#### 4.3 Reverse Sensitivity

The 34.1 ha directly abuts the proposed PC82 residential development. Proximity to residential development will also limit rural potential. This is because some rural activities (e.g. those producing noise, spray drift, odour) would not be likely/practicable to establish given relevant district and regional planning rules and potential reverse sensitivity issues.

To allow such rural activities to take place while complying with the regional and district planning rules, mitigation would be necessary. For example, providing a buffer along the rural and residential boundary becomes necessary for mitigation. The extent of the buffer depends on the activity e.g. spraying and cultivation would need to be done at no or low wind speeds. Providing a 5 m or 10 m buffer reduces the size of the rural block. This makes the block even less economic to own, operate and manage.

The effects of some activities such as noise associated with farming activities and machinery are harder to mitigate. Providing mitigation limits such as the types of machinery that can be used and the times it can be used, may be necessary. This makes use of the land harder, impractical, and may even affect the economics of the farming activity of the 34.1 ha.

#### 4.4 Alternative Land Uses

The land has low productive value based on the LUC Classification. Given the challenges outlined above the value and utilisation of this land will be enhanced if rezoned to urban or open space/recreation where it will then be open to a multitude of more suitable uses. These alternative uses would be more compatible with the residential zoning over the rest of the PC82 area. Examples of such uses could include:

- Parks/reserve.
- Sports facilities etc.
- A golf course.
- Stormwater management area. (although not really necessary as stormwater goes to ground in Rolleston and can be designed into the residential subdivision)
- Water supply bores.
- Bike racetrack

#### 4.5 Statutory Considerations

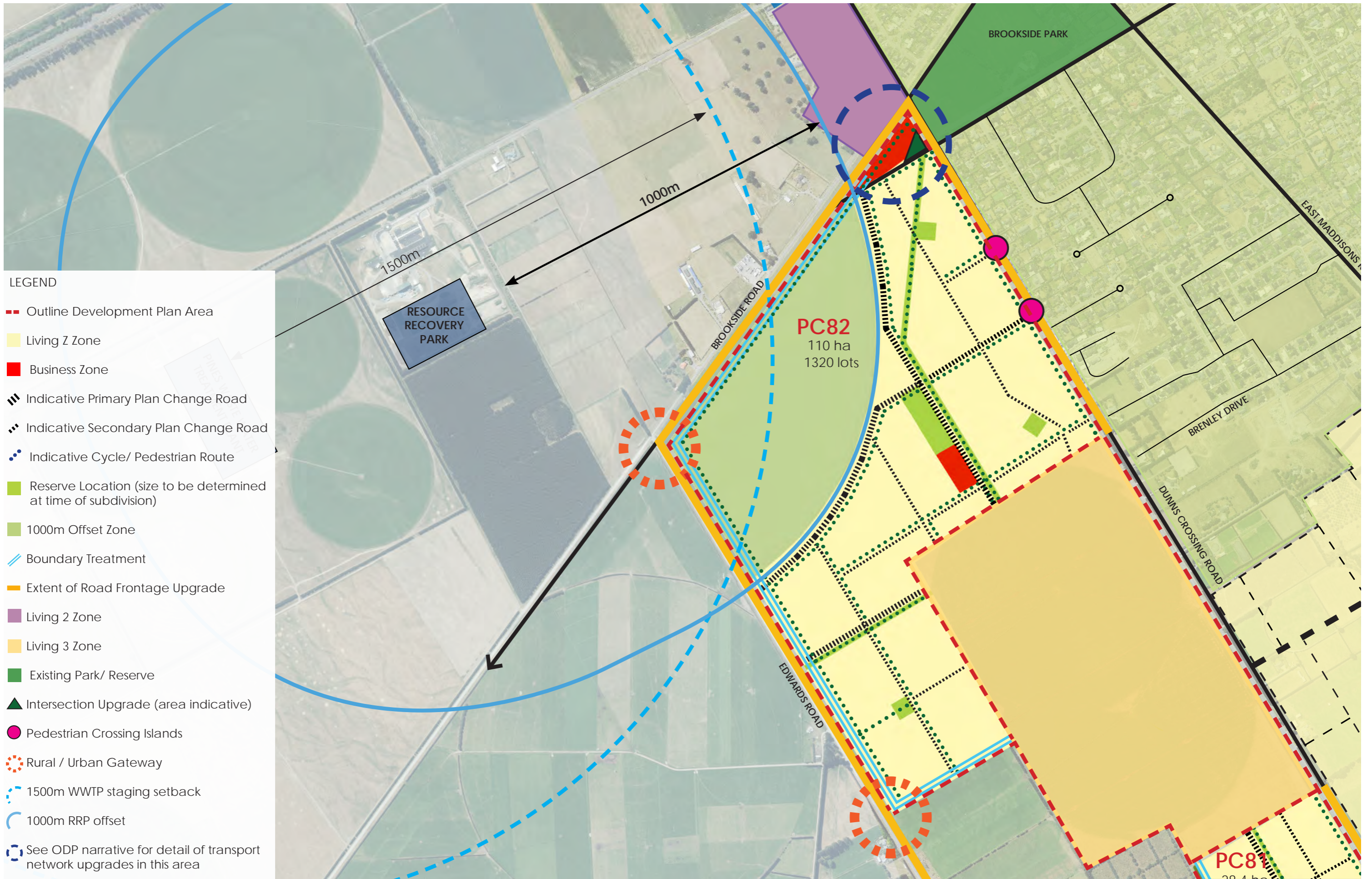
Accounting for the points above, I consider that rezoning the 34.1 ha and putting it into one or more of the alternative uses in Section 4.4 above better enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety as provided for in:

- Section 5 of the RMA which seeks to promote the sustainable management of natural and physical resources.
- Objective 3.5 of the Canterbury Land and Water Regional Plan (CLWRP) which encourage "*Land uses continue to develop and change in response to socio-economic and community demand*". Rezoning as urban, the 34.1 ha is not inconsistent with the objective given the residential development in PC82.

#### 4.6 Summary

The 34.1 ha has very low productive value as a rural block of land and is not a protected land resource under the NPS-HPL. It would not be sensible planning to keep the 34.1 ha block zoned as rural. Utilisation of the land is likely to be low if the land retains the existing rural zoning. Rezoning to urban even with restrictions on residential development offers the best use of the land. It can be put to one or more uses that enable "*people and communities to provide for their social, economic, and cultural wellbeing and for their health*".

ATTACHMENT 1 – 1,000 M OFFSET ZONE



- LEGEND**
- - - Outline Development Plan Area
  - Living Z Zone
  - Business Zone
  - Indicative Primary Plan Change Road
  - Indicative Secondary Plan Change Road
  - Indicative Cycle/ Pedestrian Route
  - Reserve Location (size to be determined at time of subdivision)
  - 1000m Offset Zone
  - Boundary Treatment
  - Extent of Road Frontage Upgrade
  - Living 2 Zone
  - Living 3 Zone
  - Existing Park/ Reserve
  - ▲ Intersection Upgrade (area indicative)
  - Pedestrian Crossing Islands
  - Rural / Urban Gateway
  - 1500m WWTP staging setback
  - 1000m RRP offset
  - See ODP narrative for detail of transport network upgrades in this area

**OUTLINE DEVELOPMENT PLAN - PC82 OPTION B (1:10,000)**  
 ROLLESTON WEST, PLAN CHANGE 81 AND 82 HEARING

**ATTACHMENT 3: UPDATED PC81 PROVISIONS**

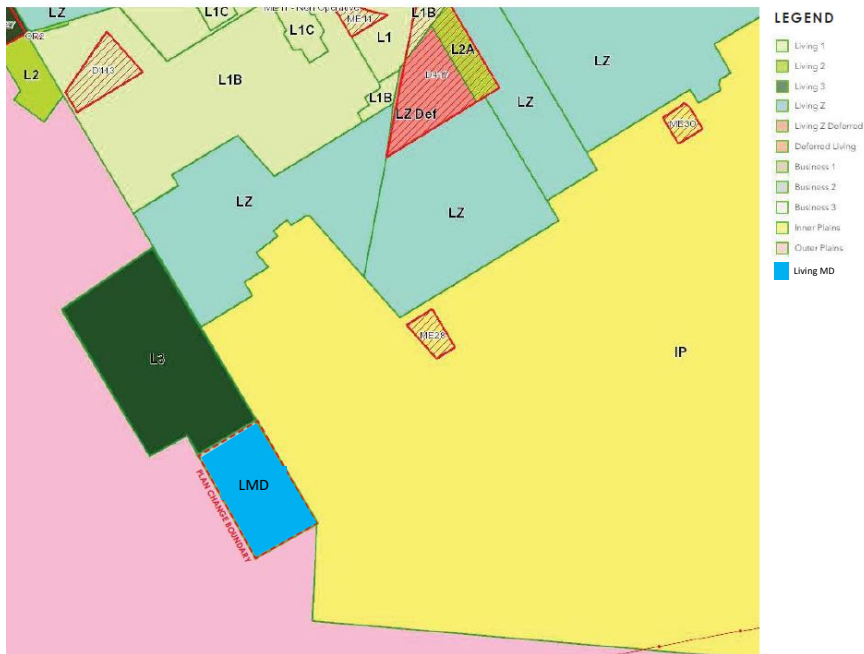
Note: Text that is underlined or ~~struck out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

## **Attachment 1: PC81 - Proposed Changes to the SDP**

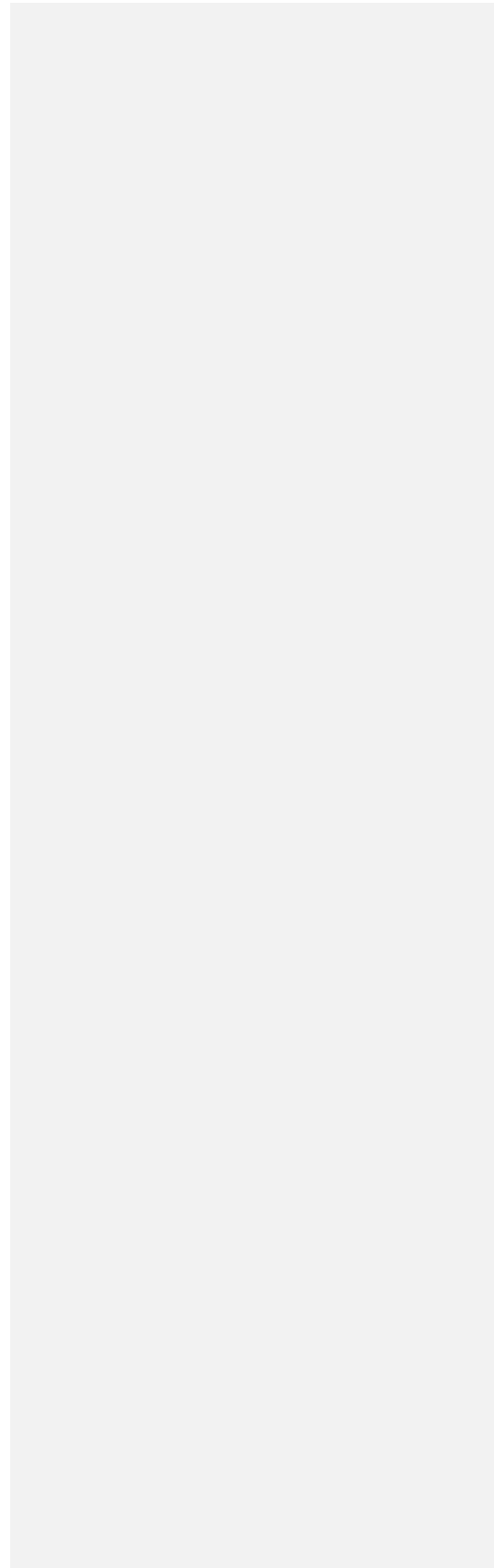
Plan Change 81 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD as depicted in **Attachment 1a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 1b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 1c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.

Attachment 1a: PC81 - Proposed Changes to SDP planning maps



**Attachment 1b: PC81 - Proposed ODP (Skellerup South) for inclusion in Appendix 38.**





# OUTLINE DEVELOPMENT PLAN - PC81 (1:7,500)

**Attachment 1b: PC81 - Proposed ODP (Skellerup South) narrative for inclusion in Appendix 38.**

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the ODP, as notified.
- Text that is underlined or ~~struck out~~ in red font, represent changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck out~~ in blue font, represent changes made as part of the applicant's evidence dated 26 August 2022.
- Text that is underlined or ~~struck out~~ in green font, represent changes made in response to matters raised on day 1 of the hearing (12/09/2022) and which are tabled as part of Mr Phillips' summary of evidence.
- Text that is underlined or ~~struck out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

# OUTLINE DEVELOPMENT PLAN XX (SKELLERUP SOUTH)

## Introduction

The Outline Development Plan (ODP) area comprises 28.4 hectares and is situated at the south-western corner of the existing Rolleston Township, to the west of Dunns Crossing Road, and to the north of Selwyn Road.

The ODP embodies a development framework and utilises design concepts that are in accordance with:

- a. The Land Use Recovery Plan (LURP)
- b. The Canterbury Regional Policy Statement
- c. The Greater Christchurch Urban Development Strategy (UDS)
- d. The Ministry for the Environment's Urban Design Protocol
- e. The Selwyn District Council's 2009 Subdivision Design Guide

A single Overall ODP addresses the land use, movement, green and blue networks.

## Land Use Plan

~~The ODP area provides for at least 350 residential households in total. However, an Integrated Transport Assessment shall be required in association with any resource consent application resulting in any more than 350 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. The ODP area shall provide for a maximum of 350 households, beyond which an Integrated Transport Assessment shall be required in association with any resource consent application. In addition, the~~ The development area shall achieve a minimum net density of 12 household per hectare, averaged over the area.

The Living MD zone ODP densities will enable a minimum individual allotment size of 400m<sup>2</sup>. Comprehensive residential development (i.e. with semi-attached and attached built-form typologies) is provided for and may be co-located with either open space, reserves, local centres, along key road connections and in smaller pockets around high amenity, low traffic residential streets.

A rural-style interface treatment will be established along the Selwyn Road frontage and the western boundary of the site. This will include open rural fencing, and tree planting with the detailed design to be confirmed at subdivision stage.

For all earthworks across the site, an Accidental Discovery Protocol will be implemented at the time of site development, in addition to appropriate erosion and sediment controls, to assist in mitigating against the potential effects on wāhi tapu and wāhi taonga values generally.

## Movement Network

For the purposes of this ODP, it is anticipated that the built standard for a "Primary Route" will be the equivalent to the District Plan standards for a Local-Major Road, and a "Secondary Route" will be the equivalent to the District Plan standards for a Local-Intermediate Road.

The ODP provides for an integrated transport network incorporating:

- a. Primary routes that provide east-to-west and north-to-south linkages through the ODP area, connecting to Dunns Crossing Road, and providing a connection to Selwyn Road. A future primary road connection and secondary road connection are provided for land to the north.
- b. Secondary routes are otherwise provided throughout the ODP block and are intended to provide ease of movement access in a north-to-south and east-to-west direction through the block.
- c. Shared pedestrian and cycle connections are provided centrally through the ODP area to enhance safe walking and cycling opportunities, and will provide linkages to adjacent properties.
- d. ~~A gateway feature is proposed at the western end of the site frontage along Selwyn Road to demarcate a change in speed environment to 60km/hr and the urbanising of this area. Rural/urban gateways in the locations shown on the ODP are to be provided with signage, road markings or other design treatments, in accordance with the requirements of Road Traffic Standard 15, to demarcate a change in speed environment and the urbanising of the area.~~

**Commented [JP-NG1]:** As discussed by Commissioner Thomas / Mr Fuller, and per discussions with Ms White

The remaining internal roading layout must provide for long-term interconnectivity once full development is achieved. An integrated network of tertiary roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access.

Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes. As noted above, where more than 350 households total are proposed or enabled within the ODP area, an Integrated Transport Assessment shall be required in order to re-evaluate and manage road network effects at that time.

**Table 1: Transport network upgrades**

Upgrade required	Timing	Anticipated funding mechanism
<u>Commencement of SH1 / Dunns Crossing Road / Walkers Road Intersection upgrade in accordance with the Waka Kotahi NZ Upgrade Programme</u>	Prior to <u>any development (including earthworks or construction related activities) occupation of any dwelling</u> in the ODP area.	Works already funded by Waka Kotahi.
Dunns Crossing Road / Burnham School Road Traffic Signals	Prior to <u>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling</u> in the ODP area.	Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).
<u>Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade (Realignment of Goulds Road to intersect with Dunns Crossing Road approximately 150m north-west of Selwyn Road. Selwyn Road / Goulds Road / Dunns Crossing Road to become a roundabout).</u>	Prior to <u>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling</u> in the ODP area.	Developer agreement as also required for Plan Change 70.

Dunns Crossing Road Frontage Upgrades (including gateway thresholds in accordance with the requirements of Road Traffic Standard 15) as shown on the ODP	Prior to <del>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling in the ODP area.</del>	Developer constructed.
Selwyn Road Frontage Upgrade	<del>Prior to occupation of any dwelling in the ODP area.</del>	<del>Developer constructed.</del>
Dunns Crossing Road / Newmans Road Intersection	<del>Prior to occupation of any dwelling in the ODP area.</del>	<del>To be delivered by PC73 and / or as part of Waka Kotahi works to SH1 / Dunns Crossing Road.</del>
Dunns Crossing Road / Lowes Road roundabout	Prior to <del>issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling in the ODP area.</del>	To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.

### Green Network

A recreational reserve of approximately 1.5-2.0ha will be provided, in addition to green links and reserves that provide open space and facilitate attractive pedestrian and cyclist connections to align with adjacent sites. The location of the reserve has been determined based on the number of households within the plan change area and to ensure people are within a 500m walking radius of their homes.

The proposed reserve network provides an opportunity to create an ecological corridor, and to integrate the collection, treatment, and disposal of stormwater where appropriate. Plant selection in new reserves will include locally sourced native tree and shrub plantings.

The existing water race ~~and any other water bodies identified on the site will be subject to a field-based ecological assessment prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed prior to or~~ as part of the subdivision works. Fauna within the water race will be translocated locally, except for eels, where they shall be translocated into the neighbouring Te Waihora/Lake Ellesmere catchment so they can access the sea and complete their life cycles. The fish and kākahi salvage/translocation will be conducted in accordance with ECAN fish salvage guidelines prior to any works within the water races.

### Blue Network

Stormwater - Stormwater runoff from individual sites will discharge primary runoff from rooves and hardstand areas directly to ground via on-site soak pits. Runoff from hardstand areas and roads will be collected and treated before discharging into ground via soak pits or infiltration trenches. In general, the first flush stormwater runoff will be generally treated through a swale or infiltration basin or proprietary stormwater treatment devices.

Stormwater runoff from large rainfall events which exceed the first flush capacity can be discharged directly to ground using rapid infiltration trenches or soak pits. Flows in excess of the capacity of the primary system can be directed to the roads which will act as secondary flow paths to safely convey stormwater through the developments. The detailed design of stormwater management will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury requirements.

Water – The water reticulation will be an extension of the existing water reticulation network bordering the site into the plan change block along proposed roads with minor upgrading of the existing network . Additional connections to other parts of the Council network to the north/east will be determined at the subdivision stage to increase network connectivity and resilience. ~~No subdivision of land shall take place completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as a potable water supply which is capable of serving any lots within the subdivision is provided and Regional Council water consents to take and use groundwater within the ODP area are transferred and vested in Council.~~

**Commented [JP-NG2]:** Amendment here aligns with amendments to the rule

#### **Educational Facilities**

The provision of new educational facilities can be provided within the block or in the wider area albeit subject to a needs assessment.

**Attachment 1c: Proposed amendments to operative Selwyn District Plan provisions (including amendments to incorporate the Medium Density Residential Standards (MDRS))**

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the operative Selwyn District Plan (that is not proposed to change).
- Text that is underlined or ~~struck out~~ in grey font, represents changes required to incorporate the Medium Density Residential Standards, with these changes proposed/provided by Selwyn District Council officers.
- Text that is underlined or ~~struck out~~ in black font, represent changes proposed by PC81, as notified.
- Text that is underlined or ~~struck out~~ in red font, represent changes proposed by PC81, with changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck out~~ in blue font, represent changes proposed by PC81, with changes made as part of the applicant's evidence dated 26 August 2022.
- Text that is underlined or ~~struck out~~ in green font, represent changes made in response to matters raised on day 1 of the hearing (12/09/2022) and which are tabled as part of Mr Phillips' summary of evidence.
- Text that is underlined or ~~struck out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

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#### **A4.5 TOWNSHIPS AND ZONES**

Table A4.4 – Description of Township Zones

Insert below description of Living MD:

<u>Living MD</u>	<u>Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.<sup>1</sup></u>
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#### **B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES**

Objective B3.4.7<sup>2</sup>

Within the Living MD Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

#### **B3.4 QUALITY OF THE ENVIRONMENT — POLICIES**

ZONES

Policy B3.4.1

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<sup>1</sup> Adapted from Planning Std description of the medium density residential zone

<sup>2</sup> Cl6(1)(a) Objective 1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or<sup>3</sup> within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A<sup>4</sup>

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

#### **BUILDING DESIGN**

Policy B3.4.27A<sup>5</sup>

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B<sup>6</sup>

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents

Policy B3.4.27C<sup>7</sup>

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

### **B4.1 RESIDENTIAL DENSITY — OBJECTIVES**

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within the Living MD Zone<sup>8</sup> and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.3<sup>9</sup>

The Living MD Zone provides for a variety of housing types and sizes that respond to—

- i. housing needs and demand; and
- ii. the neighbourhood's planned urban character, including 3-storey buildings

### **B4.1 RESIDENTIAL DENSITY — POLICIES**

Policy B4.1.14<sup>10</sup>

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units<sup>11</sup>, and low-rise apartments.

### **B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT**

Policy B4.3.7

Living Z and Living MD<sup>12</sup> urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

<sup>3</sup> Consequential amendment to clarify that this policy does not apply to MDRS

<sup>4</sup> Cl6(2)(b) Policy 2

<sup>5</sup> Cl6(2)(c) Policy 3

<sup>6</sup> Cl6(2)(d) Policy 4

<sup>7</sup> Cl6(2)(e) Policy 5

<sup>8</sup> Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

<sup>9</sup> Cl6(1)(b) Objective 2

<sup>10</sup> Cl6(2)(a) Policy 1

<sup>11</sup> EHS uses 'dwellings', but MDRS standards use 'residential units'

<sup>12</sup> To ensure that Living MD zones also get an ODP

Policy B4.3.8

Each Outline Development Plan shall include:

- *Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;*
- *Any land to be set aside for*
- *community facilities or schools;*
- *parks and land required for recreation or reserves;*
- *any land to be set aside for business activities;*
- *the distribution of different residential densities;*
- *land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;*
- *land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and*
- *land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.*
- *Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;*
- *Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;*
- *Indicate how required infrastructure will be provided and how it will be funded;*
- *Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;*
- *Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;*
- *Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;*
- *Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;*
- *Include any other information which is relevant to an understanding of the development and its proposed zoning; and*
- *Demonstrate that the design will minimise any reverse sensitivity effects.*
- *In the Living MD Zone, any identified qualifying matter and how it is to be addressed*

Policy B4.3.77

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Rolleston addresses the specific matters relevant to each ODP Area number listed below:

...

Outline Development Plan Area 'XX'

- Provision of a Primary road on a north-south alignment across the ODP area;
- Provision of a secondary road network internal to the ODP area and providing connections to the south and north of the ODP area;
- Provision of a neighbourhood park centrally and adjacent the Primary road;
- ~~Provision for medium density development adjacent the reserve;~~
- Provision of pedestrian and cycle links within and through the ODP area to connect to adjoining urban areas;
- Provision of reticulated water supply and wastewater systems that have sufficient capacity for the ODP area;
- Provision of a comprehensive stormwater system that has sufficient capacity for the ODP area;
- Provision of a minimum net density of 12 households per hectare averaged over the ODP Area.

- Potential provision of educational facilities.

## C4 LZ BUILDINGS

### 4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

- 4.2.1 Except in the Living MD Zone where Rule 4.19 applies instead and except<sup>13</sup> for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and
- Planted in lawn, and/or
  - Paved or sealed, and/or
  - Dressed with bark chips or similar material.

### 4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

- 4.6.1 Except in the Living MD Zone where Rule 4.19 applies instead, the ~~The~~<sup>14</sup> erection on an allotment (other than a site at Castle Hill) of not more than either:
- One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or
  - One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

### 4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

- 4.7.1 Except in the Living MD Zone where Rule 4.19 applies instead, and except<sup>15</sup> as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

### 4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

- 4.8.1 Except in the Living MD Zone where Rule 4.19 applies instead, the ~~The~~<sup>16</sup> erection of any building which has a height of not more than 8 metres shall be a permitted activity.

### 4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities

#### Recession Planes

- 4.9.1 Except in the Living MD Zone where Rule 4.19 applies instead<sup>17</sup>, and except as provided for<sup>18</sup> in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;

<sup>13</sup> Consequential amendment because C18 applies instead

<sup>14</sup> Consequential amendment because C10 applies instead

<sup>15</sup> Consequential amendment because C14 applies instead

<sup>16</sup> Consequential amendment because C11 applies instead

<sup>17</sup> Consequential amendment because C12 applies instead

<sup>18</sup> Consequential amendment to improve clarity given the length of exclusions

- 4.9.1.1 *In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is*
- (a) *not a boundary of a lot in a low density area; and*
  - (b) *which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and*
- 4.9.1.2 *Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.*

**Setbacks from Boundaries**

- 4.9.2 *Except in the Living MD Zone where Rule 4.19<sup>19</sup> applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.*

**4.13 BUILDINGS AND STREETSCENE**

*Permitted Activities — Buildings and Streetscene*

*For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or a Living Z zone, or a Living MD Zone~~*

**4.19 DENSITY STANDARDS IN THE LIVING MD ZONE**

*Permitted Activities – Density Standards in the Living MD Zone*

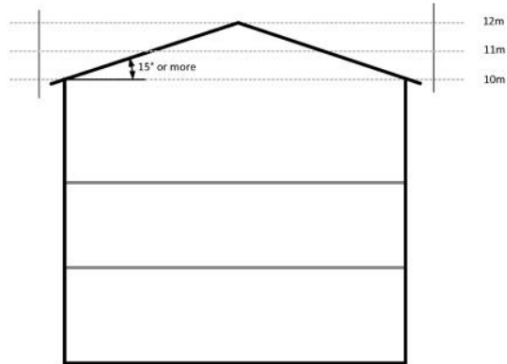
- ~~4.19.1 *In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.<sup>20</sup>*~~
- ~~4.19.2 *In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1.<sup>21</sup>*~~
- ~~4.19.3 *In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.*~~

Figure C4.1 – Permitted residential unit height, Living MD Zone

<sup>19</sup> Consequential amendment because C113 applies instead

<sup>20</sup> C110

<sup>21</sup> C111



4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.<sup>22</sup>

4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.<sup>23</sup> For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

Building type	Setback from boundary (metres)	
	Internal boundary	Road boundary or shared access where specified
Garage: vehicle door faces road or shared access	1m	5.5m
Residential Unit or other principal building	1m	1.5m
Any other building	1m	2m

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.<sup>24</sup>

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.<sup>25</sup>

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:<sup>26</sup>

4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:

- (a) Is at least 20m<sup>2</sup> in area; and
- (b) where located at ground level, has no dimension less than 3 metres; and

<sup>22</sup> CI12

<sup>23</sup> CI13(1)

<sup>24</sup> CI13(2), refer 4.9.7 for wording for other Living zones

<sup>25</sup> CI14

<sup>26</sup> CI15(1)

- (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (d) is accessible from the residential unit; and
- (e) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location;
  - or
  - (ii) located directly adjacent to the unit; and
- (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.<sup>27</sup>

4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:

- (a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
  - (ii) located directly adjacent to the unit.<sup>28</sup>

4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2<sup>29</sup> and:<sup>30</sup>

4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:

- (a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
- (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and<sup>31</sup>

4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;<sup>32</sup>

4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;<sup>33</sup>

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;<sup>34</sup>

4.19.9.5 Outlook spaces may be under or over a balcony;<sup>35</sup>

4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and<sup>36</sup>

4.19.9.7 Every outlook space must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over an outlook space or outdoor living space required by another residential unit.<sup>37</sup>

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone<sup>38</sup>

<sup>27</sup> CI15(1)

<sup>28</sup> CI15(2)

<sup>29</sup> CI16(2)

<sup>30</sup> CL16(1)

<sup>31</sup> CL16(3)

<sup>32</sup> CL16(4)

<sup>33</sup> CL16(5)

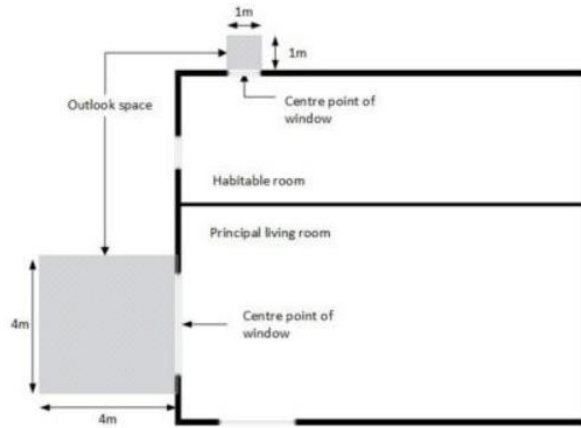
<sup>34</sup> CI16(6)

<sup>35</sup> CI16(7)

<sup>36</sup> CI16(8)

<sup>37</sup> CI16(9)

<sup>38</sup> CI16(2)



4.19.10 *In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing facade in glazing. This can be in the form of windows or doors.<sup>39</sup>*

4.19.11 *In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:*

4.19.11.1 *a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.*

4.19.11.2 *The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.<sup>40</sup>*

*Restricted Discretionary Activities — Density Standards in the Living MD Zone*

4.19.12 *Any activity which does not comply with Rule 4.19.1<sup>41</sup> shall be a restricted discretionary activity,<sup>42</sup> which shall not be subject to public or limited notification.<sup>43</sup> The exercise of discretion shall be restricted to consideration of the following matters:*

4.19.12.1 *For each residential unit:*

*(a) Adequacy of exclusive outdoor living space*

*(b) access to daylight and sunlight; and*

*(c) visual privacy*

4.19.12.2 *Parking and access; safety, efficiency and impacts to on street parking and neighbours.*

4.19.12.3 *The extent to which each residential unit is required to be provided with separate utility services.<sup>44</sup>*

4.19.12.4 *Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.*

4.19.12.5 *Location, orientation and screening of outdoor living, service/storage, and waste management spaces.*

4.19.12.6 *Extent to which landscaping on the site:*

*(a) enhances residential amenity; and*

<sup>39</sup> C17

<sup>40</sup> C18

<sup>41</sup> C10 Density

<sup>42</sup> C4

<sup>43</sup> C5(2)

<sup>44</sup> PDP RESZ-MAT8

- (b) defines and enhances on-site outdoor living spaces;
- (c) reduces the visual impact of buildings through screening and planting;
- (d) screens service areas, loading areas, and outdoor storage areas from public vantage points.<sup>45</sup>

4.19.13 Any activity which does not comply with Rule 4.19.2<sup>46</sup> or Rule 4.19.3<sup>47</sup> shall be a restricted discretionary activity,<sup>48</sup> which shall not be subject to public notification.<sup>49</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.13.1 Effects on privacy, outlook, or shading on the affected property.
- 4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.13.4 Mitigation of the effects of natural hazards.<sup>50</sup>

4.19.14 Any activity which does not comply with Rule 4.19.4<sup>51</sup> shall be a restricted discretionary activity,<sup>52</sup> which shall not be subject to public notification.<sup>53</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.14.1 Effects on privacy, outlook, or shading on the affected property.<sup>54</sup>
- 4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.15 Any activity which does not comply with Rule 4.19.5<sup>55</sup> shall be a restricted discretionary activity, which shall not be subject to public notification,<sup>56</sup> unless it is permitted by Rule 4.19.6<sup>57</sup>.<sup>58</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.15.1 For internal boundaries:
  - (a) Effects on privacy, outlook, or shading on the affected property.
  - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
  - (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
  - (d) Mitigation of the effects of natural hazards.
  - (e) Reverse sensitivity effects.<sup>59</sup>
  - (f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.
- 4.19.15.2 For road boundaries:
  - (a) Effects on the safety and efficiency of the land transport infrastructure.

<sup>45</sup> PDP RESZ-MAT14

<sup>46</sup> CI11 height of residential units

<sup>47</sup> Height of other buildings

<sup>48</sup> CI4

<sup>49</sup> CI5(1)

<sup>50</sup> PDP RESZ-MAT3

<sup>51</sup> CI12 height in relation to boundary

<sup>52</sup> CI4

<sup>53</sup> CI5(1)

<sup>54</sup> RESZ-MAT4

<sup>55</sup> CI13 setbacks

<sup>56</sup> CI5(1)

<sup>57</sup> Exclusion for common walls

<sup>58</sup> CI4

<sup>59</sup> PDP RESZ-MAT6

- (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.<sup>60</sup>
- (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>61</sup>

4.19.16 Any activity which does not comply with Rule 4.19.7<sup>62</sup> shall be a restricted discretionary activity,<sup>63</sup> which shall not be subject to public notification.<sup>64</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.16.2 Provision of adequate outdoor living space on site.<sup>65</sup>

4.19.17 Any activity which does not comply with Rule 4.19.8<sup>66</sup> shall be a restricted discretionary activity,<sup>67</sup> which shall not be subject to public notification.<sup>68</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.
- 4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.
- 4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.
- 4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site.<sup>69</sup>

4.19.18 Any activity which does not comply with Rule 4.19.9<sup>70</sup> shall be a restricted discretionary activity,<sup>71</sup> which shall not be subject to public notification.<sup>72</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year
- 4.19.18.2 The extent to which habitable rooms have an outlook and sense of space
- 4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions
- 4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.

<sup>60</sup> RESZ-MAT5

<sup>61</sup> Adapted from RESZ-MAT1

<sup>62</sup> CI14 Building coverage

<sup>63</sup> CI4

<sup>64</sup> CI5(1)

<sup>65</sup> PDP RESZ-MAT2

<sup>66</sup> CI15 Outdoor living space

<sup>67</sup> CI4

<sup>68</sup> CI5(1)

<sup>69</sup> SDP Rule 4.14.2

<sup>70</sup> CI16 Outlook space

<sup>71</sup> CI4

<sup>72</sup> CI5(1)

- 4.19.19 Any activity which does not comply with Rule 4.19.10<sup>73</sup> shall be a restricted discretionary activity,<sup>74</sup> which shall not be subject to public notification.<sup>75</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.
- 4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
- 4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>76</sup>
- 4.19.20 Any activity which does not comply with Rule 4.19.11<sup>77</sup> shall be a restricted discretionary activity,<sup>78</sup> which shall not be subject to public notification.<sup>79</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
- (a) define and enhance on-site outdoor living spaces,
- (b) reduce the visual impact of large buildings through screening and planting
- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.<sup>80</sup>
- (d) contributes to a cooling effect of the urban environment
- 4.19.20.2 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.
- 4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

## 12.1 SUBDIVISION — GENERAL

### Controlled Activities — Subdivision – General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2<sup>81</sup> or 12.3<sup>82</sup> shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.<sup>83</sup>
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.<sup>84</sup> The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

### Restricted Discretionary Activities — Subdivision – General

- 12.1.3.6 Except in the Living MD Zone, any<sup>85</sup> Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.6A Within the Living MD Zone, every vacant allotment either:

<sup>73</sup> C17 Windows to street

<sup>74</sup> C14

<sup>75</sup> C15(1)

<sup>76</sup> Adapted from RESZ-MAT1

<sup>77</sup> C18 Landscaping

<sup>78</sup> C14

<sup>79</sup> C15(1)

<sup>80</sup> PDP RESZ-MAT14.7

<sup>81</sup> Boundary adjustments

<sup>82</sup> Access, reserve and utility allotments

<sup>83</sup> C13

<sup>84</sup> C15(2)

<sup>85</sup> Consequential amendment to allow C18

- (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
- (b) contains a building area of not less than 8m x 15m;<sup>86</sup>

**Rolleston**  
12.1.3.50

(c) In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):

- ~~i. No development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.~~
- ~~ii. No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the following works have been completed to the satisfaction of the Council:~~
  - ~~a. the signalisation of the Dunns Crossing Road / Burnham School Road intersection;~~
  - ~~b. the upgrade of Dunns Crossing Road / Selwyn Road / Goulds Road intersection;~~
  - ~~c. the upgrade to the Lower Road / Dunns Crossing Road intersection;~~
  - ~~d. road frontage upgrades and gateway threshold treatments as shown on the ODP; and~~
  - ~~e. provision of a potable water supply which is capable of serving any lots within the subdivision.~~
- ~~ii. No subdivision of land shall take place until a potable water supply is available which is capable of serving any lots within the subdivision.~~

12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
Rolleston	Living MD	Minimum individual allotment size 400m <sup>2</sup> <sup>87</sup> <u>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment<sup>88</sup></u>
Calculating allotment size <sup>89</sup>	All Living Zones except Living MD <sup>90</sup>	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 - 10m <sup>2</sup> ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.

<sup>86</sup> C18

<sup>87</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>88</sup> C18

<sup>89</sup> Consequential amendment to restructure table so that provisions make sense

<sup>90</sup> Provisions as described do not apply to Living MD

**Commented [JP-NG3]:** Per discussion with Ms White, this part of the rule has been deleted, noting rules otherwise require adherence to the ODP which specifies these timeframes explicitly in the table.

This change is consistent with PC69 as approved, avoids unnecessary duplication and avoids the issue of a subdivision rule requirement being 'tagged' to s224c which occurs after subdivision approval.

Note- a land use rule for earthworks rule is not considered necessary, noting that a breach of earthworks rules (2000m3 max) = fully discretionary activity consent under rule 2.1.8.2

**Commented [JP-NG4]:** Rule changed from s224 requirement, to no subdivision of land generally, noting this a more appropriate trigger as a subdivision rule. This wording is consistent with the equivalent rule imposed on PC71.

	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.<sup>91</sup></u>
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12.1.4 Matters over which the Council has reserved its control or<sup>92</sup> restricted the exercise of its discretion:

12.1.4.77A In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):

(a) Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within ODP Area XXX in Appendix 38.

(b) Whether the pattern and staging of development commences adjacent to Dunns Crossing Road and/or adjacent land development to maximise connectivity and the efficient provision of infrastructure.

(c) The appropriateness of any mechanism proposed to address boundary treatment requirements ~~or~~ transport network upgrades identified within the Outline Development Plan.

(d) For subdivision of land that will result in any more than 350 residential allotments or provide for more than 350 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.

(e) The recommendations of a field-based ecological assessment regarding the retention or management of any existing water races, ponds or any wetland features affected by the subdivision.

**Commented [JP-NG5]:** Per discussions with Ms White regarding the suitability of a subdivision assessment matter to support the implementation of ODP road network requirements. The 'mechanism' referred to in this assessment matter could be consent conditions upon which s224c certification relies, a developer agreement, or other legal mechanism...

Restricted Discretionary Activities — Subdivision — General

12.1.5 The following activities shall be restricted discretionary activities:

12.1.5.1 Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.<sup>93</sup>

Discretionary Activities — Subdivision — General

12.1.6 The following activities shall be discretionary activities

12.1.6.10 Any subdivision in a Living MD Zone that is not in general compliance with an operative Outline Development Plan.<sup>94</sup>

Non Complying Activities — Subdivision — General

12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:

12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.<sup>95</sup>

## D DEFINITIONS

**Building:** except in the Living MD Zone<sup>96</sup>, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes
- Any fence or wall of up to 2m in height
- Any structure which is less than 10m<sup>2</sup> in area and 2m in height
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)
- Any utility structure.

In the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.<sup>97</sup>

<sup>91</sup> Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Stds terms

<sup>92</sup> Consequential amendment from C13

<sup>93</sup> Corner splays

<sup>94</sup> Consistent with Living Z

<sup>95</sup> Consistent with Living Z

<sup>96</sup> A different definition applies in the Living MD Zone

<sup>97</sup> The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

Building coverage means the percentage of the net site area covered by the building footprint<sup>98</sup>

Building footprint means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground<sup>99</sup>

Height: except in the Living MD Zone,<sup>100</sup> in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD Zone, no account shall be taken of any:

- Radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.
- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.<sup>101</sup>

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

- (a) any part of the site that provides legal access to another site;
- (b) any part of a rear site that provides legal access to that site;
- (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981<sup>102</sup>

Residential activity: except in the Living MD Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site
- b) Emergency and/or refuge accommodation
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

Residential Activity does not include:

- a) Travelling accommodation activities (other than those specified above)
- b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

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<sup>98</sup> Planning Stds definition

<sup>99</sup> Planning Stds definition

<sup>100</sup> C1 applies instead

<sup>101</sup> Planning Stds definition, as per C1

<sup>102</sup> Planning Stds definition, per C1

**Residential unit:** *in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.*<sup>103</sup>

**Setback:** *Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:*

- a) Eaves being no more than 600mm wide.
- b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.
- c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

**In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.**

**Site:** *except in the Living MD Zone,*<sup>104</sup> *means an area of land or volume of space:*

- *Held in a single certificate of title, or*
- *Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or*
- *For which a separate certificate of title could be issued without further consent of the Council.*

**In the Living MD Zone, means:**

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or**
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or**
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or**
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.**<sup>105</sup>

## APPENDIX 11

### RECESSION PLANES

#### **Recession Plane A**

*Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone<sup>106</sup> and to all<sup>107</sup> Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.*

...

#### **Recession Plane C**

*Applicable to all buildings along all boundaries in the Living MD Zone.*<sup>108</sup>

*The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.*

*The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.*<sup>109</sup>

*Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.*

<sup>103</sup> Planning Stds definition, per C11(3)

<sup>104</sup> C11(3) applies instead

<sup>105</sup> Planning Stds definition, per C11(3)

<sup>106</sup> C12 applies instead

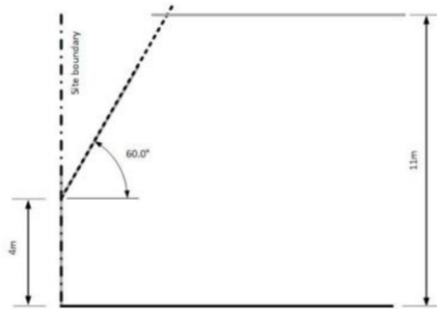
<sup>107</sup> To improve clarity, given the exclusion now added

<sup>108</sup> C12

<sup>109</sup> As for Recession Planes A and B

*Compliance with the recession plane is not required in relation to—*

- (a) any road boundary;*
- (b) existing or proposed internal boundaries within a site;*
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.<sup>110</sup>*



<sup>110</sup> C12

**ATTACHMENT 4: UPDATED PC82 PROVISIONS**

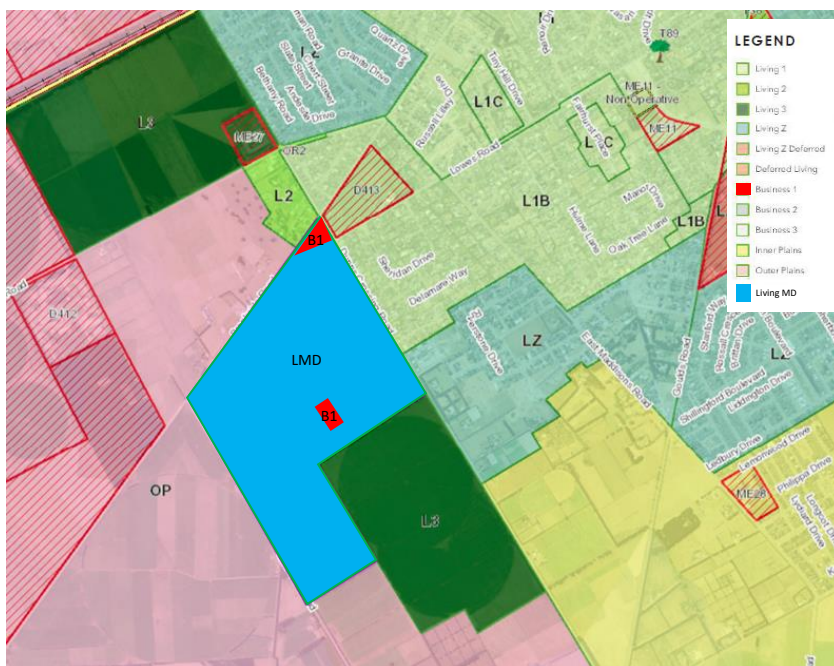
Note: Text that is underlined or ~~struck out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

## **Attachment 2: PC82 - Proposed Changes to the SDP**

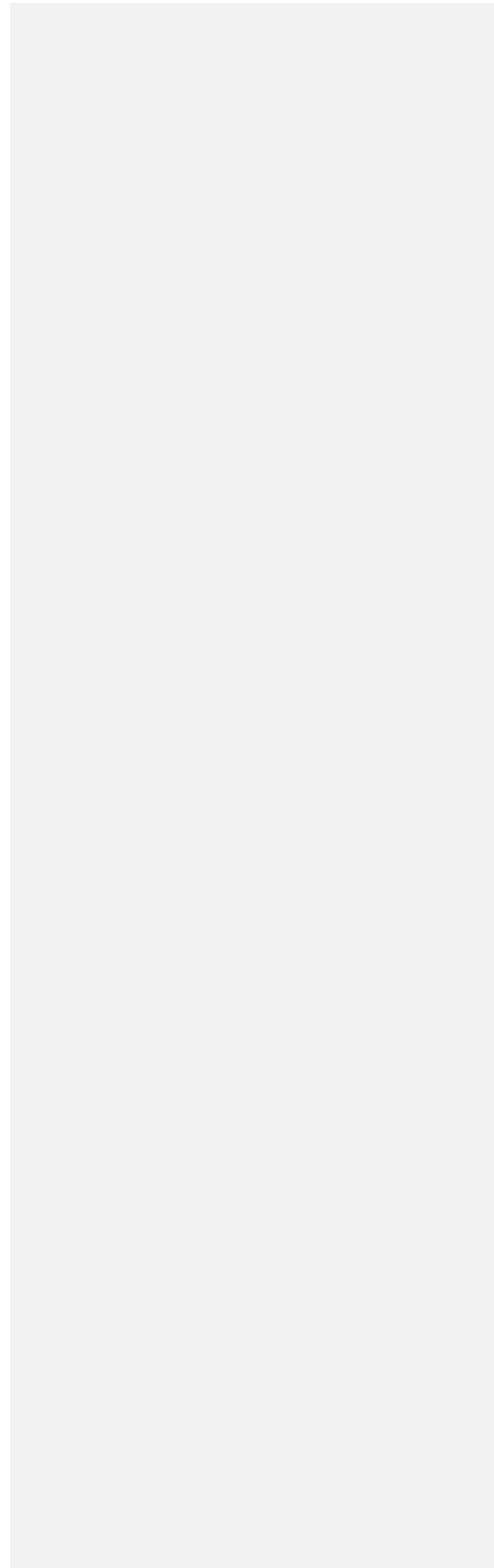
Plan Change 82 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD and Business 1 as depicted in **Attachment 2a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 2b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 2c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.

Attachment 2a: PC82 - Proposed Changes to SDP planning maps



**Attachment 2b: PC82 - Proposed ODP (Brookside) for inclusion in Appendix 38.**





**LEGEND**

- - - Outline Development Plan Area
- Living Z Zone
- Business Zone
- Indicative Primary Plan Change Road
- Indicative Secondary Plan Change Road
- Indicative Cycle/ Pedestrian Route
- Reserve Location (size to be determined at time of subdivision)
- / / / Boundary Treatment
- Extent of Road Frontage Upgrade
- Living 2 Zone
- Existing Park/ Reserve
- ▲ Intersection Upgrade (area indicative)
- Pedestrian Crossing Islands
- Rural / Urban Gateway
- - - 1500m WWTP staging setback
- ( ) 600m RRP offset
- [ ] See ODP narrative for detail of transport network upgrades in this area

**Attachment 2b: PC81 - Proposed ODP (Brookside) narrative for inclusion in Appendix 38.**

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the ODP, as notified.
- Text that is underlined or ~~struck out~~ in red font, represent changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck out~~ in blue font, represent changes made as part of the applicant's evidence dated 26 August 2022.
- Note: Text that is underlined or ~~struck out~~ in green font, represent changes made in response to matters raised on day 1 of the hearing (12/09/2022) and which are tabled as part of Mr Phillips' summary of evidence.
- Text that is underlined or ~~struck out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

# OUTLINE DEVELOPMENT PLAN XX (BROOKSIDE)

This area comprises approximately 110 hectares and is situated on the west side of Dunns Crossing Road, and bounded by Edwards and Brookside Roads.

## Land Use

The development area shall achieve a minimum net density of 12 household per hectare (hh/ha), averaged over the area of the Site, excluding the area identified as an Odour Constrained Area where dwellings are not permitted 600m from the active composting area in the Rolleston Resource Recovery Park [Pines Wastewater Treatment Plant](#).

The Living MD Zone enables a minimum individual allotment size of 400m<sup>2</sup>. Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of 12 household per hectare for the overall area can be achieved, will be required.

Comprehensive residential development areas (i.e. with semi-attached and attached built form typologies) within the Site are able to be supported by adjacent amenities that include key open spaces including a neighbourhood park, local parks, green corridors and two small commercial centres within the Site.

The small local commercial centres are proposed adjacent to the intersection of Dunns Crossing Road/ Lowes Road, and on the proposed central Primary Road by the neighbourhood park, to provide good accessibility and to meet some of the convenience needs of residents in the immediate area.

~~Approximately A maximum of~~ 1320 sites can be provided across the whole of the development area based on a minimum density of 12 hh/ha. However, an Integrated Transport Assessment shall be required in association with any resource consent application enabling any more than 1320 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. ~~No~~ residential lots shall be completed prior to the completion of:

- the upgrade to the SH1 / Dunns Crossing Road intersection;
- the upgrade to the Lowes Road/Dunns Crossing intersection; and
- re-alignment of Brookside Road at Dunns Crossing Road;

A consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes.

No sensitive activities are provided for in the 'Odour Constrained Area' adjoining the area's north-western boundary on Brookside Road. The restrictions in this area shall be supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.

No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the green line shown in Figure 1 below) prior to: Certification by the Council's Asset Manager that the resource management approvals required to enable the Pines Wastewater Treatment Plan to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained; or 31 December ~~2026~~2025, whichever is sooner.



Figure 1: Odour Constrained Area and WWTP Setbacks

### Access and Transport

The ODP employs a roading hierarchy that delivers a range of integrated transport options, including active transport connections at the boundary of the development area to adjacent neighbourhoods that facilitate the use of existing and future public transport routes. Roading connections shall be designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing.

The ODP features a primary east – west route that provides a connection point from Dunns Crossing Road to Edwards Road, and a second primary east – west road from Edwards Road in to the Skellerup Block of Plan Change 73. Another primary north – south route links the Skellerup Block to a mid-point on Brookside Road. Brookside Road is to be realigned to connect with Lowes Road at an upgraded intersection. The proposed roading hierarchy will deliver an accessible and coherent neighbourhood that provides safe and efficient access to the new development and can cater for extensions to existing public transport routes and/or new routes.

An integrated network of roads will facilitate the safe and efficient distribution of internal traffic, provide access to properties, assist in connecting the open space reserves network both within and beyond the site and provide links to adjoining neighbourhoods.

The transport network for the area shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Cycling and walking will be contained within the road reserve and incorporated into the roading design of the overall road network where applicable. Adequate space must be provided to accommodate cyclists and to facilitate safe and convenient pedestrian movements. Three indicative

pedestrian crossing points are shown on the ODP on Dunns Crossing Road adjacent to the primary and secondary roads that support pedestrian and cycle networks.

Rural/urban gateways in the locations shown on the ODP are to be provided with signage, road markings or other design treatments, in accordance with the requirements of Road Traffic Standard 15, to demarcate a change in speed environment and the urbanising of the area.

The requirement for the intersection upgrade at Dunns Crossing/ Lowes Roads is also identified on the ODP. The possible need for improvements at the Edwards Road/Ellesmere Junction Road intersection to ensure its safety and efficiency shall be considered at the time of any subdivision which includes property access onto Edwards Road.

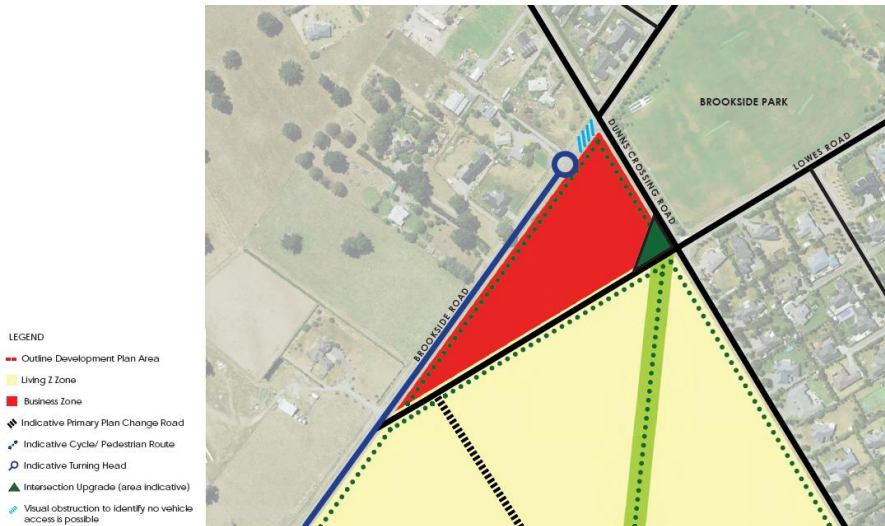
Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes. As noted above, where more than 1320 households total are proposed or enabled within the ODP area, an Integrated Transport Assessment shall be required in order to re-evaluate and manage road network effects at that time.

**Commented [JP-NG1]:** As discussed by Commissioner Thomas / Mr Fuller, and per discussions with Ms White

**Table 1: Transport network upgrades**

<u>Upgrade required</u>	<u>Timing</u>	<u>Anticipated funding mechanism</u>
<u>Commencement of SH1 / Dunns Crossing Road / Walkers Road Intersection upgrade in accordance with the Waka Kotahi NZ Upgrade Programme</u>	<u>Prior to any development (including earthworks or construction related activities) in the ODP area.</u>	<u>Works already funded by Waka Kotahi.</u>
<u>Dunns Crossing Road / Burnham School Road Traffic Signals</u>	<u>Prior to issue of a completion certificate <del>shall be</del> issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).</u>
<u>Realignment of Brookside Road at Dunns Crossing Road (in accordance with Figure 2 below) and gateway threshold (in accordance with the requirements of Road Traffic Standard 15) on Brookside Road</u>	<u>Prior to issue of a completion certificate <del>shall be</del> issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer constructed.</u>
<u>Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade (Realignment of Goulds Road to intersect with Dunns Crossing Road approximately 150m north-west of Selwyn Road. Selwyn</u>	<u>Prior to issue of a completion certificate <del>shall be</del> issued under section 224 of the Act (other than for a boundary adjustment or</u>	<u>Developer agreement as also required for Plan Change 70.</u>

<a href="#">Road / Goulds Road / Dunns Crossing Road to become a roundabout).</a>	<a href="#">creation of an allotment solely for utility purposes), in the ODP area.</a>	
<a href="#">Dunns Crossing Road Frontage Upgrades as shown on the ODP</a>	<a href="#">Prior to issue of a completion certificate <del>shall be</del> issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</a>	<a href="#">Developer constructed.</a>
<a href="#">Dunns Crossing Road / Lowes Road roundabout</a>	<a href="#">Prior to issue of a completion certificate <del>shall be</del> issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling in the ODP area.</a>	<a href="#">To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.</a>
<a href="#">Edwards Road frontage upgrades as shown on the ODP.</a> <a href="#">The carriageway upgrade of Edwards Road between Brookside Road and Selwyn Road including a gateway threshold on Edwards Road.</a>	<a href="#">Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.</a>	<a href="#">Developer constructed.</a>
<a href="#">The <del>upgrade</del> of Safety improvements to the Edwards Road / Ellesmere Junction Road intersection.</a>	<a href="#">Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.</a>	<a href="#">Developer constructed.</a>



**Figure 2: Realignment works required at Brookside Road / Dunns Crossing Road Intersection**

### Open Space, Recreation, and Community and Educational Facilities

A central neighbourhood park and a number of local parks are to be established within the Site. The location of these reserves has been determined based on the number of reserves established in the wider area and to ensure people living within the development block have access to open space reserve within a 500m walking radius of their homes. These local parks will provide passive recreation opportunities, with nearby Brookside and Foster Parks providing access to active recreation opportunities.

There is an opportunity to integrate the collection, treatment, and disposal of stormwater with open space reserves where appropriate. Pedestrian and cycle paths are required to integrate into the green network to ensure a high level of connectivity is achieved, and to maximise the utility of the public space. Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be adhered to during subdivision design.

The provision of new educational facilities are not part of the design concept but could be provided within the Site or in the wider area albeit subject to a needs assessment.

An existing water race runs through the area and can be retained and realigned. [A field based ecological assessment of the water race and any other water bodies on the site shall occur prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed as part of the subdivision works. Further investigation of its ecological values can be undertaken at subdivision stage, including the feasibility and desirability of its possible naturalisation and integration as part of the urban environment.](#)

### Servicing

The underlying soils are relatively free-draining and generally support the discharge of stormwater disposal via infiltration to ground. There are a range of options available for the collection, treatment, and disposal of stormwater. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at subdivision stage and in accordance with Environment Canterbury requirements. Systems will be designed to integrate into both the transport and reserve networks where practicable.

In respect of stormwater treatment for roads, runoff from hardstand areas and roads will be collected and treated before discharging into ground via soak pits or infiltration trenches. In general, the first flush stormwater runoff will be generally treated through a swale or infiltration basin or proprietary stormwater treatment devices. Stormwater runoff from large rainfall events which exceed the first flush capacity can be discharged directly to ground using rapid infiltration trenches or soak pits. The detailed design of stormwater management will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury requirements.

The above management of stormwater will be located within road reserves, dedicated utility reserves and some conveyance and detention storage may also be integrated along the edge of open space areas to create buffers to private properties.

All of these measure will add amenity value to the development with regard to visual amenity, opportunities for landscaping and assist in the sustainable management of the hydrology of the site.

The provision of infrastructure to service the area shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council. No subdivision of land shall take place completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as a potable water supply which is capable of serving any lots within the subdivision is provided and Regional Council water consents to take and use groundwater within the ODP area are transferred and vested in Council.

**Commented [JP-NG2]:** Amendment here aligns with amendments to the rule

**Attachment 2c: PC82 - Proposed amendments to operative Selwyn District Plan provisions (including amendments to incorporate the Medium Density Residential Standards (MDRS))**

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the operative Selwyn District Plan (that is not proposed to change).
- Text that is underlined or ~~struck-out~~ in grey font, represents changes required to incorporate the Medium Density Residential Standards, with these changes proposed/provided by Selwyn District Council officers. (Note- PC82 contained these changes in a separate Appendix 16 to the PC82 request. For ease of reference, these changes included below alongside all other changes proposed by PC82).
- Text that is underlined or ~~struck-out~~ in black font, represent changes proposed by PC82, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes proposed by PC82, with changes made after notification (via update dated 16 August 2022), and accounted for in the Officer’s report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes proposed by PC82, with changes made as part of the applicant’s evidence dated 26 August 2022.
- Text that is underlined or ~~struck-out~~ in green font, represent changes made in response to matters raised on day 1 of the hearing (12/09/2022) and which are tabled as part of Mr Phillips’ summary of evidence.
- Text that is underlined or ~~struck-out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.

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#### **A4.5 TOWNSHIPS AND ZONES**

Table A4.4 – Description of Township Zones

Insert below description of Living MD:

<u>Living MD</u>	<u>Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</u> <sup>1</sup>
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#### **B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES**

Objective B3.4.7<sup>2</sup>

Within the Living MD Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

#### **B3.4 QUALITY OF THE ENVIRONMENT — POLICIES**

ZONES

Policy B3.4.1

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<sup>1</sup> Adapted from Planning Std description of the medium density residential zone

<sup>2</sup> Cl6(1)(a) Objective 1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or<sup>3</sup> within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A<sup>4</sup>

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

#### **BUILDING DESIGN**

Policy B3.4.27A<sup>5</sup>

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B<sup>6</sup>

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents

Policy B3.4.27C<sup>7</sup>

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

### **B4.1 RESIDENTIAL DENSITY — OBJECTIVES**

**Objective B4.1.1**

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within the Living MD Zone<sup>8</sup> and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

**Objective B4.1.3<sup>9</sup>**

The Living MD Zone provides for a variety of housing types and sizes that respond to—

- i. housing needs and demand; and
- ii. the neighbourhood's planned urban character, including 3-storey buildings

### **B4.1 RESIDENTIAL DENSITY — POLICIES**

Policy B4.1.14<sup>10</sup>

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units<sup>11</sup>, and low-rise apartments.

### **B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT**

**Policy B4.3.7**

Living Z and Living MD<sup>12</sup> urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

<sup>3</sup> Consequential amendment to clarify that this policy does not apply to MDRS

<sup>4</sup> Cl6(2)(b) Policy 2

<sup>5</sup> Cl6(2)(c) Policy 3

<sup>6</sup> Cl6(2)(d) Policy 4

<sup>7</sup> Cl6(2)(e) Policy 5

<sup>8</sup> Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

<sup>9</sup> Cl6(1)(b) Objective 2

<sup>10</sup> Cl6(2)(a) Policy 1

<sup>11</sup> EHS uses 'dwellings', but MDRS standards use 'residential units'

<sup>12</sup> To ensure that Living MD zones also get an ODP

Policy B4.3.8

Each Outline Development Plan shall include:

- *Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;*
- *Any land to be set aside for*
- *community facilities or schools;*
- *parks and land required for recreation or reserves;*
- *any land to be set aside for business activities;*
- *the distribution of different residential densities;*
- *land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;*
- *land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and*
- *land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.*
- *Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;*
- *Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;*
- *Indicate how required infrastructure will be provided and how it will be funded;*
- *Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;*
- *Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;*
- *Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;*
- *Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;*
- *Include any other information which is relevant to an understanding of the development and its proposed zoning; and*
- *Demonstrate that the design will minimise any reverse sensitivity effects.*
- *In the Living MD Zone, any identified qualifying matter and how it is to be addressed*

Policy B4.3.77

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Rolleston addresses the specific matters relevant to each ODP Area number listed below:

...

Outline Development Plan Area XX (Brookside)

- Provision of a Primary road network on a north-south and east-west alignment across the ODP area;
- Provision of a secondary road network internal to the ODP area and providing connections to the south and north of the ODP area;
- Provision of a neighbourhood park centrally and adjacent the Primary road;
- Provision of pedestrian and cycle links within and through the ODP area to connect to adjoining urban areas;
- Provision of reticulated water supply and wastewater systems that have sufficient capacity for the ODP area;
- Provision of a comprehensive stormwater system that has sufficient capacity for the ODP area;
- Provision of a minimum net density of 12 households per hectare averaged over the ODP Area.
- Potential provision of educational facilities.

## C4 LZ BUILDINGS

### 4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

4.2.1 Except in the Living MD Zone where Rule 4.19 applies instead and except<sup>13</sup> for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and

- Planted in lawn, and/or
- Paved or sealed, and/or
- Dressed with bark chips or similar material.

### 4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

4.6.1 Except in the Living MD Zone where Rule 4.19 applies instead, the ~~The~~<sup>14</sup> erection on an allotment (other than a site at Castle Hill) of not more than either:

- One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or
- One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

### 4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

4.7.1 Except in the Living MD Zone where Rule 4.19 applies instead, and except<sup>15</sup> as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

### 4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

4.8.1 Except in the Living MD Zone where Rule 4.19 applies instead, the ~~The~~<sup>16</sup> erection of any building which has a height of not more than 8 metres shall be a permitted activity.

### 4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities

#### Recession Planes

4.9.1 Except in the Living MD Zone where Rule 4.19 applies instead<sup>17</sup>, and except as provided for<sup>18</sup> in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;

- 4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is
- (a) not a boundary of a lot in a low density area; and

<sup>13</sup> Consequential amendment because C18 applies instead

<sup>14</sup> Consequential amendment because C10 applies instead

<sup>15</sup> Consequential amendment because C14 applies instead

<sup>16</sup> Consequential amendment because C11 applies instead

<sup>17</sup> Consequential amendment because C12 applies instead

<sup>18</sup> Consequential amendment to improve clarity given the length of exclusions

(b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and

4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

#### Setbacks from Boundaries

4.9.2 Except in the Living MD Zone where Rule 4.19<sup>19</sup> applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

#### Permitted Activities — Buildings and Building Position

The following shall be permitted activities...

##### Rolleston

4.9.39 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)) or located outside the 'Odour Constrained Area' shown in Appendix 38 ODP Area XX (Brookside).

#### Non-Complying Activities — Buildings and Building Position...

4.9.58 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 38 ODP Area XX (Brookside), Appendix 39 and Appendix 40

## 4.13 BUILDINGS AND STREETSCENE

#### Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or~~ a Living Z zone, or a Living MD Zone

## 4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

#### Permitted Activities – Density Standards in the Living MD Zone

4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.<sup>20</sup>

4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1.<sup>21</sup>

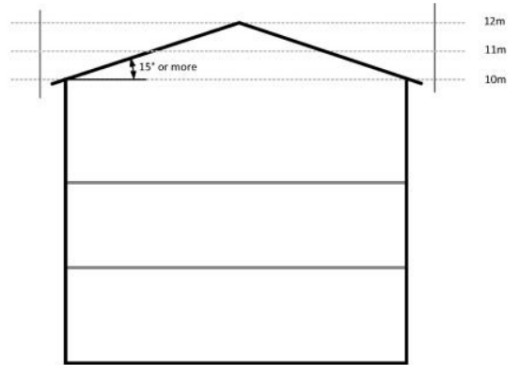
4.19.3 In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

<sup>19</sup> Consequential amendment because CI13 applies instead

<sup>20</sup> CI10

<sup>21</sup> CI11

Figure C4.1 – Permitted residential unit height, Living MD Zone



4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.<sup>22</sup>

4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.<sup>23</sup> For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

Building type	Setback from boundary (metres)	
	Internal boundary	Road boundary or shared access where specified
<u>Garage: vehicle door faces road or shared access</u>	<u>1m</u>	<u>5.5m</u>
<u>Residential Unit or other principal building</u>	<u>1m</u>	<u>1.5m</u>
<u>Any other building</u>	<u>1m</u>	<u>2m</u>

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.<sup>24</sup>

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.<sup>25</sup>

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:<sup>26</sup>

4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:

- (a) Is at least 20m<sup>2</sup> in area; and
- (b) where located at ground level, has no dimension less than 3 metres; and

<sup>22</sup> C12

<sup>23</sup> C13(1)

<sup>24</sup> C13(2), refer 4.9.7 for wording for other Living zones

<sup>25</sup> C14

<sup>26</sup> C15(1)

- (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (d) is accessible from the residential unit; and
- (e) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location;
  - or
  - (ii) located directly adjacent to the unit; and
- (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.<sup>27</sup>

4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:

- (a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
  - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
  - (ii) located directly adjacent to the unit.<sup>28</sup>

4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2<sup>29</sup> and:<sup>30</sup>

4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:

- (a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
- (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and<sup>31</sup>

4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;<sup>32</sup>

4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;<sup>33</sup>

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;<sup>34</sup>

4.19.9.5 Outlook spaces may be under or over a balcony;<sup>35</sup>

4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and<sup>36</sup>

4.19.9.7 Every outlook space must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over an outlook space or outdoor living space required by another residential unit.<sup>37</sup>

<sup>27</sup> CI15(1)

<sup>28</sup> CI15(2)

<sup>29</sup> CI16(2)

<sup>30</sup> CL16(1)

<sup>31</sup> CL16(3)

<sup>32</sup> CL16(4)

<sup>33</sup> CL16(5)

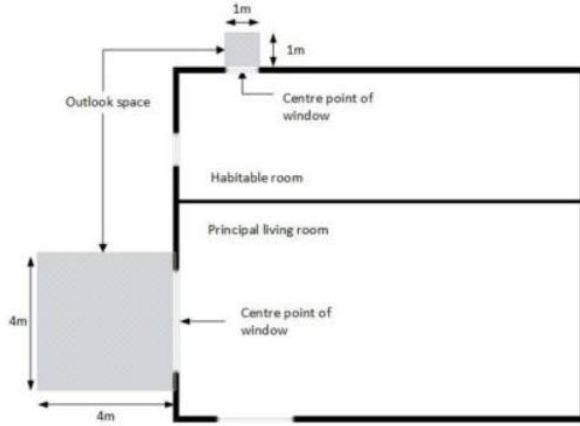
<sup>34</sup> CI16(6)

<sup>35</sup> CI16(7)

<sup>36</sup> CI16(8)

<sup>37</sup> CI16(9)

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone<sup>38</sup>



4.19.10 In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing facade in glazing. This can be in the form of windows or doors.<sup>39</sup>

4.19.11 In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:

4.19.11.1 a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.

4.19.11.2 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.<sup>40</sup>

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1<sup>41</sup> shall be a restricted discretionary activity,<sup>42</sup> which shall not be subject to public or limited notification.<sup>43</sup> The exercise of discretion shall be restricted to consideration of the following matters:

4.19.12.1 For each residential unit:

(a) Adequacy of exclusive outdoor living space

(b) access to daylight and sunlight; and

(c) visual privacy

4.19.12.2 Parking and access; safety, efficiency and impacts to on street parking and neighbours.

4.19.12.3 The extent to which each residential unit is required to be provided with separate utility services.<sup>44</sup>

4.19.12.4 Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.

4.19.12.5 Location, orientation and screening of outdoor living, service/storage, and waste management spaces.

<sup>38</sup> CI16(2)

<sup>39</sup> CI17

<sup>40</sup> CI18

<sup>41</sup> CI10 Density

<sup>42</sup> CI4

<sup>43</sup> CI5(2)

<sup>44</sup> PDP RESZ-MAT8

4.19.12.6 Extent to which landscaping on the site:  
(a) enhances residential amenity; and  
(b) defines and enhances on-site outdoor living spaces;  
(c) reduces the visual impact of buildings through screening and planting;  
(d) screens service areas, loading areas, and outdoor storage areas from public vantage points.<sup>45</sup>

4.19.13 Any activity which does not comply with Rule 4.19.2<sup>46</sup> or Rule 4.19.3<sup>47</sup> shall be a restricted discretionary activity,<sup>48</sup> which shall not be subject to public notification.<sup>49</sup> The exercise of discretion shall be restricted to consideration of the following matters:

4.19.13.1 Effects on privacy, outlook, or shading on the affected property.

4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.13.4 Mitigation of the effects of natural hazards.<sup>50</sup>

4.19.14 Any activity which does not comply with Rule 4.19.4<sup>51</sup> shall be a restricted discretionary activity,<sup>52</sup> which shall not be subject to public notification.<sup>53</sup> The exercise of discretion shall be restricted to consideration of the following matters:

4.19.14.1 Effects on privacy, outlook, or shading on the affected property.<sup>54</sup>

4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.15 Any activity which does not comply with Rule 4.19.5<sup>55</sup> shall be a restricted discretionary activity, which shall not be subject to public notification,<sup>56</sup> unless it is permitted by Rule 4.19.6<sup>57,58</sup>. The exercise of discretion shall be restricted to consideration of the following matters:

4.19.15.1 For internal boundaries:

(a) Effects on privacy, outlook, or shading on the affected property.

(b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

(c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

(d) Mitigation of the effects of natural hazards.

(e) Reverse sensitivity effects.<sup>59</sup>

(f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.

4.19.15.2 For road boundaries:

<sup>45</sup> PDP RESZ-MAT14

<sup>46</sup> C111 height of residential units

<sup>47</sup> Height of other buildings

<sup>48</sup> C14

<sup>49</sup> C15(1)

<sup>50</sup> PDP RESZ-MAT3

<sup>51</sup> C112 height in relation to boundary

<sup>52</sup> C14

<sup>53</sup> C15(1)

<sup>54</sup> RESZ-MAT4

<sup>55</sup> C113 setbacks

<sup>56</sup> C15(1)

<sup>57</sup> Exclusion for common walls

<sup>58</sup> C14

<sup>59</sup> PDP RESZ-MAT6

- (a) Effects on the safety and efficiency of the land transport infrastructure.
- (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.<sup>60</sup>
- (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>61</sup>

4.19.16 Any activity which does not comply with Rule 4.19.7<sup>62</sup> shall be a restricted discretionary activity,<sup>63</sup> which shall not be subject to public notification.<sup>64</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.16.2 Provision of adequate outdoor living space on site.<sup>65</sup>

4.19.17 Any activity which does not comply with Rule 4.19.8<sup>66</sup> shall be a restricted discretionary activity,<sup>67</sup> which shall not be subject to public notification.<sup>68</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.
- 4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.
- 4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.
- 4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site.<sup>69</sup>

4.19.18 Any activity which does not comply with Rule 4.19.9<sup>70</sup> shall be a restricted discretionary activity,<sup>71</sup> which shall not be subject to public notification.<sup>72</sup> The exercise of discretion shall be restricted to consideration of the following matters:

- 4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year
- 4.19.18.2 The extent to which habitable rooms have an outlook and sense of space
- 4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions
- 4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.

<sup>60</sup> RESZ-MAT5

<sup>61</sup> Adapted from RESZ-MAT1

<sup>62</sup> CI14 Building coverage

<sup>63</sup> CI4

<sup>64</sup> CI5(1)

<sup>65</sup> PDP RESZ-MAT2

<sup>66</sup> CI15 Outdoor living space

<sup>67</sup> CI4

<sup>68</sup> CI5(1)

<sup>69</sup> SDP Rule 4.14.2

<sup>70</sup> CI16 Outlook space

<sup>71</sup> CI4

<sup>72</sup> CI5(1)

- 4.19.19 Any activity which does not comply with Rule 4.19.10<sup>73</sup> shall be a restricted discretionary activity,<sup>74</sup> which shall not be subject to public notification.<sup>75</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.
- 4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
- 4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>76</sup>
- 4.19.20 Any activity which does not comply with Rule 4.19.11<sup>77</sup> shall be a restricted discretionary activity,<sup>78</sup> which shall not be subject to public notification.<sup>79</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
- (a) define and enhance on-site outdoor living spaces,
- (b) reduce the visual impact of large buildings through screening and planting
- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.<sup>80</sup>
- (d) contributes to a cooling effect of the urban environment
- 4.19.20.2 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.
- 4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

## 12.1 SUBDIVISION — GENERAL

### Controlled Activities — Subdivision – General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2<sup>81</sup> or 12.3<sup>82</sup> shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.<sup>83</sup>
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.<sup>84</sup> The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

### Restricted Discretionary Activities — Subdivision – General

- 12.1.3.6 Except in the Living MD Zone, any<sup>85</sup> Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.6A Within the Living MD Zone, every vacant allotment either:

<sup>73</sup> C17 Windows to street

<sup>74</sup> C14

<sup>75</sup> C15(1)

<sup>76</sup> Adapted from RESZ-MAT1

<sup>77</sup> C18 Landscaping

<sup>78</sup> C14

<sup>79</sup> C15(1)

<sup>80</sup> PDP RESZ-MAT14.7

<sup>81</sup> Boundary adjustments

<sup>82</sup> Access, reserve and utility allotments

<sup>83</sup> C13

<sup>84</sup> C15(2)

<sup>85</sup> Consequential amendment to allow C18

- (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
- (b) contains a building area of not less than 8m x 15m;<sup>86</sup>

**Rolleston**  
12.1.3.50

**(c) In respect of the land identified at Appendix 38 ODP Area XX (Brookside):**

- ~~i. A consent notice or similar mechanism shall be registered on the title of lots within this ODP area ensuring there are no occupied dwellings here prior to:~~
  - ~~a. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and~~
  - ~~b. upgrade to the Lowes Road / Dunns Crossing Road intersection; and~~
  - ~~c. realignment of the Brookside Road at Dunns Crossing Road.~~
- ~~i. No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the line shown in Figure 3 below) prior to Certification: ODP Area XX (Brookside) in Appendix 38):~~
  - ~~a. Prior to certification by Council's Asset manager that the resource management approvals required to enable the Pines Wastewater Treatment Plant to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained, or 31 December 2026 ~~2025~~, whichever is the sooner; and,~~
  - ~~b. Unless a covenant is registered against the title/s of the land, in favour of the Selwyn District Council, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings under any statute or otherwise oppose any relevant adverse environmental effects (for example noise, dust, traffic, vibration, glare or odour) resulting from any lawfully established activities at the Pines Resource Recovery Plant and Pines Wastewater Treatment Plant.~~
- ~~ii. No development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.~~
- ~~iii. No subdivision of land shall take place until a potable water supply is available which is capable of serving any lots within the [subdivision]. No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as the following works have been completed to the satisfaction of the Council:~~
  - ~~a. the signalisation of the Dunns Crossing Road / Burnham School Road intersection;~~
  - ~~b. the upgrade of Dunns Crossing Road / Selwyn Road / Goulds Road intersection;~~
  - ~~c. the upgrade to the Lowes Road / Dunns Crossing Road intersection;~~
  - ~~d. the realignment of Brookside Road at Dunns Crossing Road;~~
  - ~~e. road frontage upgrades and gateway threshold treatments as shown on the ODP; and~~
  - ~~f. provision of a potable water supply which is capable of serving any lots within the subdivision.~~
- ~~iv. No vehicle crossing, access or road connection to Edwards Road or Brookside Road shall be established from the ODP area, until such time as the following works have been completed to the satisfaction of the Council:~~
  - ~~a. the upgrade of Edwards Road (between Brookside Road to Selwyn Road); and,~~
  - ~~b. the upgrade of the Edwards Road / Ellesmere Junction Road intersection.~~

**Commented [JP-NG3]:** Rule changed from s224 requirement, to no subdivision of land generally, noting this a more appropriate trigger as a subdivision rule. This wording is consistent with the equivalent rule imposed on PC71.

- 12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
<u>Rolleston</u>	<u>Living MD</u>	<p>Minimum individual allotment size 400m<sup>2</sup><sup>87</sup></p> <p><u>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment<sup>88</sup></u></p>
<u>Calculating allotment size<sup>89</sup></u>	<u>All Living Zones except Living MD<sup>90</sup></u>	<p>The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>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.</p> <p>Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being:</p> <p>2 x average allotment size for that zone - 10m<sup>2</sup>; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.<sup>91</sup></u>

12.1.4 Matters over which the Council has reserved its control or<sup>92</sup> restricted the exercise of its discretion:

12.1.4.77A. In respect of the land identified at Appendix 38 ODP Area XX (Brookside):

- a. Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within Outline Development Plan Area XX (Brookside).
- b. Whether the pattern and staging of development commences adjacent to Dunns Crossing Road and/or adjacent land development to maximise connectivity and the efficient provision of infrastructure.
- c. The appropriateness of any mechanism proposed to address boundary treatment requirements or transport network upgrades identified within the Outline Development Plan.
- d. For subdivision of land that will result in any more than 1320 residential allotments or provide for more than 1320 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.
- e. How land within the Odour Constrained Area is to be managed and integrated into the development, while ensuring activities sensitive to odour are avoided within this area.
- f. The recommendations of a field-based ecological assessment regarding the retention or management of any existing water races, ponds or any wetland features affected by the subdivision.

(g) In respect of the land identified at Appendix 38 (Brookside ODP):

- A. A consent notice or similar mechanism shall be registered on the title of lots within this ODP area ensuring there are no occupied dwellings here prior to:
  - i. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and
  - ii. upgrade to the Lowes Road / Dunns Crossing Road intersection; and
  - iii. realignment of the Brookside Road at Dunns Crossing Road.

**Commented [JP-NG4]:** Per discussions with Ms White regarding the suitability of a subdivision assessment matter to support the implementation of ODP road network requirements. The 'mechanism' referred to in this assessment matter could be consent conditions upon which s224c certification relies, a developer agreement, or other legal mechanism...

<sup>87</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>88</sup> Cl8

<sup>89</sup> Consequential amendment to restructure table so that provisions make sense

<sup>90</sup> Provisions as described do not apply to Living MD

<sup>91</sup> Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Stds terms

<sup>92</sup> Consequential amendment from Cl3

*Restricted Discretionary Activities — Subdivision – General*

12.1.5 *The following activities shall be restricted discretionary activities:*

- 12.1.5.1 *Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.*<sup>93</sup>

*Discretionary Activities — Subdivision – General*

12.1.6 *The following activities shall be discretionary activities*

- 12.1.6.10 Any subdivision in a Living MD Zone that is not in general compliance with an operative Outline Development Plan.<sup>94</sup>

*Non Complying Activities — Subdivision – General*

12.1.7 *Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:*

- 12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.<sup>95</sup>

## D DEFINITIONS

**Building:** except in the Living MD Zone<sup>96</sup>, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes
- Any fence or wall of up to 2m in height
- Any structure which is less than 10m<sup>2</sup> in area and 2m in height
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)
- Any utility structure.

In the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.<sup>97</sup>

**Building coverage** means the percentage of the net site area covered by the building footprint<sup>98</sup>

**Building footprint** means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground<sup>99</sup>

**Height:** except in the Living MD Zone<sup>100</sup> in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD Zone, no account shall be taken of any:

- Radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.

<sup>93</sup> Corner splays

<sup>94</sup> Consistent with Living Z

<sup>95</sup> Consistent with Living Z

<sup>96</sup> A different definition applies in the Living MD Zone

<sup>97</sup> The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

<sup>98</sup> Planning Stds definition

<sup>99</sup> Planning Stds definition

<sup>100</sup> C11 applies instead

- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.<sup>101</sup>

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981<sup>102</sup>

Residential activity: except in the Living MD Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site

b) Emergency and/or refuge accommodation

c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

Residential Activity does not include:

a) Travelling accommodation activities (other than those specified above)

b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

Residential unit: in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.<sup>103</sup>

Setback: Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

a) Eaves being no more than 600mm wide.

b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.

c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

Site: except in the Living MD Zone,<sup>104</sup> means an area of land or volume of space:

- Held in a single certificate of title, or
- Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- For which a separate certificate of title could be issued without further consent of the Council.

In the Living MD Zone, means:

(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or

<sup>101</sup> Planning Stds definition, as per C11

<sup>102</sup> Planning Stds definition, per C11

<sup>103</sup> Planning Stds definition, per C11(3)

<sup>104</sup> C11(3) applies instead

- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.<sup>105</sup>

## APPENDIX 11

### RECESSION PLANES

#### **Recession Plane A**

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone<sup>106</sup> and to all<sup>107</sup> Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

...

#### **Recession Plane C**

Applicable to all buildings along all boundaries in the Living MD Zone.<sup>108</sup>

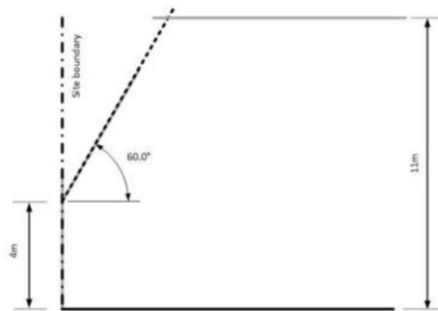
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.<sup>109</sup>

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

Compliance with the recession plane is not required in relation to—

- (a) any road boundary;
- (b) existing or proposed internal boundaries within a site;
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.<sup>110</sup>



<sup>105</sup> Planning Stds definition, per C11(3)

<sup>106</sup> C12 applies instead

<sup>107</sup> To improve clarity, given the exclusion now added

<sup>108</sup> C12

<sup>109</sup> As for Recession Planes A and B

<sup>110</sup> C12