

SCHEDULE OF AMENDMENTS

The amendments to the Selwyn District Plan are due to the following changes:

Name	Description
Plan Change 25	Porters Ski and Recreation Area
Plan Change 30	West Melton Proposed Business 1 Zone
Central Plains Water Designation	Central Plains Water Enhancement Scheme
Clause 20A Amendments	Various minor amendments

Township Volume

Amendments from 23 October 2012 to 12 November 2012

Insert Pages

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Part C5 – Living Zone Rules – Roads & Transport

Clause 20A amendment to correct typographical error C5.2.1

C5-001 – C5-002

Part C13 – Business Zone Rules – Status of Activities

Insert new “Note” at end of 13.1

C13-005 – C13-006

Part C16 – Business Zone Rules – Buildings

Insert new 16.1.6 Restricted Discretionary Activities – Buildings and Landscaping, and Reasons for Rules – Landscaping paragraph 2, renumber subsequent rules

C16-003 – C16-004

Insert new rule 16.7.2.2 Setbacks from Boundaries, renumber subsequent rules

C16-007 – C16-016

Amend 16.7.5 and 16.7.7 reference to rules and Note 1 under 16.7.7, insert new 2nd paragraph under Reasons for Rules – Building Position.

Part C17 – Business Zone Rules – Roads and Transport

Insert new Rule 17.8 Access Arrangements for the West Melton Business 1 Zone

C17-007 – C17-010

Part C22 – Business Zone Rules – Activities

<i>Amend 22.4.1 subheading above 22.4.1.1</i>	C22-001 – C22-018
<i>Insert new 22.4.2 Business 1 Zone, West Melton and sub rules, renumber subsequent existing rules accordingly</i>	Entire Chapter
<i>Insert new 22.4.4, 22.4.5, 22.4.6, 22.4.7, 22.4.8 and 22.4.9</i>	
<i>Insert new Restricted Discretionary Activities – Dwellings – West Melton 22.9.4, 22.9.5 and 22.9.6, renumber subsequent existing rules accordingly</i>	
<i>Insert new Rule 22.16 Development within the Business 1 Zone, West Melton, and sub rules.</i>	
<i>Insert new 5th paragraph under Reasons for Rules – Noise</i>	
<i>Insert new 1st paragraph under Reasons for Rules – Dwellings</i>	
<i>Insert new Reasons for Rules “Development within the Business 1 Zone, West Melton” at end of entire Reasons for Rules</i>	
<i>Insert new rule C22.15.2 Café and Lunchbars within the Business 2B Zone in Lincoln – Discretionary Activities (PC7 Appeal – omitted from last update)</i>	

Part C24 – Business Zone Rules – Subdivision

<i>Insert new Rule 24.1.3.22 West Melton Business 1 Zone</i>	C24-005 – C24-018
<i>Insert new 24.1.5 Discretionary Activities – Subdivision – General, West Melton Business 1 Zone, renumber subsequent rules</i>	
<i>Amend 24.1.6 (old 24.1.5) Non-Complying Activities – Subdivision – General</i>	
<i>Insert new 3rd paragraph under Reasons for Rules</i>	

Rural Volume

Amendments from 23 October 2012 to 12 November 2012

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Part A0 - Contents	A0-001 – A0-004
<i>Amend page numbering Insert new Appendix 25 into contents list</i>	Entire Chapter
Part A4 – Finding Material in the Plan	A4-013 – A4-014
<i>Add new paragraph 6 between existing paragraphs 5 and 6</i>	

Part B1 – Natural Resources <i>Insert new final sentence to paragraph 7 under Outstanding Natural Features and Landscapes – Issues – High Country</i> <i>Amend 2nd sentence and add new sentence to end of paragraph 1 of Explanation and Reasons for Policy B1.4.1</i> <i>Amend 4th sentence of Explanation and Reasons for Policy B1.4.22</i> <i>Insert new Policy B1.4.25 and consequently renumber all following policies and references to policies</i> <i>Insert two new paragraphs to end of Explanation and Reasons for B1.4.22 to B1.4.25</i> <i>Add new final paragraph to Explanation and Reasons for existing Policy B1.4.29 (renumbered to B1.4.30)</i>	B1-037 – B1-054
Part B2 – Physical Resources <i>Amend 2nd sentence of paragraph 2 under Issues with Utilities – Need for Utilities</i>	B2-029 – B2-030
Part B3 – People’s Health, Safety and Values <i>Amend Policy B3.1.6 by adding new text to end of first paragraph of Explanation and Reasons</i> <i>Amend 1st sentence of Explanation and Reasons for Policy B3.4.1</i> <i>Insert new 3rd bullet in Explanation and Reasons for Policy B 3.4.2</i> <i>Amend Explanations and Reasons for Policy B 3.4.5 by inserting four new sentences to end of paragraph 4</i> <i>Amend Explanations and Reasons for Policy B3.4.6 by adding new sentence to end of paragraph 1</i> <i>Insert new Policy B3.4.7 and consequently renumber subsequent policies and references to policies</i>	B3-007 – B3-052
Part B4 – Growth of Rural Area <i>Add new 4th bullet point to B4.1 Residential Density and Subdivision in the Rural Area – Issues</i> <i>Add new 5th paragraph under B4.1 Residential Density and Subdivision in the Rural Area - Issues - Residential Density</i> <i>Add new 4th bullet under Residential Density and Subdivision in the Rural Area – Strategy</i> <i>Add new Objective B4.1.4 and two new paragraphs and end of Explanation and Reasons</i> <i>Amend Policy B4.1.4 and add new text to end of last paragraph of Explanation and Reasons</i> <i>Add new bullet (d) to Policy B4.1.5 and add new final paragraph to Explanation and reasons</i> <i>Under Subdivision add new Policy B4.1.8 and Explanation and Reasons and consequently renumber subsequent policy numbering and references</i> <i>Add new final bullet under Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results</i>	B4-001 – B4-020 Entire Chapter
Part C – Introduction to Rules <i>Amend paragraph 2 under Introduction to Rules – Type of Rules</i> <i>Amend 2nd bullet in paragraph 5</i>	C-001 – C-002
Part C1 – Earthworks <i>Insert new bullet 7 to Notes, consequently renumbering subsequent bullets</i>	C1-001 – C1-002

Part C2 – Tree Planting and Removal of Protected Trees	C2-001 – C2-002
<i>Insert new bullet 5 to Notes, consequently renumbering subsequent bullets</i>	
Part C3 – Buildings	C3-001 – C3-002
<i>Insert new bullet 4 to Notes, consequently renumbering subsequent bullets</i>	
<i>Clause 20A amendment changing LTCCP to LTP in Note 6</i>	
Part C4 – Roading	C4-001 – C4-010
<i>Insert new bullet 1 to Notes, consequently renumbering subsequent bullets</i>	Entire chapter
<i>Clause 20A amendment changing LTCCP to LTP in Note 3</i>	
Part C5 – Utilities	C5-001 – C5-002
<i>Insert new bullet 4 to Notes, consequently renumbering subsequent bullets</i>	
<i>Clause 20A amendment changing LTCCP to LTP in Note 6</i>	
Part C6 – Outdoor Signs and Noticeboards	C6-001 – C6-004
<i>Insert new bullet 3 to Notes, consequently renumbering subsequent bullets</i>	
Part C9 – Activities	C9-001 – C9-026
<i>Clause 20A amendment changing LTCCP to LTP in Note 5</i>	Entire Chapter
<i>Amend the Notes at the end of Rules 9.3.1 and 9.4.1</i>	
<i>Insert new bullet 5 to Note at end 9.13.1</i>	
<i>Insert new bullet (d) to 9.14.1.1</i>	
<i>Insert new Rule 9.21.2.6</i>	
Part C10 – Subdivision	C10-001 – C10-018
<i>Clause 20A amendment changing LTCCP to LTP in Note 12</i>	Entire Chapter
<i>Insert new Rule 10.1.1.14</i>	
<i>Insert new Note at after 10.1.1.14</i>	
Appendix 2 - Designations	E2-023 - E2-024
<i>Insert new Designation for Central Plains Water</i>	
Appendix 25 – Porters Ski Area	E25-001 – E25-036
<i>Insert new Appendix 25 – Porters Ski Area</i>	Entire Chapter

Maps Volume

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Maps 18, 88, 89 (WM B1 Zone), Map 25 (Porters Ski & Recreation Area)

Maps 10, 11, 16, 17, 22, 59 & 60 (Central Plains Water Enhancement Scheme)

CERTIFICATE OF APPROVAL

The Council resolved to make operative those parts of the Selwyn District Plan relating to Plan Change 25 (Porter Heights Ski Area) on the 19 October 2012.

The Central Plains Water Designation has been fully consented.

Provisions which are not yet operative are detailed on the following page.

This resolution was made in accordance with Clauses 17(2) and 20 of Schedule 1 of the Resource Management Act 1991.

Sealed with the Common Seal of the Selwyn District Council

in the presence of:

A handwritten signature in black ink, appearing to read 'K. Coe', is written over a horizontal line.

Mayor
Kelvin Coe

A handwritten signature in blue ink, appearing to read 'P. Davey', is written over a horizontal line.

Chief Executive
Paul Davey

Dated at Rolleston this 12th day of November 2012

Requiring Authority	Unresolved Designations <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : D411 Rolleston Waste Water Treatment and Disposal D412 Rolleston Resource Recovery Park D413 Rolleston South Reserve D414 Rolleston Dog Park D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln D416 Rolleston Wastewater Disposal Area D417 Rolleston Recreation Precinct
Telecom	Township and Rural Volumes All Telecom designations are not operative
Non operative Plan provisions	
Plan Change 12	Non operative provisions resulting from Plan Change 12: Integrated Transport Management are shown as shaded throughout the Plan.
Plan Change 30	Non operative provisions resulting from Plan Change 30: West Melton Business 1 zone are shown as shaded throughout the Plan.

CERTIFICATE OF APPROVAL

The Council resolved to approve those parts of the Selwyn District Plan relating to Plan Change 30 (West Melton Business 1 Zone) would be made operative on the 12th December 2012.

Provisions which are not yet operative are detailed on the following page.

This resolution was made in accordance with Clauses 17(2) and 20 of Schedule 1 of the Resource Management Act 1991.

Sealed with the Common Seal of the Selwyn District Council

in the presence of:



Mayor
Kelvin Coe



Chief Executive
Paul Davey



Dated at Rolleston this 3rd day of December 2012.

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : D411 Rolleston Waste Water Treatment and Disposal D412 Rolleston Resource Recovery Park D413 Rolleston South Reserve D414 Rolleston Dog Park D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln D416 Rolleston Wastewater Disposal Area D417 Rolleston Recreation Precinct
Telecom	Township and Rural Volumes All Telecom designations are not operative
Non operative Plan provisions	
Plan Change 12	Non operative provisions resulting from Plan Change 12: Integrated Transport Management are shown as shaded throughout the Plan.

5 LIVING ZONE RULES — ROADS AND TRANSPORT

Notes

1. All underlined terms are defined in Part D.
2. Roads or vehicle accessways formed in the Living zones at Arthur's Pass and Castle Hill, shall also comply with Rule 12.
3. In assessing a discretionary activity under Rule 5, the consent authority will refer to the Council's most recent Engineering Code of Practice where appropriate, as well as to the relevant objectives and policies of the District Plan.
4. Rule 5.3.1.4 may not affect existing property access onto State Highways or arterial roads which comply with Section 10 of the Act as an "Existing Use".
5. Existing activities may not need to comply with Rule 4 if they comply with Section 10 of the Act as an "Existing Use".

5.1 ROAD AND ENGINEERING STANDARDS

Permitted Activities — Road and Engineering Standards

- 5.1.1 The forming of any road shall be a permitted activity if the following conditions are met:
 - 5.1.1.1 The road is formed on land which has an average slope of less than 20°; and
 - 5.1.1.2 The road does not have a gradient greater than:
 - (a) 1:6 vertical; or
 - (b) 1:20 horizontal; and
 - 5.1.1.3 The road is not located closer than:
 - (a) 20m to any waterbody listed in Appendix 12; or
 - (b) 20m to a site listed in Appendices 3 or 4; and
 - 5.1.1.4 The road is formed to the relevant standards in Appendix E13.3.1, except that E13.3.1 shall not apply to works to existing roads undertaken by Council pursuant to the Local Government Act; and
 - 5.1.1.5 The road complies with the relevant standards in Appendix E13.3.2; and
 - 5.1.1.6 For the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, the road shall include the cross sectional treatment as shown in Appendix 39 and 40.

Discretionary Activities — Roading and Engineering Standards

5.1.2 Any activity which does not comply with Rule 5.1.1 shall be a discretionary activity.

5.2 VEHICLE ACCESSWAYS

Permitted Activities — Vehicle Accessways

5.2.1 The forming of any vehicle accessway shall be a permitted activity if the following conditions are met:

5.2.1.1 The site has legal access to a formed, legal road; and

5.2.1.2 Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification, except that where a site has frontage to a collector and a local road frontage may be obtained to either road.

Note: For example, where a state highway and arterial road intersect the access shall be to the arterial road or in the case of an arterial road and collector road access shall be to the collector road. ^{PC12}

5.2.1.3 The vehicle accessway is formed on land which has an average slope of less than 20°; and

5.2.1.4 The vehicle accessway does not have a gradient greater than:

- (a) 1:6 vertical; or
- (b) 1:20 horizontal; and

5.2.1.5 The vehicle accessway is not located closer than:

- (a) 20m to any waterbody listed in Appendix 12; or
- (b) 20m to a site listed in Appendices 3 or 4; and

5.2.1.6 The vehicle accessway is formed to the relevant standards in Appendix E13.2.1 and in addition for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, private vehicular accessways serving less than three sites shall have a maximum formed width of 3.5m at the road boundary and within 10m of the road boundary; and

5.2.1.7 Shared access to more than six dwellings or sites shall be by formed and vested legal road and not by a private accessway. ^{PC12}

Discretionary Activities — Vehicle Accessways

5.2.2 In the Living Z Zone, any activity served by a shared vehicle access that does not comply with Rule 5.2.1.7 shall be a discretionary activity if the following condition is met:

5.2.2.1 The shared vehicle access provides only secondary access and there is an alternative unshared vehicle access to a formed and vested road. ^{PC12}

Discretionary Activities — Status of Activities

- 13.1.6 The following activities shall be discretionary activities in Business 1 and 1A Zones:
- 13.1.6.1 Any activity which is specified in Rules 14 to 23 as a discretionary activity.
 - 13.1.6.2 Any of the activities listed in (a) to (c) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.
 - (a) Generation of energy for distribution.
 - (b) Mineral exploration.
 - (c) Temporary storage of solid or liquid waste delivered or conveyed onto the site.
- 13.1.7 The following activities shall be discretionary activities in Business 2 and 2A Zones:
- 13.1.7.1 Any activity which is specified in Rules 14 to 23, as a discretionary activity.
 - 13.1.7.2 Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.
 - (a) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (b) Audible bird-scaring devices
 - (c) Forestry
 - (d) Mineral exploration
 - (e) Composting or disposal on to land of any organic matter
(This rule does not apply to the application of compost or organic fertilizers to fertilise gardens or land).
 - (f) Visitor accommodation
 - (g) Hospitality activities
 - (h) Tannery, fellmongering or hide curing, wool scouring or washing in the Business 2A Zone
 - (i) Scrap yards – including automotive dismantling or wrecking yard or scrap metal yard in the Business 2A Zone.
- 13.1.8 The following activities shall be discretionary activities in the Business 3 Zone:
- 13.1.8.1 Any activity which is specified in Rules 14 to 23 as a discretionary activity.
 - 13.1.8.2 Any activity which is not listed as either:
 - (a) A non-complying activity under Rule 13.1.12; or
 - (b) A permitted activity under Rule 13.1.2.1.

- 13.1.9 The following activities shall be discretionary activities in the Business 2B Zone:
- 13.1.9.1 Any activity which is specified in Rules 14 to 23 as a discretionary activity.
- 13.1.9.2 Any activity which is not listed as either:
- (a) A non-complying activity under Rule 13.1.1.11; or
 - (b) A permitted activity under Rule 13.1.2.

Non-Complying Activities – Status of Activities

- 13.1.10 The following activities shall be non-complying activities in Business 1 and 1A Zones:
- 13.1.10.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.
- 13.1.10.2 Any of the activities listed in (a) to (i) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.
- (a) Any activity that requires an offensive trade licence issued under the Health Act 1956
 - (b) Plantations
 - (c) Manufacture and/or disposal of any hazardous substance
 - (d) Mining or quarrying
 - (e) Correction facility
 - (f) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site
 - (g) Industrial activity
 - (h) Transport depots
 - (i) Residential activity in the Business 1 Zone at Prebbleton occupying more than 50% of the gross floor area of all buildings on the site (excluding underground car parking).
- 13.1.11 The following activities shall be non-complying activities in Business 2, 2A and 2B Zones:
- 13.1.11.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.
- 13.1.11.2 Any of the activities listed in (a) to (c) below, irrespective of whether they comply with the conditions for permitted or discretionary activities in Rules 14 to 23.
- (a) Mining or quarrying
 - (b) Correction facility
 - (c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

13.1.12 The following activities shall be non-complying activities in the Business 3 Zone:

13.1.12.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.

13.1.12.2 Any of the activities listed in (a) to (d) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.

- (a) Any activity that requires an offensive trade licence under the Health Act 1956
- (b) Mining or quarrying
- (c) Correction facility
- (d) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

Note: *Most of the Part C Business Zone Rules do not apply to dwellings in the West Melton Business 1 Zone – see Rule 22.9.4.*

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- The landscaping planted shall be maintained and if dead or diseased or damaged, shall be removed and replaced.
- Specimen trees shall be a minimum height of 2 metres at planting.
- The existing English Oaks (*Quercus robur*) at the eastern end of the site to be retained, maintained and secured within a fenced 5 metre wide compound extending from the end of the proposed landscape strip.
- No accessory buildings, fences, or structures shall be erected within the 5 metre landscape strip, except in accordance with the Outline Development Plan at Appendix 32.

16.1.4.2 Before any principal building is erected on any parcel of land subject to Rule 16.1.4, all of the landscape planting, irrigation system and fencing shown on the Outline Development Plan at Appendix 32 on that allotment shall be completed.

16.1.5 Any principal building within the Business 2B Zone shall be a permitted activity if the following standards are met:

16.1.5.1 A landscape strip of at least 5m width shall be established and maintained along the Springs Road frontage of every site, comprising one *Podocarpus totara* tree for every 5m of the road frontage, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity.

16.1.5.2 A landscape strip of at least 3m width shall be established and maintained along all other boundaries of the Business 2B and Outer Plains zone, comprising one *Podocarpus totara* tree for every 10m, 1.5m high (when planted), which is capable of growing to at least 15m height at maturity, with spacing of no less than 5m and no greater than 15m.

16.1.5.3 Before any principal building is erected on any parcel of land subject to rule 16.1.5.1 to 16.1.5.2, all of the required landscape planting on that allotment shall be completed.

16.1.5.4 The landscaping planted shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.

Restricted Discretionary Activities – Buildings and Landscaping

16.1.6 Any principal building within the West Melton Business 1 Zone site shall be a restricted discretionary activity. The exercise of Council's discretion shall be limited to the consideration of:

16.1.6.1 The effects of landscaping on the function and amenity of the adjacent reserve and water race.

Discretionary Activities – Buildings and Landscaping

16.1.7 Any principal building which does not comply with Rule 16.1.1 shall be a discretionary activity.

Non-Complying Activities — Buildings and Landscaping

- 16.1.8 Any principal building which does not comply with Rule 16.1.2, 16.1.3, 16.1.4 or 16.1.5 shall be a non-complying activity.

16.2 BUILDINGS AND CONTAMINATED LAND

Refer to Rule 22.1 – Activities and Contaminated Land.

16.3 BUILDINGS AND WATER SUPPLY

Permitted Activities — Buildings and Water Supply

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

Non-Complying Activities — Buildings and Water Supply

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

16.4 BUILDINGS AND SEWAGE TREATMENT AND DISPOSAL

Permitted Activities — Buildings and Sewage Treatment and Disposal

- 16.4.1 In the Business zones at Castle Hill, Doyleston, Leeston, Lincoln, Prebbleton, Rolleston and Southbridge, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system, unless, in the case of a principal building other than a dwelling within the Business 3 Zone, the intended use of that building does not generate sewage.
- 16.4.2 In all other Business zones in the District, dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.

Notes

1. A discharge permit is required from Environment Canterbury to dispose of sewage on-site at Darfield.
2. If the Council and the community decide to install a reticulated sewage treatment and disposal system in an area presently unserved, under the Local Government Act 1974, the Council may require existing principal buildings to connect.

Restricted Discretionary Activities — Buildings and Building Height and Reflectivity

16.6.3 Any building which does not comply with Rule 16.6.2 shall be a restricted discretionary activity if the following conditions are met:

16.6.3.1 The building does not exceed 20m in height; and

16.6.3.2 The exterior building materials on all parts of the building above 15m in height do not exceed a reflectivity value of 40%.

Note:

Rule 16.6.3.2 does not apply to windows, window frames, stormwater guttering, downpipes or doors.

16.6.4 Any resource consent application for a building which is a restricted discretionary activity under Rule 16.6.3 and is setback at least 150m from Railway Road or Hoskyns Road shall not be notified and shall not require the written approval of affected parties.

16.6.5 Under Rule 16.6.3, the Council shall restrict the exercise of its discretion to consideration of:

16.6.5.1 The extent to which the additional building height may enable the more efficient and/or practical use of the remainder of the site;

16.6.5.2 The extent to which the additional building height is necessary in order to undertake the proposed activities on site;

16.6.5.3 The design, appearance and location of the building, and the quality and scale of any mitigation that can be implemented to reduce its visual impact particularly as viewed from land or roads outside the Business 2A Zone;

16.6.5.4 The extent to which the exterior building surfaces exceed the reflectivity value;

16.6.5.5 The proportion and overall dimensions of the external surface of the building which exceeds the reflectivity value;

16.6.5.6 Whether the effect of the reflectivity can be reduced or mitigated by shadows from eaves, surface texturing, panels or proximity to surfaces with lower reflectivity values.

Discretionary Activities — Buildings and Building Height

16.6.6 Any activity which does not comply with Rule 16.6.1 or Rule 16.6.3 shall be a discretionary activity.

16.7 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

Recession Planes

- 16.7.1 Any building which complies with the relevant recession plane requirements set out in Appendix 11 shall be a permitted activity.

Note:

1. Recession Plane A – applies along any internal boundary adjoining any Living Zone or Rural Zone and along the common boundary of the Business 2A Zone and the Rural Zone, as depicted on the Outline Development Plan at Appendix 22.
2. Recession Plane B – applies along any internal boundary NOT adjoining any Living Zone or Rural Zone.
3. Recession Plane B – applies to the road boundary of Railway Road where it directly adjoins the Business 2A Zone.

- 16.7.1.1 Notwithstanding Rule 16.7.1 above, Recession Plane B shall not apply to the internal boundaries of the Business 2A Zone.

Setbacks from Boundaries

- 16.7.2 Any building which complies with the minimum setback distances from site boundaries as set out below shall be a permitted activity.

- 16.7.2.1 Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place with any other zone boundary and on the Rolleston Drive road boundary – 10 metres

- 16.7.2.2 Any building on the West Melton Business 1 Zone shall be located a minimum of three metres from any Living zone boundary.

- 16.7.2.3 Business 1A Zone

- Road Boundaries: 6 metres
- Internal Boundaries: 6 metres (only where adjoining Lots 1 & 2 DP 22544)

- 16.7.2.4 Business 2 Zone (excluding area at Rolleston that is depicted on the Outline Development Plan at Appendix 22 and 32 and that part which is depicted on the Landscape Development Plan at Appendix 28)

- Road Boundaries: 2 metres
- Internal Boundaries: 2 metres (where adjoining a Living Zone)

- 16.7.2.5 Business 2A Zone

- Road Boundaries: 10 metres
- Internal Boundaries: adjoining a rural zoned property: 10metres, except that this requirement shall be 15 metres in the locations identified on the Outline Development Plan at Appendix 22.

16.7.2.6 Business 2B Zone

- Road boundaries: 5 metres
- Internal Boundaries: (adjoining a rural zoned property: 3 metres), (adjoining the Living Z zone: 50metres as identified on the Outline Development Plan Area 5 at Appendix 37).

16.7.2.7 In that part of the Business 2 Zone located south of Jones Road, Rolleston, as depicted on the Landscape Development Plan at Appendix 28:

- Road boundaries: 2 metres
- Internal boundaries: 10 metres (only along the common boundary of the Business 2 Zone and the railway reserve).

16.7.2.8 In that part of the Business 2 Zone located south of Jones Road and adjoining Hoskyns Road, Rolleston, as depicted on the Outline Development Plan at Appendix 32:

- Road boundaries: 2 metres
- Internal boundaries: 5 metres (only along the common boundary of the Business 2 Zone and the railway reserve).

16.7.2.9 Business 3 Zone

- Road Boundaries: 10 metres
- Internal Boundaries: 10 metres, (only where they adjoin a Living zone).

Restricted Discretionary Activities – Buildings and Building Position

16.7.3 Any activity which does not comply with Rule 16.7.1 shall be a restricted discretionary activity.

16.7.4 Under Rule 16.7.3 the Council shall restrict the exercise of its discretion to consideration of:

16.7.4.1 Any adverse effects of shading on any adjoining property owner, or on any road or footpath during winter.

16.7.5 Any activity which does not comply with Rules 16.7.2.3–16.7.2.9 shall be a restricted discretionary activity.

16.7.6 Under Rule 16.7.5 the Council shall restrict the exercise of its discretion to consideration of:

16.7.6.1 Road Boundaries

Any adverse effects on:

- (a) Roadscape; and
- (b) Landscaping potential; and
- (c) Shading of the adjoining road.

16.7.6.2 Internal Boundaries

Any adverse effects on:

- (a) Privacy; and
- (b) Outlook; and
- (c) Shading; and
- (d) Any other amenity values of the adjoining property.

Discretionary Activities – Buildings and Building Position

16.7.7 Any activity which does not comply with Rule 16.7.2.1 or 16.7.2.2 shall be a discretionary activity.

Notes

- 1. There are no building setback requirements for the Business 1 Zone, except as specified in above rules 16.7.2.1 (Rolleston) and 16.7.2.2 (West Melton).
- 2. There are no boundary setback requirements for structures in any of the Business Zones.

16.8 RELOCATED BUILDINGS

Permitted Activities – Relocated Buildings

16.8.1 The erection of any relocated building in the Business 1 Zone shall be a permitted activity if one or more of the following conditions are met:

- 16.8.1.1 The relocated building is an accessory building; or
- 16.8.1.2 The building is relocated from one position to another within the same site; or
- 16.8.1.3 The building is relocated on to a site for a temporary activity and is removed from the site within 2 days of the activity ceasing; or
- 16.8.1.4 The building is relocated on to a site to provide temporary accommodation during a construction project on the site, and the building is removed from the site within the lesser time of 12 months; or when the construction work ceases.
- 16.8.1.5 The building is being relocated within or between schools.

Note: Any relocated building at Castle Hill is also subject to the provisions of Rule 23.

Controlled Activities – Relocated Buildings

16.8.2 The erection of a relocated building which does not comply with Rule 16.8.1 shall be a controlled activity which shall not be notified and shall not require the written approval of affected parties.

16.8.3 The matters the Council has reserved control over are:

- 16.8.3.1 The timeframe proposed for having the building established on its new foundations; and
- 16.8.3.2 The timeframe proposed for any exterior repair and upgrading works to be undertaken; and
- 16.8.3.3 The standard to which the exterior of the building is to be finished; and
- 16.8.3.4 Whether any bond is required to cover the cost of reinstatement works in relation to matters listed under Rules 16.8.3.1 to 16.8.3.3, and the type of bond.

16.9 SMALL SCALE COMMERCIAL DEVELOPMENTS (LESS THAN 450m²)

Permitted Activities

16.9.1 In the Business 1 zone, developments comprising:

- (a) one or more new commercial buildings, and/or
- (b) commercial building additions, and/or
- (c) conversion of all or part of an existing dwelling for commercial use

with a total gross floor area of less than 450m² shall be a permitted activity provided that:

- 16.9.1.1 Except in Southbridge, Coalgate and Dunsandel, no car parking or vehicular access is provided between the frontage of any building and a legal road (or any accessway from which the public will access the site if it does not have access to a legal road); and
- 16.9.1.2 Except for c) above, at least 50% (by length) of each building frontage which fronts or directly faces on-site public space, or a road or other area where the public have a legal right of access, shall be installed and maintained as active commercial frontage; and
- 16.9.1.3 The maximum height of any fence between any building façade and the street or a private Right of Way or shared access over which the allotment has legal access, shall be 1m; and
- 16.9.1.4 Except for c) above, every building adjoining or within 3m of a road boundary shall be provided with a verandah to the following standards:
 - (a) Verandahs shall be set at least 0.5m behind the kerb face; and
 - (b) Verandahs shall have a minimum depth 3m except where this would entail a breach of rule a, above; and
 - (c) Verandahs shall extend along the entire frontage of the building facing the road boundary, and shall adjoin verandahs on adjacent buildings

Restricted Discretionary Activities

- 16.9.2 Any building or structure which does not comply with rule 16.9.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of effects on the amenity of public spaces and pedestrian movement.
- 16.9.3 Any application arising from Rule 16.9.2 will not require the written approval of other persons and shall be non-notified.

16.10 LARGE SCALE COMMERCIAL DEVELOPMENTS (450m² OR MORE)

Restricted Discretionary Activities

- 16.10.1 In the Business 1 zone, developments comprising:
- (a) one or more new commercial buildings; and/or
 - (b) commercial building additions
- Where the new building and/or addition has a total gross floor area of 450m² or more shall be a restricted discretionary activity.
- 16.10.2 Under rule 16.10.1, Council has restricted the exercise of its discretion to:
- 16.10.2.1 The extent to which the development:
- (a) contributes to visual variety, including in relation to the architectural modulation and detailing proposed, and
 - (b) visually integrates or disguises roof mounted servicing equipment.
- 16.10.2.2 The extent to which the design and layout of the site provides and addresses (for instance through active frontage) attractive pedestrian areas; either public streets or spaces with an equivalent amenity to public streets, where practicable.
- 16.10.2.3 The extent to which the site layout provides direct, logical and attractive pedestrian routes of sufficient width within and through the site as part of a comprehensive walking network for the wider area.
- 16.10.2.4 The extent to which the development maintains and/or provides continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes where practicable.
- 16.10.2.5 Whether car parking areas contribute to the provision of high quality public space, and are not located between buildings and a road where practicable.
- 16.10.2.6 The extent to which the design and location of landscaping will contribute to a high quality pedestrian experience by mitigating any adverse visual effects of development and defining the edges of streets and other space accessible to the public.

16.10.2.7 The degree to which the reflectivities proposed for the exterior of buildings, including rooves, will contribute to pleasant and attractive streets and public areas.

16.10.3 Any application arising from Rule 16.10.1 will not require the written approval of other persons and shall be non-notified.

In Rule 16.10.2.3, examples of space with street like amenity might include (but are not limited to):

- legal roads and public reserves;
- “Private Streets”: areas of private land where buildings with a majority of active frontage are directly opposite each other with pedestrian facilities on both sides of an accessway.
- “Pedestrian Precincts”: traffic-free street or lanes faced by active frontage on both sides
- “Pedestrian Parades”: wide footpaths in front of shops, providing space for pedestrian activities, separated from car parking by landscaping.
- “Nooks and Corners”: Making use of larger areas of leftover space, separated from car parking by landscaping.
- “Pedestrian Squares”: generally enclosed on two or more sides by active frontage, and where vehicles are not permitted.

Illustrations of these concepts are provided in the Council’s Commercial Design Guide.

16.11 BUILDINGS AND SECURITY SHUTTERS

Non-Complying Activities

16.11.1 In the Business 1 zone, the installation of exterior security shutters shall be a non-complying activity.

Reasons for Rules

Landscaping

A common feature of urban areas is a tidy area between the house and road frontage. There is a ‘market’ incentive for property owners to keep this area tidy, as it can add value to their property. There is not, however, such a direct market incentive for some businesses and community facilities, to retain a tidy ‘front yard’. The objective of Rule 16.1 is to ensure that activities locating in the Business 1A, 2 and 3 Zones maintain at least a minimum standard of street appeal.

A landscaping plan for the West Melton Business 1 Zone is necessary to address the impact landscaping may have on the function and amenity of the Council administered reserve and water race located to the west between the Business 1 Zone and Weedons Ross Road. Given the broad definition of ‘landscaping’, all planting and interface treatments (built and/or surface treatments) adjoining the boundary between the Business 1 Zone and the reserve will be subject to assessment.

In the case of the Business 2A Zone a higher level of landscaping is required so as to contribute to the higher level of amenity to be provided within this zone.

For the Business 2B Zone, landscaping strips along the Springs Road frontage and internal Zone boundaries are required to ensure that appropriate levels of amenity are achieved along the zone boundaries. Along the Springs Road frontage, higher density planting is required to enable effective screening of buildings and to avoid building domination. Along the internal Business 2B Zone boundaries, the objective is to achieve consistency of substantial planting throughout the full length of these boundaries to reduce building domination (including on the Living Z zone) and to soften the presence of buildings.

Water Supply

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

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

Sewage Treatment and Disposal

The townships listed in Rule 16.4.1 either have a reticulated sewerage treatment and disposal system, or need such a system, to avoid adverse effects on groundwater and the environment. The Council is currently pursuing options for public reticulated sewerage treatment and disposal at Southbridge.

Rule 16.4 should not be interpreted as an indication that reticulated sewerage will not be needed in other townships in the future, such as Darfield. Environment Canterbury is responsible for issuing discharge permits to allow on-site effluent treatment and disposal. If, in the future, permits are no longer issued, reticulated sewerage may need to be provided.

Site Coverage

The site coverage rule is designed to establish and maintain a character of relative openness in the Business 1A Zone at Castle Hill, and at the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place as the primary entrance into Rolleston township.

Building Height and Reflectivity

Rule 16.6 sets maximum height and bulk requirements for buildings and structures, to ensure they are in keeping with the visual character of townships. The permitted maximum height of buildings and structures is greater than that allowed for in the Living zones. This acknowledges that issues associated with the protection of sunlight and privacy to adjoining properties is less of an issue in industrial areas in comparison with residential areas. This rule differentiates between the height of buildings and other structures because of the differences in effects they will create on these urban areas.

For Castle Hill the maximum building height is the same as for the Living Zone. This is to recognise that the landscape qualities of this high location dictate that the maximum height of any buildings needs to be strictly controlled so to ensure that they do not become dominant landscape features.

Part of the amenity values of townships in Selwyn District is relatively low density of buildings and views across townships to rural areas, the Southern Alps/Kā Tiritiri o te Moana and Port Hills. Rule 16.6 helps to maintain those values by limiting the height of buildings and structures.

Within the Business 2A Zone at Rolleston there is the ability for buildings to be established up to 20m as a restricted discretionary activity. Given the scale of activities establishing within the Business 2A Zone, and its location (which is well separated from any Living Zone and State Highway 1), there is provision within the rules to provide for additional building height which reflects in part the modern trend in warehouse building design. A 20m height will enable the installation of modern racking systems, fire fighting installation, and provide some clearance under the ceiling. Given the warehousing nature of buildings provided for within the Business 2A Zone it has been necessary to provide the ability to increase the height limit over the 15m control which applies in the Business 2 Zone. A resource consent is required for a breach of this height, where any effects of the same can be assessed at that time.

The Business 3 Zone at Lincoln provides for multi-storied building which is a distinctive character of the existing development in the area and therefore this scale of development should continue to be provided for. Accordingly a 10 metre height control (except for Castle Hill) will permit the construction of a 2-3 storey building, depending on the roof pitch and any structures installed on the roof.

Within the Business 2A Zone at Rolleston there is an additional control on buildings above 15m in height in terms of the maximum reflectivity value of the exterior building surfaces. Rule 16.6.3.2 requires exterior building surfaces above 15m in height to have a maximum reflectivity value of 40%. This rule is proposed to reduce the potential visual impact of buildings within the Business 2A Zone on account of the additional height (up to 20m) allowable as a restricted discretionary activity in that Zone. This rule will ensure that the potential visual impact of these larger buildings in the Business 2A Zone is mitigated.

It is considered that buildings that are setback from Hoskyns Road and Railway Road will have lesser adverse visual effects than those buildings established in close proximity to those public roads. Accordingly, providing for buildings that are between 15 and 20m in height (and setback 150m from Railway Road and Hoskyns Road) to be assessed on a non-notified basis is considered appropriate on account of the reduced visual dominance created by such buildings.

Building Position

Rule 16.7 is intended to give property owners maximum flexibility over the use of space on their properties while still providing protection for sunlight, privacy and outlook for any neighbouring properties in a Living or Rural zone. These requirements acknowledge that adjoining residential and rural properties have the potential to be adversely affected by developments undertaken within Business zones. Those effects are most suitably managed by ensuring that new buildings comply with the recession plane that is applicable to the Living and Rural zones.

A minimum building setback of 3m is necessary within the West Melton Business 1 Zone in recognition that this site directly adjoins residential sections and established dwellings. The 3m setback ensures that sufficient outlook and amenity is retained within the neighbouring Living 1 Zone.

For that part of the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place, a 10m setback from other zone boundaries and from the Rolleston Drive road frontage is required to encourage the establishment of landscaping and to maintain amenity. The setback (in conjunction with the site coverage requirement for the zone) is also to ensure a degree of openness, as the zone is located at the primary entrance into Rolleston Township, and is intended to provide for the Selwyn District Council's district headquarters, and for civic and community activities undertaken by the Council.

In the Business 1A Zone at Castle Hill, a setback from any road frontage is to encourage the establishing of landscaping so as to assist in blending any development into the natural landscape of the area. A similar concept also applies at the Business 2 zone and the Business 3 zone to encourage a planted strip being created or maintained, along the road frontage.

For the Business 2B Zone in Lincoln, appropriate building setbacks apply along all of the Zone boundaries. The setbacks are intended to provide sufficient space to establish landscaping, and in particular large trees; to avoid or reduce building domination; and to provide along the Springs Road frontage higher density planting so as to enable effective screening of buildings.

Utility structures are exempt from these requirements as they tend to be less bulky than buildings and therefore will not adversely affect adjoining properties or the road and any footpath.

Relocated Buildings

Generally, the district plan does not control the design and standard of buildings, except at Castle Hill. Buildings which are relocated in whole, or in parts, on new foundations and often require restoration work to repair minor damage. If relocated buildings are left sitting on blocks or unrepaired for long periods of time, they can detract from the amenity values of the area in which they have located. The rule does not apply to the Business 2 and 3 zones. The environment in the former is less sensitive in respect to visual effects, while the latter has expansive areas containing a large number of substantial buildings where visual affects are also likely to be less significant.

Rule 16.8 identifies minor activities involving relocated buildings for which resource consent is not required. Also set out are the matters the Council will consider for relocated buildings of a larger scale or of a permanent nature. The matters include the nature of reinstatement works, the time needed to complete them, and the mechanism to give Council the surety they will be completed.

The Council may not decline a controlled activity. It may be approved subject to conditions relating to the matters over which the Council has reserved control.

Note: The rule does not affect the ability of a subdivider to impose covenants on Certificate of Titles related to the style and age of buildings, or the relocation of buildings into their subdivision.

Design and Layout of Business 1 development

Rule 16.9 manages the effects of smaller commercial developments. It is intended to ensure that there is a positive interface between commercial development and the adjacent public space. The quality of a centre is in part defined by the appearance of buildings and their relationship with the street so it is important that commercial buildings make a positive contribution to this environment. Key to this is that they have active frontage adjacent to pedestrian areas and that they are not separated from these areas by car-parking. In Southbridge, Coalgate and Dunsandel, a lesser degree of control is considered appropriate due to the particular character and circumstances of these towns.

Rule 6.10 manages larger commercial developments which have a greater scale of effects and which usually create substantial areas of on-site public space which may become the place where people experience the public life of the town. It is important that this space is a high quality area in line with the expectations for the Business 1 zone. It is also important that the development maintains a good quality interface with public space. Rule 16.10 allows for the consideration of the effects of the development on the quality of the town centre environment in line with policy B3.4.23a.

17.7.1.1 A continuous landscaping strip is provided between any legal road and an adjacent parking area, except across vehicle crossings and pedestrian accesses, which complies with the following:

- a) A depth of at least 3m with plants that will grow to a height of 60cm within three years over the entire area; or
- b) A depth of at least 1.5m that will reach a continuous height of 1m (visually impermeable) within three years.

17.7.1.2 A minimum of 1 tree is provided for each 10m of road frontage, set in a planting bed with minimum dimensions 1.5m x 1.5m.

Note: For car parking areas resulting in more than 20 parking spaces, Rule 17.7.2 will apply in addition to Rule 17.7.1.

Controlled Activities

17.7.2 For all activities in the Business 1 zone and for all activities except industrial in the Business 2 zone, new car parking areas resulting in more than 20 parking spaces shall be a controlled activity.

17.7.3 In the Business 3 zone, new car parking areas resulting in more than 40 spaces shall be a controlled activity.

17.7.4 Under Rules 17.7.2 and 17.7.3, the exercise of Councils discretion shall be limited to the following:

- a) The degree to which low level landscaping has been provided in order to break up the appearances of hardsurfacing, particularly between the car park and pedestrian areas.
- b) Whether an adequate number of trees, within suitably sized planting beds, have been provided in appropriate locations within the car parking area in order to mitigate any adverse visual effects.
- c) Safety, circulation and access considerations for pedestrians within the site and moving past vehicle crossings.^{PC12}

Restricted Discretionary Activities

17.7.5 Any car parking area which does not comply with Rule 17.7.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of effects on visual amenity.

17.8 ACCESS ARRANGEMENTS FOR THE WEST MELTON BUSINESS 1 ZONE

Restricted Discretionary Activities

17.8.1 Access arrangements for the West Melton Business 1 Zone shall be a restricted discretionary activity.

17.8.2 Under Rule 17.8.1, the applicant shall provide a Transport Management Plan and the Council shall restrict the exercise of its discretion to the consideration of:

- 17.8.2.1 The main vehicular and pedestrian access arrangements to and through the site where they interact with existing public roads, including in relation to effects on the safety and efficiency of the transport network.
- 17.8.2.2 All other necessary infrastructure upgrades to rationalise transport connectivity, access arrangements and pedestrian facilities, including safe crossing points, arising as a direct result of the proposed development of the West Melton Business 1 Zone.

Reasons for Rules

Roads and vehicle accessways need to be designed and formed to a standard appropriate for the number and type of vehicles they are likely to carry. The standards help manage: the safety of motorists and pedestrians; efficient flow of traffic; adequate construction standards, and the upgrading of any existing road or vehicle accessway.

All sites need legal access which is suitable for vehicular use. This is usually secured at the time of subdivision, but there are existing allotments in the District which have access only on to unformed roads or access over other land which has never been formally legalised.

The State Highway and Arterial Roads listed in Appendix 7 are the only roads in Selwyn District where the safety of traffic travelling along the routes is given primacy over the other uses of roads, such as property access. This is because of the volume of traffic using those routes and the speed. Access to allotments on State Highways may be granted, as a restricted discretionary activity, where there is no alternative road access and the consent authority is satisfied the access can be designed, sited and managed to reduce traffic safety hazards.

Rights of way (ROW) have historically been problematic in the Selwyn District. In some instances further development of sites has resulted in a large number of sites with a shared access. Whilst limited shared access can be useful such as where houses front a reserve or waterway the potential number of users needs to be limited. The provision of long ROWs is conducive to achieving a high degree of connectivity, permeability and accessibility for vehicular and non-vehicular access. Where access to a larger number of sites (or potential sites) is required this should be by way of local roads. PC12

A lack of visibility for road/rail level crossings raises implications for road users and traffic safety.

For that reason, buildings and tree plantings are not permitted if they encroach within the line of sight of a railway crossing as shown in Appendix 13 (Diagram E13.3). This rule reflects the importance of maintaining lines of sight for traffic safety.

The Business 2A Zone is screened from the land to the west through the existing primary shelterbelt along Railway Road. In time, this screening will be supplemented by a secondary planting strip required by Landscape Treatment Three in Rule 24.1.3.14, which will form a second shelterbelt. The creation of breaks within these shelterbelts for road or rail crossings are identified to occur on the Outline Development Plan at Appendix 22 of the District Plan. Rule 17.6.1 recognises that whilst such breaks in the existing primary shelterbelt and future secondary planting strip are appropriate to create access for road and rail linkages, such breaks will allow views into the Business 2A Zone from that land to the west to a limited extent, and as such, the potential adverse effects of such breaks in this screening need to be considered.

On-site carparking is desirable to reduce potential adverse effects on traffic flow and safety on some roads. The need to provide off street parking acknowledges that commercial and public activities generate levels of vehicle parking which need to be satisfied without relying solely on the street to provide it. This will also assist in preventing the over spill of on-street parking into the adjacent Living zone areas.

Specially provided mobility impaired car parking spaces are required, to make access to activities and facilities easier for people with reduced mobility.

Parking rates below anticipated demand have however been specified for the Business 1 zone Town Centres of:

- Lincoln (area shown on the Planning maps generally fronting Gerald Street between West Belt and Kildare Terrace and extending south partway along West Belt, Maurice Street, Robert Street and Kildare Terrace).
- Rolleston (area shown on the Planning maps generally along Tennyson Street, Masefield Drive and Rolleston Drive)
- Darfield (area shown on the Planning maps generally fronting SH 73 (West Coast Road / South Terrace) between Cardale Street and McLaughlins Road).
- Prebbleton (area shown on the Planning maps generally on the northern corner of Springs Road and Tosswill Road).
- Leeston (area shown on the Planning maps generally along High Street between Messines Street and just west of Leeston and Lake Road).
- Southbridge (area shown on the Planning maps fronting High Street between Hastings Street and Gordon Street / Taumutu Road).

The rates have been set considering the existing and future on-street parking supply and demand in each township and recognise a number of factors including: the slightly lower parking demand rate when a large conglomeration of retail activities occurs within a defined area, the acceptability of on-street parking use within these town centres, the desire to encourage business growth in the town centre business 1 zone and the need to reduce on-site parking provision in order to facilitate improved urban design outcomes within these business zoned sites.

The applicability of the lower rates is therefore limited to retail and Food and Beverage activities within the main Business 1 zone in each township. It is not considered appropriate to apply these rates to isolated pockets of Business 1 zoned land or areas of Business 1 zone which are outside of the main town centre.

Minimum on-site staff parking levels have also been specified for these Town Centre activities areas given that on-site parking provision will not cater for all staff and visitor demand. The minimum staff requirement reflects the more efficient use of on-street parking by visitors whom can then walk between several shops / activities rather than having to move their car between private parking areas which generates additional traffic and has associated adverse effects. The rate has however been set below total staff parking demand so as to minimise any disincentives for staff to consider use of non-private motor vehicle travel.

Reductions from the required township rates may result in an overflow of parking into residential zones. Whilst this may not occur upon commencement of the activity, the additional on-street demand generated by the activity displaces on-street parking anticipated for use by other sites yet to be developed for business activities. Cumulatively and over time this could result in parking overflowing into adjoining residential zones. This may result in adverse effects on the availability of on-street parking for residents and their visitors and impact on the amenity and character of the residential area. As such where the required level of on-site parking cannot be provided within these townships consideration should be given to reducing the parking demand of the activity.

To ensure that non-industrial business areas maintain the environmental quality, aesthetic and amenity values which make them attractive places to work and visit, it is necessary to integrate the design and layout of parking areas with the other components of the site. Integrated design

should avoid visual dominance of large parking areas and achieve a level of amenity consistent with the anticipated character and amenity of the surrounding area. For example, landscaping can screen large parking areas and improve amenity however this needs to be balanced against security of users within the parking area and building layout.

Activities with larger parking areas require the consideration of pedestrian and cyclist safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk and cycle within townships and provide for safe movement of pedestrians and cyclists within the site, to and from motor vehicles and cycle parking areas.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicular access and manoeuvring areas relative to: pedestrian and cyclist entrances to sites, parking areas and the building entrance, and does not always require provision of separate pedestrian facilities.

Rule 17.7 is intended to allow an integrated consideration of factors associated with and adjacent to parking areas. It recognises the need to balance the various components of a site or area to achieve business zones that maintain environmental quality, aesthetic and amenity values and are permeable and provide good circulation for both motor-vehicles, pedestrians and cyclists.

The controlled activity status recognises that the physical size and shape of some sites, the particular needs of some activities and outside processes such as stormwater discharge consents, may constrain the extent to which improvements or alternative options are achievable.

Industrial activities within the B2 zone and any activity within the B2A zone (Izone) are exempt however other activities in the Business 2 zone have not been made exempt as the higher parking turn-over and potential for a greater number of visitors to the car park associated with these activities warrants consideration of effects particularly in respect to matters relating to vehicles and pedestrians.

A higher threshold has been set in the Business 3 zone reflecting the particular nature and characteristics of the activities occurring in this zone and the reasonably high proportion of frequent users (low proportion of visitors) associated with these activities.

22 BUSINESS ZONE RULES — ACTIVITIES

22.1 ACTIVITIES AND CONTAMINATED LAND

Permitted Activities — Activities and Contaminated Land

- 22.1.1 Any activity shall be a permitted activity on any site which contains contaminated land or when past activities on that site include those listed in Appendix 10, except for the following:
- 22.1.1.1 Erecting any dwelling;
 - 22.1.1.2 Educational facilities;
 - 22.1.1.3 Outdoor recreation activities; and
 - 22.1.1.4 Growing commercial food crops or rearing animals.

Restricted Discretionary Activities — Activities and Contaminated Land

- 22.1.2 Any dwellings, educational facilities, outdoor recreation activities, and growing commercial food crops or rearing animals on any site which contains contaminated land, or when past activities on that site include those listed in Appendix 10, shall be a restricted discretionary activity.
- 22.1.3 Under Rule 22.1.2 the Council shall restrict the exercise of its discretion to:
- 22.1.3.1 The adequacy of any methods proposed to reduce any potential adverse effects on people or animals.
 - 22.1.3.2 If the contaminated material is to be removed from the site, where and how it is to be disposed of, the level of risk to human health and the environment.
 - 22.1.3.3 Where the site is not confirmed as contaminated, but has been used for one or more of the activities listed in Appendix 10, further investigation to determine whether the site is contaminated and the extent of that contamination.

22.2 ACTIVITIES AND THE KEEPING OF ANIMALS

Permitted Activities — Activities and the Keeping of Animals

- 22.2.1 The keeping of animals for education and research purposes in the Business 3 Zone shall be a permitted activity.

Notes:

1. The keeping of domestic pets in the Business zones does not require a resource consent. However, the keeping of domestic pets may be subject to a Council bylaw. As an example, the Council has a bylaw for the keeping of dogs.
2. The definition of domestic pets in this Plan excludes donkeys, pigs, roosters and peacocks.

Discretionary Activities — Activities and the Keeping of Animals

- 22.2.2 The keeping of animals other than domestic pets in Business 1, 1A & 3 Zones except as provided under Rule 22.2.4 shall be a discretionary activity.
- 22.2.3 In Business 2, 2A and 2B Zones, the following shall be discretionary activities:
- 22.2.3.1 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products
 - 22.2.3.2 Boarding of animals.
 - 22.2.3.3 Intensive livestock production

Non-Complying Activities — Activities and the Keeping of Animals

- 22.2.4 In Business 1, 1A & 3 Zones, the following shall be non-complying activities:
- 22.2.4.1 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products
 - 22.2.4.2 Boarding of animals.
 - 22.2.4.3 Intensive livestock production

22.3 ACTIVITIES AND AIRCRAFT MOVEMENTS**Permitted Activities — Activities and Aircraft Movements**

- 22.3.1 Any taking off and/or landing of any aircraft shall be a permitted activity if the following conditions are met:
- 22.3.1.1 The activity is part of emergency, search and rescue, or law enforcement work; or
 - 22.3.1.2 The activity does not occur on more than two days in any six month period on the same site; and
 - 22.3.1.3 The aircraft movement occurs only between the hours of 7:00am and 9:00pm.

Discretionary Activities — Activities and Aircraft Movements

- 22.3.2 Any activity which does not comply with Rule 22.2.1 shall be a discretionary activity, if it complies with the following standard and term:

- 22.3.2.1 The take off and/or landing of aircraft shall be an ancillary use of the land and any facilities on the site and shall not be a main or predominant use of the land or any facilities on the site.

Non-Complying Activities — Activities and Aircraft Movements

- 22.3.3 Any take off and/or landing of aircraft which does not comply with Rule 22.3.2 shall be a non-complying activity.

Note: Airport is a defined term. Please refer to Part D.

22.4 ACTIVITIES AND NOISE

Permitted Activities — Activities and Noise

- 22.4.1 Any activity conducted on any day, except any residential activity, shall be a permitted activity, provided that the following noise limits are not exceeded with the time-frames stated.

Business 1, 1A & 3 Zones (with the exception of the West Melton Business 1 Zone):

- 22.4.1.1 Noise assessed within the boundary of any other site NOT within a Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm	60 dBA L10
8.00pm – 7.30am	45 dBA L10
7.30am – 8.00pm	85 dBA Lmax
8.00pm – 7.30am	70 dBA Lmax

- 22.4.1.2 Noise assessed within a Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm	55 dBA L10
8.00pm – 7.30am	40 dBA L10
7.30am – 8.00pm	85 dBA Lmax
8.00pm – 7.30am	70 dBA Lmax

Business 2 Zone:

- 22.4.1.3 Noise assessed within the boundary of any other Business 1, 1A or 3 Zone site:

7.30am – 8.00pm	65 dBA L10
8.00pm – 7.30am	45 dBA L10
7.30am – 8.00pm	85 dBA Lmax
8.00pm – 7.30am	70 dBA Lmax

22.4.1.4 Noise assessed within a Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm	55 dBA L10
8.00pm – 7.30am	40 dBA L10
7.30am – 8.00pm	85 dBA Lmax
8.00pm – 7.30am	70 dBA Lmax

Business 2A Zone:

22.4.1.5 Applying at any point within the boundary of any site in the rural zone, excluding road, waterway and railway reserves:

7.30 am – 8.00 pm	60dBA L10
8.00 pm – 7.30am	40dBA L10
7.30 am – 8.00pm	80dBA Lmax
8.00 pm – 7.30 am	65dBA Lmax

Business 2B Zone:

22.4.1.6 Noise assessed within a Living zone or within the notional boundary of any dwelling within any Rural zone:

7.30am – 8.00pm	55 dBA L10
8.00pm – 7.30am	40 dBA L10
7.30am – 8.00pm	85 dBA Lmax
8.00pm – 7.30am	70 dBA Lmax

Business 1 Zone, West Melton

22.4.2 Any activity conducted on any day shall be a permitted activity, provided that the following standards are complied with:

22.4.2.1 Hours of opening to the public, clients or deliveries shall be within 7.30am to 11.00pm.

22.4.2.2 Outdoor areas intended for the consumption of food or beverages and/or smoking shall be located no less than 20 metres from the zone boundary.

22.4.2.3 Noise assessed within the Living zone or within the notional boundary of any dwelling within any Rural zone shall not exceed the following:

7.30am – 8.00pm	50dBA L10 and 85dBA L _{max}
8.00pm – 7.30am	35dBA L10 and 70dBA L _{max}

Except that Rule 22.4.2.2 shall not apply to the western boundary with the gazetted recreation reserve, and the noise standards of rule 22.4.2.3 shall not apply within that reserve.

22.4.3 Rules 22.4.1 and 22.4.2 do not apply to the use of sirens or warning devices associated with emergency service facilities.

Restricted Discretionary Activities – Activities and Noise

- 22.4.4 Any activity within the West Melton Business 1 Zone that does not comply with Rule 22.4.2.1 shall be a restricted discretionary activity.
- 22.4.5 Under Rule 22.4.4, the Council shall restrict the exercise of its discretion to the consideration of:
- 22.4.5.1 The hours of operation proposed,
 - 22.4.5.2 The degree to which the activity meets the Living zone night time noise standards within any Living zone or within the notional boundary of any dwelling within any Rural zone.
 - 22.4.5.3 Amenity effects in relation to noise and disturbance on the residential neighbourhood, including in relation to effects resulting from servicing, outdoor areas, car parking areas and people leaving the activity.
- 22.4.6 Any activity within the West Melton Business 1 Zone that does not comply with Rule 22.4.2.2 shall be a restricted discretionary activity.
- 22.4.7 Under Rule 22.4.6, the Council shall restrict the exercise of its discretion to the consideration of:
- 22.4.7.1 Amenity effects in relation to noise and disturbance.

Discretionary Activities – Activities and Noise

- 22.4.8 Any activity that is not residential which does not comply with Rule 22.4.1 shall be a discretionary activity.
- 22.4.9 Any activity within the West Melton Business 1 Zone that does not comply with Rule 22.4.2.3 shall be a discretionary activity.

22.5 ACTIVITIES AND VIBRATION

Permitted Activities – Activities and Vibration

- 22.5.1 Vibration from any other source shall be a permitted activity if the maximum limits are not exceeded, provided that:
- 22.5.1.1 Activities likely to have regular vibration effects such as quarrying, mining or airports are not permitted in Business zones and will require resource consent.

Discretionary Activities – Activities and Vibration

- 22.5.2 Any activity which does not comply with Rule 22.5.1 shall be a discretionary activity.

22.6 ACTIVITIES AND LIGHT SPILL

Permitted Activities — Activities and Light Spill

- 22.6.1 The following activities shall be permitted activities:
- 22.6.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.
 - 22.6.1.2 Any other lighting if it does not exceed:
 - (a) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in a Living zone or within the notional boundary of any dwelling within any Rural zone; and
 - (b) 10 lux spill (horizontal or vertical) on to any part of any adjoining property within the same Business zone.
 - (c) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in the Rural zone which has a common boundary with either the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22, or the Business 2B Zone as depicted on the Outline Development Plan for ODP Area 5 at Appendix 37.
 - 22.6.1.3 Lighting in the Business 2A Zone which is designed so that:
 - (a) All outdoor lighting is shielded from above in such a manner that the light source is not visible from the outside of the Business 2A Zone.
 - (b) All fixed outdoor lighting is directed away from adjacent roads outside of the Business 2A Zone.

Discretionary Activities — Activities and Light Spill

- 22.6.2 Any activity which does not comply with Rules 22.6.1 shall be a discretionary activity.

22.7 ACTIVITIES AND THE OUTDOOR STORAGE OF MATERIALS AND GOODS

Permitted Activities — Activities and the Outdoor Storage of Materials and Goods

Screening and Dust

- 22.7.1 The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:
- 22.7.1.1 Any outdoor storage area in a Business 1 Zone shall be screened from any road boundary of the site by a fence, wall or vegetation of at least 1.8m in height; and

- 22.7.1.2 Any outdoor storage area in a Business 1 Zone shall be screened from any internal boundary of the site which adjoins a site in another Business 1 Zone or a site in a Living zone, by a fence, wall, or vegetation of at least 1.8m in height; and
- 22.7.1.3 Any outdoor storage area in a Business 2 or 3 Zone shall be screened from any road boundary or internal boundary of the site which adjoins a site in a Living or Business 1 Zone, by a fence, wall or vegetation of at least 1.8m in height.
- 22.7.1.4 The screening referred to in Rules 22.7.1.1 to 22.7.1.3 shall be for the full length that the storage area is visible from the road.
- 22.7.1.5 Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.

Exemptions

- 22.7.2 Rules 22.7.1.1 to 22.7.1.4 shall not apply to:
 - 22.7.2.1 The storage of motor vehicles, caravans or campervans, trailers, or watercraft associated with residential activities on the site; or
 - 22.7.2.2 The display of merchandise for sale to the public, but does not include vehicles or other machinery intended for dismantling or scrapping; or
 - 22.7.2.3 The storage of materials for construction, repair or landscaping work on the same site, for up to 4 months in any 12 month period.

Discretionary Activities — Activities and the Outdoor Storage of Materials and Goods

- 22.7.3 Any activity which does not comply with Rule 22.7.1 shall be a discretionary activity.

22.8 ACTIVITIES AND TEMPORARY MILITARY TRAINING

Permitted Activities — Activities and Temporary Military Training

- 22.8.1 Temporary Military Training Activities shall be permitted activities provided that the following conditions are met:
 - 22.8.1.1 No permanent structures shall be constructed;
 - 22.8.1.2 No mechanical excavation shall be carried out, unless provided for in this Plan;
 - 22.8.1.3 The activity shall not exceed a period of 31 days;
 - 22.8.1.4 All ground disturbed by any military activity shall be restored to its previous state;
 - 22.8.1.5 No Temporary Military Training Activities shall occur in any areas identified on the Planning Maps as wāhi taonga, silent file areas, or mahinga kai sites;

- 22.8.1.6 Noise emissions occurring as a result of any Temporary Military Training Activity, when measured at the property boundary shall not exceed:

Time (Any Day)	Limits(dBA)	
	L₁₀	L_{max}
0630-0730	60	70
0730-1800	75	90
1800-2000	70	85
2000-0630	55	65

Controlled Activities — Activities and Temporary Military Training

- 22.8.2 Any Temporary Military Training Activity which does not comply with Rule 22.8.1 shall be a controlled activity.
- 22.8.3 Under Rule 22.8.2 the Council shall restrict the exercise of its discretion to consideration of:
- 22.8.3.1 Any disturbance caused by structures or earthworks;
 - 22.8.3.2 Any noise effects, with regard to the location and noise sensitivity of nearby activities;
 - 22.8.3.3 Any visual or traffic effects;
 - 22.8.3.4 The effect of activities over an extended period of time, having regard to 22.8.3.1 to 22.8.3.3 above.

22.9 DWELLINGS

Controlled Activities — Dwellings

- 22.9.1 The erection of any dwelling in a Business 2 or 2A Zone shall be a controlled activity if the following standard and term is met:
- 22.9.1.1 The dwelling is to be necessary for custodial or security purposes.
- 22.9.2 Any resource consent application made under Rule 22.9.1 shall not be notified and shall not require the written approval of affected parties.
- 22.9.3 Under Rule 22.9.1, the Council shall reserve control over the following matter:
- 22.9.3.1 The removal of, or other method to be used to dispose of, the dwelling in the event of it no longer being required for custodial or security purposes.

Restricted Discretionary Activities – Dwellings – West Melton

- 22.9.4 The West Melton Business 1 Zone rules shall not apply to dwellings, with the exception of Rules 22.9.5 to 22.9.7 (Dwellings) below, and Rule 24.1.3.21 (Subdivision).
- 22.9.5 The erection of any dwelling in the West Melton Business 1 Zone shall be a restricted discretionary activity if the dwelling complies with the West Melton Living 1 Zone Rules.
- 22.9.6 Under Rule 22.9.5, the Council shall restrict its discretion to consideration of:
- 22.9.6.1 Effects of the residential density proposed on adjoining residential land uses.
 - 22.9.6.2 Effects of the residential density proposed on the character of West Melton.
 - 22.9.6.3 Reverse sensitivity effects on existing or future activities within the business zone.
 - 22.9.6.4 Effects on the future amenity of business zone residents, including relation to noise.

Discretionary Activities – Dwellings

- 22.9.7 Any dwelling which does not comply with Rule 22.9.1 and 22.9.5 shall be a discretionary activity.

22.10 DEVELOPMENT WITHIN THE BUSINESS 2A ZONE, ROLLESTON

Permitted Activities – Development within the Business 2A Zone, Rolleston

- 22.10.1 Development in the Business 2A Zone shall be a permitted activity provided that the following condition is met:
- 22.10.1.1 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plan at Appendix 22, and the principal building, shall be landscaped in accordance with the requirements of Rule 24.1.3.13.

Controlled Activities – Development within the Business 2A Zone, Rolleston

- 22.10.2 Any outdoor storage of materials within 5m of the centreline of the existing primary shelterbelt as required by Landscape Treatment 3 in Rule 24.1.3.13 shall be a controlled activity.

22.10.3 The matters the Council has reserved control over are:

22.10.3.1 Any actual or potential effects on the health of the existing primary shelterbelt and the effectiveness of any measures to mitigate any such effects.

Restricted Discretionary Activities – Development within the Business 2A Zone, Rolleston

22.10.4 The creation of impermeable surfaces within 5m of the centreline of the existing primary shelterbelt as required by Landscape Treatment 3 in Rule 24.1.3.13 shall be a restricted discretionary activity.

22.10.5 Under Rule 22.10.4 the Council shall restrict the exercise of its discretion to consideration of:

22.10.5.1 Any actual or potential effects to the health of the existing primary shelterbelt and the effectiveness of any measures to mitigate any such effects.

Discretionary Activities – Development within the Business 2A Zone, Rolleston

22.10.6 Any activity which does not comply with Rule 22.10.1 shall be a discretionary activity.

22.11 DEVELOPMENT WITHIN THE BUSINESS 1 ZONE AT ROLLESTON BOUNDED BY ROLLESTON DRIVE, STATE HIGHWAY 1 AND DICK ROBERTS PLACE

Permitted Activities – Development within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place

22.11.1 Development in the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place shall be a permitted activity provided that the following conditions are met.

Outline Development Plan

22.11.1.1 All development in the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place is in general accordance with the Outline Development Plan at Appendix 29 (to the extent that this plan applies).

Access Restrictions

22.11.1.2 Vehicle access to the Business 1 Zone bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place is limited to only one crossing. That crossing shall connect to Rolleston Drive.

22.11.1.3 The vehicle access to the Business 1 Zone bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place zone is located approximately 300 metres from the strategic intersection of State Highway 1 and Rolleston Drive, and no less than 260 metres from the strategic

intersection of State Highway 1 and Rolleston Drive, and generally in the position shown on Appendix 29.

Discretionary Activities — Development within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place

22.11.2 Any activity which does not comply with Rules 22.11.1 shall be a discretionary activity.

22.12 RETAILING WITHIN THE BUSINESS 2A ZONE, ROLLESTON

Permitted Activities — Retailing within the Business 2A Zone, Rolleston

22.12.1 The following shall be a permitted activity:

22.12.1.1 Any retail activity undertaken from an allotment in the Business 2A Zone at Rolleston as depicted on the Outline Development Plans at Appendix 22 provided that it only occupies up to 20% of the gross floor area of building on that allotment or 2,000m², whichever is the lesser.

Discretionary Activities — Retailing within the Business 2A Zone, Rolleston

22.12.2 Any activity which does not comply with Rule 22.12.1.1 shall be a discretionary activity.

22.13 RETAILING WITHIN THE BUSINESS 1 ZONE AT ROLLESTON BOUNDED BY ROLLESTON DRIVE, STATE HIGHWAY 1 AND DICK ROBERTS PLACE

Non-Complying Activities: Retailing within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place

22.13.1 Any retailing activity within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place shall be a non-complying activity.

22.14 RETAILING IN ODP NEIGHBOURHOOD AND LOCAL CENTRES WITHIN THE BUSINESS 1 ZONE

22.14.1 Any retailing activity within a neighbourhood centre as identified on ODP contained in Appendices 37 and 38 within either Rolleston or Lincoln with a total retail floor space in excess of 2000m² or individual retail tenancy area greater than 350m² GFA shall be a non-complying activity.

- 22.14.2 Any retailing activity within a local centre as identified on ODP contained in Appendices 37 and 38 within either Rolleston or Lincoln with a total retail floor space in excess of 450m² or individual retail tenancy area greater than 350m² GFA, shall be a non-complying activity.

22.15 CAFES AND LUNCHBARS WITHIN THE BUSINESS 2B ZONE IN LINCOLN

Permitted Activities – Café and Lunchbars within the Business 2B Zone in Lincoln

- 22.15.1 The following shall be a permitted activity provided that the following conditions are met:

- 22.15.1.1 Any cafes/lunchbars located within the Business 2B zone with a gross floor area of less than 150m²

Discretionary Activities – Café and Lunchbars within the Business 2B Zone in Lincoln

- 22.15.2 Any activity which does not comply with Rule 22.15.1.1 shall be a discretionary activity.

22.16 DEVELOPMENT WITHIN THE BUSINESS 1 ZONE, WEST MELTON

Permitted Activities – Development within the Business 1 Zone, West Melton

- 22.16.1 Development within the Business 1 zone at West Melton shall be a permitted activity provided that the following conditions are met:

- 22.16.1.1 Any group of commercial or retail activities shall not exceed a total combined maximum Gross Floor Area of 3,000m²;

- 22.16.1.2 Any retail or commercial tenancy, excluding restaurant or café activities, shall not exceed a Gross Floor Area of 350m²;

Discretionary Activities – Development within the Business 1 Zone, West Melton

- 22.16.2 Any activity which does not comply with Rules 22.16.1.1 or 22.16.1.2 shall be a discretionary activity.

Reasons for Rules

Contaminated Sites

Contaminated land contains certain substances at concentrations which may affect people's health or well-being. Effects may be through direct exposure, e.g. touching contaminated soil, or indirect exposure by being absorbed in drinking water or food grown on contaminated soil.

The activities listed in Rule 22.1.1 are activities which are most likely to expose people to either direct or indirect exposure to contaminated land. The Building Act 2004 can require certain mitigation measures to be put in place before a building is erected on contaminated land. However, this Act does not apply to activities that do not involve erecting a building (such as growing food crops) or activities ancillary to buildings, such as outdoor recreation.

Contaminated Site Register

The Council has a register of sites which may have contaminated land, because of past activities on the site. These sites should be tested prior to the activities listed in Rule 22.1.1 taking place. If a site is on the Council register, it will be noted on any LIM (Land Information Memorandum) issued for the site.

PLEASE NOTE – the register is not a comprehensive list. There are likely to be additional contaminated sites in the District which are not on the register, particularly if the activity in the past did not require to obtain any permit or licence.

Keeping of Animals

Some control over animals (excepting domestic pets) in the Business zones is needed because of the potential of being in close proximity of residential neighbours in the adjoining Living zone(s) and to protect the prevailing amenity values of Business zones.

The undertaking of intensive livestock production (factory farms) and the boarding, rearing and breeding of animals do, in most cases, have adverse environmental effects which are incompatible with anticipated environmental outcomes for business areas. They will also largely be incompatible with the range of activities that may be undertaken in the Business 1 and 1A zones, which tend to be more retail or commercial in nature. It is on this basis that any activity involving the boarding, rearing and breeding of animals is required to be assessed as a non complying activity. These activities may be allowed, depending on the scale of the particular activity and conditions upon which it is undertaken.

However for the Business 2 Zone, which is more industrial in nature, such activities need approval only as a discretionary activity. The need for a Resource Consent is on the basis that significant areas of this zone are in close proximity to a Living zone.

Special provision is made for the Business 3 Zone in Lincoln which focuses on the primary activities of education and research.

Aircraft Movements

An airport or other facilities for regular take off and landing of aircraft or helicopters is not compatible with the amenity values of the adjoining or nearby Living zones due to effects of aircraft noise, vibration and night lighting. It is therefore appropriate that any proposal to establish an airport (for example a helipad) be a non complying activity so controls can be imposed on establishing such facilities in the Business zones.

There are some instances, however, where the effects of aircraft taking off or landing can be tolerated for a short period of time. For example, if a helicopter is used to assist in construction work on a building. Rule 22.3 is designed to accommodate these ‘one off’ events without requiring a resource consent.

The rule also provides for the take off and landing of aircraft for emergency purposes or law enforcement. Section 342 of the Resource Management Act provides for emergency work but not law enforcement. The temporary and (hopefully) infrequent nature of this work and the importance it has to the health, safety and well-being of people and communities is considered to mitigate and outweigh any adverse effects on residential amenity values.

Noise

One of the general characteristics of the Business zones is their close proximity to residential areas (Living zones). In most situations there is a shared common boundary with a Living Zone. Residents in the Living zones expect to be able to enjoy a relatively quiet noise environment without being disturbed by constant and excessive noise from commercial and industrial-type activities within the Business zone areas. Also, the owners and/or workers within the Business zones should not be subjected to excessive outdoor noise levels arising from activities undertaken on adjoining or nearby properties also in the same zone.

Rule 22.4 sets the noise limits for permitted activities in the Business zones. The rules are largely based on existing sound levels generally being experienced in these industrial areas so the “noise environment” will not differ markedly with the implementation of these noise limits.

The lower day time noise limit for the Business 1 & Living zones (50 dba) as opposed to that for the Business 2 Zone (55 dba) acknowledges that the former zone is the commercial centre of the settlement where people tend to congregate and becomes the focus of public life. It is therefore appropriate that a lower noise limit applies to this zone so to ensure that the amenity levels are not unduly compromised. The same issues do not apply to the Business 2 Zone which are more industrial in nature and therefore do not engender themselves to be places where the public would want to congregate other than for business purposes.

In respect of the Business 3 Zone at Lincoln, the overall ambience of these education and research facilities means that the noise levels being the same as the Business 1 & 1A Zones is appropriate. The Business 3 Zone also shares a common boundary with a Living zone.

Noise effects within the West Melton Business 1 Zone are managed in a manner that is consistent with the adjoining Living 1 Zone in order to avoid adverse nuisance effects. Activities within the zone that operate during the stated hours and satisfy the outdoor area setback and prescribed noise standards are provided as a permitted activity. Failure to accord with the noise performance standards will generate a discretionary activity resource consent. Any activity seeking to operate after 11pm is also a restricted discretionary activity, recognising that night time activity may be appropriate in certain circumstances. Smaller scale activities seeking to operate after 11pm or certain development configurations may result in insignificant or no adverse effects on neighbours, depending on the particular circumstances, whereas larger scale activities or certain other development configurations may result in potential adverse effects on residential neighbours. The requirement for resource consent will enable a case by case assessment of activities that may seek to operate at night in the West Melton Business 1 Zone.

Irrespective of any rules in the Plan, there is a duty (under Section 16 of the Act) on all persons not to make ‘unreasonable noise’.

Emergency services may be located in business areas close to the communities they serve. In these situations it may be impractical from an operational sense for emergency sirens to comply with noise standards and still achieve their function in alerting the community of an emergency and they have therefore been given an exemption. The fact that such sirens operate on an

infrequent rather than continuous basis in part mitigates potential noise effects. In all other aspects of the emergency service operation must still comply with Rule 22.3.

Vibration

Vibration is an adverse effect on the environment, especially in residential areas. Activities likely to have regular vibration effects such as quarrying, mining or airports are not permitted activities in the Business zones, therefore they need a resource consent.

Vibration limits are based on New Zealand Standards.

Light Spill

Light spill from activities into adjoining properties can disturb the sleep patterns of nearby residents and reduce their privacy. Activities undertaken on adjoining properties within the same Business zone could likewise be adversely affected. However any such effects would likely be of a lesser consequence due to the expected predominance of non residential activities undertaken in these zones. Rule 22.6 sets a maximum amount of light spill for permitted activities to avoid these effects.

Activities which have greater light spill may be allowed with the granting of a resource consent, if the light spill will not adversely affect adjoining properties.

Outdoor Storage

Rule 22.7 manages adverse effects on the amenity values from the outdoor storing goods and materials. These effects also include dust nuisance from the stockpiling unconsolidated excavated material. The visual effects in the Business zones pertain primarily when the property is viewed from the road rather than between neighbours.

With the internal boundaries of adjoining properties, whether they be residential or non residential, any issues associated with the shielding of outdoor storage areas is best dealt with by neighbours arriving at a solution that suits best both parties. Issues involving boundary fences between adjoining properties is dealt with in the Fencing Act which does not involve Council at the regulatory level.

However for the Business 2 Zone the Council believes that screening of storage areas is required only on sites located along Strategic Roads, Arterial Roads and where they are opposite a Living zone. These three situations are the more sensitive areas in terms of visual considerations for passing motorists and local residents respectively.

Temporary Military Training

Rule 22.8 provides for Temporary Military Training Activities. Such activities have some potential to create adverse environmental effects, but the nature of the activity is unique in terms of other land uses and is temporary in nature. The accompanying restrictions on duration, building, excavation, sensitive sites and noise are expected to mitigate any significant adverse effects on the environment.

Dwellings

Additional controls within the West Melton Business 1 Zone are provided to ensure that any effects associated with dwellings within this environment are managed appropriately. Rule 22.9.5 requires any dwelling within the zone to be subject to the Living 1 Zone rules and assessment to ensure that the density of development is appropriate with respect to the adjoining residential land uses and the character of West Melton, to ensure the avoidance of adverse reverse sensitivity effects and to ensure a level of amenity for future business zone residents. Failure to

accord with the restricted discretionary activity Living 1 Zone rules for dwellings within the West Melton Business 1 Zone requires a discretionary activity resource consent to enable a full assessment to be undertaken.

One cause of potential reverse sensitivity effects is the location of dwellings in industrial areas of the District. Often these houses are originally established for custodial or security purposes but are subdivided and sold off when no longer required for that purpose. A problem arises if the new owner complains about the nature of existing operations in the area. To avoid the potential for reverse sensitivity effects, the Council shall provide for custodial accommodation in the Business 2 Zone as a controlled activity and for other houses as a discretionary activity. In terms of custodial houses, the Council shall reserve control over methods to remove or decommission the dwelling in the event of it no longer being required for custodial or security purposes.

Retailing within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place

At the present point in time it is considered neither necessary nor appropriate to have additional retailing activities in that Business 1 Zone bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place in Rolleston, given that the existing Business 1 Zone within central Rolleston is not yet at capacity.

Development within the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place

The reasons for the Outline Development Plan, and the access restriction rule, are to establish and place restrictions on legal access for vehicles to the zone, and to identify those areas where access restrictions are imposed. This is to address any potential adverse traffic effects of the zone by limiting access to the zone to one point on Rolleston Drive, located approximately 300 metres, and not less than 260 metres, from the legal State Highway boundary.

Development within the Business 2A Zone at Rolleston

The reasons for the restriction on activities (outdoor storage of materials and the establishment of impermeable surfaces) occurring within 5m of the existing primary shelterbelt is to ensure appropriate mechanisms are in place to maintain the health of the existing primary shelterbelt in instances where development occurs in close proximity to the existing primary shelterbelt.

Retail Floor Areas within Business 1 Zoned Neighbourhood and Local Centres identified on ODPs

Whilst the Business 1 Zone rules also apply to Neighbourhood and Local Centres shown on ODPs, the services and facilities provided for such centres are generally to have a more localised area of influence due to their limited range of activities and accessibility, and accordingly need to complement the existing Town Centres, and not compete with them in terms of being a substantial business or retail destination at a strategic level. Accordingly, such Neighbourhood Centres, as identified by the ODPs should:

Range in size, but generally be 1,000m² – 2,000m² total floorspace and include:

- Up to 15 shops, with a maximum retail tenancy of 350m² GFA; and provide
- A limited range of community facilities.

Local centres, as identified by the ODPs, should range in size, but generally be up to 450m² total floorspace and include:

- 1 – 5 shops, with a maximum retail tenancy of 350m² GFA; and provide

- A limited range of community facilities.

Café and Lunchbars within the Business 2B Zone at Lincoln

The reason for the restriction on retail floor space for café and lunchbars within this zone is to make sure that these type of stores cater for the needs of the Business 2B zone and not the whole of Lincoln, so that it complements the existing Town Centre and Neighbourhood Centre hierarchy that has been created in Lincoln.

Development within the Business 1 Zone, West Melton

A maximum Gross Floor Area for individual tenancies within the West Melton Business 1 Zone has been restricted to 350m² to ensure the scale and function of any future developments within the zone is consistent with the size of the town it is serving. An exemption to this restriction is provided for restaurants and cafes in recognition that these activities will not undermine the viability of other town centres, commercial nodes or Business 1 zones. A maximum Gross Floor Area of 3,000m² also applies to the West Melton Business 1 Zone to ensure the size and function of the centre is commensurate to West Melton and does not contribute to any adverse retail distribution effects.

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link, must be provided for as part of the works associated with that subdivision.

Note: *The detailing of the intersection between Hoskyns Road and the proposed 'boulevard road' should be designed with regard to integrating the external cycle/pedestrian link with pedestrian and cycle routes on the internal road system.*

- 24.1.3.16 In the Business 2A Zone at the time that the first subdivision consent is sought within Precincts 2 or 3, each application must include an allotment that is to be set aside for the purposes of an Amenity Hub. This allotment is to be a minimum of 1000m² and is to be located generally in accordance with one of the locations identified on the Outline Development Plan at Appendix 22. The allotment shall be bounded on at least 50% of the length of its boundaries by public roads. The use of the allotment for the purpose of an Amenity Hub is to be secured by way of a consent notice being registered on the Certificate of Title for the allotment identified as the Amenity Hub site.
- 24.1.3.17 In the Business 2A Zone at the time subdivision consent is sought for any allotment that is to gain access to Hoskyns Road north of the proposed 'Boulevard Road' the upgrading of Hoskyns Road beyond that required by Rule 24.1.3.14 to the intersection with Maddisons Road as depicted on the 'Hoskyns Road Stage 2 Upgrade Plan' included at Appendix 22 must be provided for.
- 24.1.3.18 Any subdivision of land within Precinct 2 of the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22 shall provide for the upgrading of the Hoskyns Road/Maddisons Road intersection in accordance with the Traffic Design Group drawing 7030-3-5A dated 02/12/2008 "Proposed Intersection" as included at Appendix 22 prior to any new certificates of title being issued for land within this area.
- 24.1.3.19 In the Business 2A Zone at the time that the first subdivision consent is sought for land contained within Precinct 3, the secondary landscaping strip required by Landscape Treatment 3 must be planted prior to the commencement of works associated with the above subdivisions consent.
- 24.1.3.20 In Precincts 2 and/or 3 in the Business 2A Zone, before Certificates of Title can be issued for any subdivision that creates allotments that in total exceed 57ha, the upgrade of the Hoskyns Road / Jones Road intersection shall be provided in accordance with the 'Proposed Roundabout Jones Road and Hoskyns Road' Plan included at Appendix 22.
- 24.1.3.21 In the Business 2A Zone, at the time subdivision consent is sought for the creation of the new road within precinct 3 as depicted on the Outline Development Plan at Appendix 22, Railway Road shall be sealed to a point 50m north west of the zone boundary and 10m to the south east of the new access road.

Note: *Rule 24.1.3.21 only applies to allotments used for business purposes, and excludes balance, utility or roading allotments.*

West Melton Business 1 Zone

- 24.1.3.22 In the West Melton Business 1 Zone, any subdivision to create allotments to be utilised for residential purposes shall comply with the Living zone subdivision performance standards and accord with the minimum average allotment size of 1,000m² prescribed in Table C12.1 – Allotment Sizes.

Table C24.1 - Allotment Sizes

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

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

Access

- 24.1.4.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7:
- Any adverse effects, including cumulative effects, on traffic safety and traffic flow on the State Highway or Arterial Road; and
 - The design and location of the vehicle accessway and vehicle crossing; and
 - Whether access to the allotment(s) can be obtained off another road which is not a State Highway or Arterial Road either directly or by an easement across other land.^{PC12}

Corner Splays

- 24.1.4.2 Under Rule 24.1.3.2 the Council shall restrict its discretion to consideration of:
- Effects on the efficient functioning of any road, and the safety of road users; and
 - The effect on the amenity of surrounding allotments.^{PC12}

Water

- 24.1.4.3 The provision of water for fire fighting; and
- 24.1.4.4 In relation to any new bore to provide a potable water supply:
- Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and

- (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
- (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Solid Waste Disposal

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

Utility Cables

- 24.1.4.6 Whether any utility cables shall be laid underground.

Telephone and Power

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

Stormwater Disposal

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

On-Site Effluent Disposal

- 24.1.4.11 In the Business Zones at Coalgate, Dunsandel and Darfield:
- (a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

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

Roads, Reserves and Walkways/Cycleways

- 24.1.4.12 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 24.1.4.13 The provision, location, co-ordination, layout and formation of any land required for reserves, which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding

Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP; and

24.1.4.14 The provision of footpaths, lighting and street furniture; and

24.1.4.15 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council’s **most recent Engineering Code of Practice** where appropriate, in using its discretion under Rules 24.1.4.12 to 24.1.4.15.

Point Strips

24.1.4.16 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the Plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the link strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Point Strips may also be required to prevent access to any road. See Rule 24.3.2.8. ^{PC12}

Special Sites

24.1.4.17 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).

24.1.4.18 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:

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

Size and Shape

- 24.1.4.19 The size and shape of allotments in accordance with Rules 24.1.3.6 and 24.1.3.7; and
- 24.1.4.20 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3.
- 24.1.4.21 Whether subdivision in the Business 2A Zone creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of those locations in each precinct shown on the Outline Development Plan attached at Appendix 22.

Utilities and Facilities

- 24.1.4.22 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:
- (a) Vest in Selwyn District Council as owner or manager; or
 - (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and
- 24.1.4.23 For other utilities and facilities:
- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and
 - (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's most recent Engineering Code of Practice where appropriate, in using its discretion under Rule 24.1.4.22.

Construction of any Works

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

Fencing

- 24.1.4.25 Any measures to avoid or mitigate the potential adverse visual effects of 1.8 metre high (or higher) solid fencing being erected along road boundaries where subdivisions "back onto" roads.

Easements

- 24.1.4.26 Any easements or other mechanism(s) needed to obtain or maintain legal access to land or utilities.

High Voltage Transmission Lines

- 24.1.4.27 Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those

lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves

- 24.1.4.28 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 24.1.4.29 Whether any esplanade reserve will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Prebbleton

- 24.1.4.30 In the Business 1B zone at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:
- (a) a road or indicative road identified on an Outline Development Plan in Appendix 19; or
 - (b) any allotment(s) that are wholly contained within the Banham and Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road.

Rolleston

- 24.1.4.31 The extent to which failure to provide a pedestrian linkage identified in Appendix 23 will result in increased use of private motor vehicles within Rolleston;
- 24.1.4.32 The degree to which pedestrian and cycle access throughout Rolleston may be enhanced from an efficiency and amenity perspective through the provision of cycleways and walkways;
- 24.1.4.33 The need to provide linkages (road, cycle, walkways) to schools, business areas, community facilities and reserves to ensure that the town develops in an integrated manner;
- 24.1.4.34 The need to provide for pedestrian and cycle movement within the road reserve;
- 24.1.4.35 The extent to which failure to provide walkways/cycleways may result in a loss of opportunity to enable non-vehicular access by children to and between residential areas, schools and community facilities;
- 24.1.4.36 The need for local reserves;
- 24.1.4.37 The extent to which failure to provide walkways/cycleways may result in a loss of pedestrian safety and amenity;
- 24.1.4.38 The design guidelines contained in Appendix 23;
- 24.1.4.39 The extent to which a failure to conform with the roading pattern identified in Appendix 23 will adversely affect:
- (a) ease of access within and an efficient road network throughout Rolleston

- (b) bus routes
- (c) the ability of nearby landowners also to conform with the indicative roading layout and the degree to which access (actual or potential) to nearby properties may be changed or compromised.

24.1.4.40 The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and community facilities.

Discretionary Activities – Subdivision – General

West Melton Business 1 Zone

24.1.5 Any subdivision which is subject to Rule 24.1.1 which complies with all standards and terms in Rule 24.1.3, except Rule 24.1.3.22 shall be a discretionary activity.

Non-Complying Activities – Subdivision – General

24.1.6 The following activities shall be non-complying activities:

24.1.6.1 Any subdivision which is subject to Rule 24.1.1 and does not comply with 24.1.3, except as provided for in Rule 24.1.5.

24.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

Note: If a boundary adjustment completed under 24.2 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

Restricted Discretionary Activities – Subdivision – Boundary Adjustments

24.2.1 Any subdivision to adjust the boundaries between existing allotments shall be a restricted discretionary activity if it complies with the following standards and terms:

24.2.1.1 All allotments subject to the boundary adjustment are adjoining or separated by a road, railway line, vehicular accessway or waterbody (excluding aquifers); and

24.2.1.2 No additional allotments are created as a result of the boundary adjustment; and

24.2.1.3 The area of any allotment after the boundary adjustment has not decreased the smallest allotment existing after the boundary adjustment by an area greater than 15% of that of the smallest allotment prior to the boundary adjustment (except where any such allotment is for the purpose of corner rounding or access to a road); and

24.2.1.4 Each allotment has legal access to a formed, legal road.

24.2.1.5 The corner of any allotment at any road intersection within a Business zone shall be splayed with a rounded minimum radius of 6m.^{PC12}

Note: If the subdivision complies with Rules 24.2.1.1 to 24.2.1.5, it shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.2.2.

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

Access

24.2.2.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7

- (a) Any adverse effects, including cumulative effects, on traffic safety or traffic flow on the State Highway or Arterial Road; and
- (b) Any alternative roads that may be used for access; and
- (c) The design and siting of the vehicle accessway or vehicle crossing.

Corner Splays

24.2.2.2 Under Rule 24.2.1.5 the Council shall restrict its discretion to consideration of:

- (a) Effects on the efficient functioning of any road, and the safety of road users; and
- (b) The effect on the amenity of surrounding allotments^{PC12}

Water

24.2.2.3 In relation to any new bore to provide a potable water supply:

- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
- (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
- (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Size and Shape

24.2.2.4 The proposed size and shape of the allotments altered by the boundary adjustment considering:

- (a) The actual or proposed use of the site; and
- (b) The effects of adjoining land uses on the site; and
- (c) Whether, as a result of the boundary adjustment, an allotment may be created which is too small to enable a dwelling to be erected on it as a permitted activity in the district plan and, if so, the mechanism used to inform any prospective purchaser of any such allotment.

Note: In using its discretion under Rule 24.2.2.4(c), the consent authority shall consider a dwelling of 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

- 24.2.2.5 The methods for disposing of stormwater;
- 24.2.2.6 Any adverse effects of stormwater disposal on any land drainage scheme administered by the Selwyn District Council; and
- 24.2.2.7 The quantity and rate of stormwater discharged in to any land drainage scheme administered by the Selwyn District Council.

Special Sites

- 24.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:
 - (a) Any waterbody (excluding aquifers); or
 - (b) Any site listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
 - Any effects (adverse or beneficial) which the boundary adjustment may have on these values of the site, as identified in the District Plan; and
 - Any proposed mitigation measures to lessen any adverse effects on these values; and
 - Whether public access to the site is desirable and, if so, where and how this may be improved as part of the boundary adjustment; and
 - Whether the proposed size and shape of the allotments are appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.

Utilities

- 24.2.2.9 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 24.2.2.10 Whether any utility cables shall be laid underground; and
- 24.2.2.11 The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into or work in conjunction with, utilities or facilities which are owned or managed by Selwyn District Council; and
- 24.2.2.12 For services and facilities which are not to vest in Selwyn District Council:
 - (a) The method(s) by which the operation, maintenance, repair and any upgrades to those systems shall be managed; and
 - (b) The method(s) by which prospective purchasers of any allotment are to be informed of any fiscal or managerial responsibilities they have for those utilities or facilities; and
- 24.2.2.13 Measures to avoid, remedy or mitigate any adverse effects of constructing or upgrading utilities or facilities on surrounding residents or other parts of the environment.

Easements

- 24.2.2.14 Any easements or other mechanisms needed to obtain legal access to land or utilities.

High Voltage Transmission Lines

- 24.2.2.15 Where any part of the lands in respect of which boundary adjustments are proposed lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any allotment all or part of which will lie within that corridor or distance.

Esplanade Reserves and Strips

- 24.2.2.16 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12.

Non-Complying Activities — Subdivision – Boundary Adjustments

- 24.2.3 The following activities shall be non-complying activities:

- 24.2.3.1 Any subdivision to adjust boundaries which does not comply with Rule 24.2.1 shall be a non-complying activity.

24.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities — Subdivision – Access, Reserve and Utility Allotments

- 24.3.1 Subdivision of land to create allotments used solely for:

- Access (including roads and esplanade reserves); or
- Esplanade strips; or
- Protection of sites with special ecological, cultural or heritage values, archaeological sites, or outstanding landscapes; or
- Utility structures and utility buildings;
- Stopbanks

shall be a controlled activity which need not be notified or served on the persons prescribed in regulations (except where any part on an allotment intended to be used for utility structures lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines. In that case, and subject to s94(2) of the Act, notice of the application shall be served on the appropriate network utility operator). The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.3.2.

Subdivision of land to create allotments used solely for utility buildings and utility structures shall be a controlled activity, which shall not be notified and shall not

require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.3.2.

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

Access

- 24.3.2.1 Whether any allotment(s) created by the subdivision require(s) legal access to a legal, formed road; and
- 24.3.2.2 If legal access is to be to a State Highway or Arterial Road listed in Appendix 7:
- (a) Any adverse effects, including cumulative effects, on traffic safety and flow; and
 - (b) Whether access can be obtained of an alternative road; and
 - (c) The design and siting of any vehicle accessway or vehicle crossing.

Size and Shape

- 24.3.2.3 The size and shape of any allotment created by the subdivision considering:
- (a) The proposed use of the site; and
 - (b) Any adverse effects of surrounding land uses on the site.

Special Sites

- 24.3.2.4 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) the setting aside of esplanade strips or other methods to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 24.3.2.5 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on these values; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision;
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.
 - (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and the local rūnanga.

Utilities

- 24.3.2.6 Whether any allotment created by the subdivision needs to be supplied with any utilities or services and, if so:
- (a) The standard of each utility service provided; and

- (b) Whether any utility cables shall be laid underground; and
- (c) The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into, or work in conjunction with utilities or facilities which are owned or managed by Selwyn District Council, and
- (d) For services and facilities which are not to vest in Selwyn District Council:
 - The method(s) by which the operation, maintenance, repair and any upgrades to those systems shall be managed; and
 - The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Easements

- 24.3.2.7 Any easements or other mechanisms needed to obtain legal access to land or other utilities.

Point Strips

- 24.3.2.8 The creation of any 200mm wide allotment to deny access onto a particular road for traffic safety purposes.

High Voltage Transmission Lines

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

Esplanade Reserves and Strips

- 24.3.2.10 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 24.3.2.11 Whether any esplanade strip will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Reasons for Rules

Land is usually subdivided, in townships, to create new allotments to be sold as sites for new residential or business development. Subdivision has been the process used in New Zealand to ensure new allotments have appropriate facilities and features to house new buildings. The district plan continues to manage these effects at subdivision stage because:

- (a) The ‘public’ expectation is that if an allotment is purchased, it can be built on – especially in townships.
- (b) It is usually more efficient and effective to ensure utilities and facilities are installed when land is subdivided, rather than when each allotment is sold and built on, particularly reticulated services, roads and reserves.

Rule 24.1 identifies the facilities and other conditions necessary to ensure allotments in each township are suitable for building on. The plan recognises, in Rules 24.2 and 24.3 that some allotments are not subdivided to house new buildings. Rule 24.2 provides separate, less stringent conditions, for the alternation of boundaries between adjoining allotments, where no new allotments are created. The subdivisions provided for in Rules 24.1 and 24.2 are recognised as having more potential effects on the environment than those in Rule 24.3.

Rule 24.1.3.22 requires any subdivision within the West Melton Business 1 Zone to accord with the Living Zone subdivision performance standards, including the minimum average allotment size of 1,000m². This is to ensure that the density of sections to accommodate dwellings is consistent with the scale of residential development within the township. Failure to accord with the Living Zone subdivision rules necessitates a discretionary activity resource consent to enable a full assessment to be undertaken to consider the effects of any sections being created to accommodate dwellings on existing activities established within the zone as well as adjoining Living zones.

Rules 24.1 and 24.2 make subdivision a restricted discretionary activity if the activity complies with all relevant standards and terms. The resource consent application is not notified and does not require the written approval of affected parties. These rules are slightly different from the more common controlled activity for two reasons:

- (a) The consent authority has the discretion to decline 'inappropriate' proposals. Given that the subdivision rules offer increased flexibility for developers in the design and servicing of their subdivisions than was previously the case, this is considered necessary and reasonable.
- (b) A controlled activity is required, under the Act, to be approved. This sometimes resulted in an 'inappropriate' proposal being approved with conditions imposed that, in effect, meant the consent could not be given effect to in terms of the original application (that is, the consent authority was actually declining the application). A restricted discretionary classification avoids this situation.

Outline Development Plans are required in a number of circumstances where the area to be developed is large, or is in multiple ownership. The purpose of Outline Development Plans is to ensure coordinated development, particularly in terms of roading, pedestrian and cycle links; to improve subdivision design; to assist with staging of subdivision; identifying the location of green space and reserves and access points to the adjoining road network; avoidance of adverse effects; and the retention of any key natural features or physical infrastructure.

As urban growth pressures increase, the integration of land use and transport planning to ensure that new developments are accessible, permeable and connected to adjoining land and transport networks is paramount for sustainable and efficient development. Point strips are a method of ensuring that development of land that is in one ownership is able to be connected to adjoining land that also has subdivision potential. Point strips are commonly utilised for road connections, but can also be applied to cycle ways and pedestrian links. Point strips are also a method of restricting access for safety reasons.^{PC12}

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SCHEDULE OF AMENDMENTS

The amendments to the Selwyn District Plan are due to the following changes:

Name	Description
Plan Change 25	Porters Ski and Recreation Area
Plan Change 30	West Melton Proposed Business 1 Zone
Central Plains Water Designation	Central Plains Water Enhancement Scheme
Clause 20A Amendments	Various minor amendments

Township Volume

Amendments from 23 October 2012 to 12 November 2012

Insert Pages

Front of Township Volume -
Supersedes existing Certificate of Approval

Signed Certificate of Approval
as of 12 November 2012

Replace pages - Please recycle all pages removed

Part C5 – Living Zone Rules – Roads & Transport

Clause 20A amendment to correct typographical error C5.2.1

C5-001 – C5-002

Part C13 – Business Zone Rules – Status of Activities

Insert new “Note” at end of 13.1

C13-005 – C13-006

Part C16 – Business Zone Rules – Buildings

Insert new 16.1.6 Restricted Discretionary Activities – Buildings and Landscaping, and Reasons for Rules – Landscaping paragraph 2, renumber subsequent rules

C16-003 – C16-004

Insert new rule 16.7.2.2 Setbacks from Boundaries, renumber subsequent rules

C16-007 – C16-016

Amend 16.7.5 and 16.7.7 reference to rules and Note 1 under 16.7.7, insert new 2nd paragraph under Reasons for Rules – Building Position.

Part C17 – Business Zone Rules – Roads and Transport

Insert new Rule 17.8 Access Arrangements for the West Melton Business 1 Zone

C17-007 – C17-010

Part C22 – Business Zone Rules – Activities

<i>Amend 22.4.1 subheading above 22.4.1.1</i>	C22-001 – C22-018
<i>Insert new 22.4.2 Business 1 Zone, West Melton and sub rules, renumber subsequent existing rules accordingly</i>	Entire Chapter
<i>Insert new 22.4.4, 22.4.5, 22.4.6, 22.4.7, 22.4.8 and 22.4.9</i>	
<i>Insert new Restricted Discretionary Activities – Dwellings – West Melton 22.9.4, 22.9.5 and 22.9.6, renumber subsequent existing rules accordingly</i>	
<i>Insert new Rule 22.16 Development within the Business 1 Zone, West Melton, and sub rules.</i>	
<i>Insert new 5th paragraph under Reasons for Rules – Noise</i>	
<i>Insert new 1st paragraph under Reasons for Rules – Dwellings</i>	
<i>Insert new Reasons for Rules “Development within the Business 1 Zone, West Melton” at end of entire Reasons for Rules</i>	
<i>Insert new rule C22.15.2 Café and Lunchbars within the Business 2B Zone in Lincoln – Discretionary Activities (PC7 Appeal – omitted from last update)</i>	

Part C24 – Business Zone Rules – Subdivision

<i>Insert new Rule 24.1.3.22 West Melton Business 1 Zone</i>	C24-005 – C24-018
<i>Insert new 24.1.5 Discretionary Activities – Subdivision – General, West Melton Business 1 Zone, renumber subsequent rules</i>	
<i>Amend 24.1.6 (old 24.1.5) Non-Complying Activities – Subdivision – General</i>	
<i>Insert new 3rd paragraph under Reasons for Rules</i>	

Rural Volume

Amendments from 23 October 2012 to 12 November 2012

Insert Pages

Front of Rural Volume - Supersedes existing Certificate of Approval	Signed Certificate of Approval as of 12 November 2012
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Replace pages - Please recycle all pages removed

Part A0 - Contents	A0-001 – A0-004
<i>Amend page numbering Insert new Appendix 25 into contents list</i>	Entire Chapter
Part A4 – Finding Material in the Plan	A4-013 – A4-014
<i>Add new paragraph 6 between existing paragraphs 5 and 6</i>	

Part B1 – Natural Resources <i>Insert new final sentence to paragraph 7 under Outstanding Natural Features and Landscapes – Issues – High Country</i> <i>Amend 2nd sentence and add new sentence to end of paragraph 1 of Explanation and Reasons for Policy B1.4.1</i> <i>Amend 4th sentence of Explanation and Reasons for Policy B1.4.22</i> <i>Insert new Policy B1.4.25 and consequently renumber all following policies and references to policies</i> <i>Insert two new paragraphs to end of Explanation and Reasons for B1.4.22 to B1.4.25</i> <i>Add new final paragraph to Explanation and Reasons for existing Policy B1.4.29 (renumbered to B1.4.30)</i>	B1-037 – B1-054
Part B2 – Physical Resources <i>Amend 2nd sentence of paragraph 2 under Issues with Utilities – Need for Utilities</i>	B2-029 – B2-030
Part B3 – People’s Health, Safety and Values <i>Amend Policy B3.1.6 by adding new text to end of first paragraph of Explanation and Reasons</i> <i>Amend 1st sentence of Explanation and Reasons for Policy B3.4.1</i> <i>Insert new 3rd bullet in Explanation and Reasons for Policy B 3.4.2</i> <i>Amend Explanations and Reasons for Policy B 3.4.5 by inserting four new sentences to end of paragraph 4</i> <i>Amend Explanations and Reasons for Policy B3.4.6 by adding new sentence to end of paragraph 1</i> <i>Insert new Policy B3.4.7 and consequently renumber subsequent policies and references to policies</i>	B3-007 – B3-052
Part B4 – Growth of Rural Area <i>Add new 4th bullet point to B4.1 Residential Density and Subdivision in the Rural Area – Issues</i> <i>Add new 5th paragraph under B4.1 Residential Density and Subdivision in the Rural Area - Issues - Residential Density</i> <i>Add new 4th bullet under Residential Density and Subdivision in the Rural Area – Strategy</i> <i>Add new Objective B4.1.4 and two new paragraphs and end of Explanation and Reasons</i> <i>Amend Policy B4.1.4 and add new text to end of last paragraph of Explanation and Reasons</i> <i>Add new bullet (d) to Policy B4.1.5 and add new final paragraph to Explanation and reasons</i> <i>Under Subdivision add new Policy B4.1.8 and Explanation and Reasons and consequently renumber subsequent policy numbering and references</i> <i>Add new final bullet under Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results</i>	B4-001 – B4-020 Entire Chapter
Part C – Introduction to Rules <i>Amend paragraph 2 under Introduction to Rules – Type of Rules</i> <i>Amend 2nd bullet in paragraph 5</i>	C-001 – C-002
Part C1 – Earthworks <i>Insert new bullet 7 to Notes, consequently renumbering subsequent bullets</i>	C1-001 – C1-002

Part C2 – Tree Planting and Removal of Protected Trees	C2-001 – C2-002
<i>Insert new bullet 5 to Notes, consequently renumbering subsequent bullets</i>	
Part C3 – Buildings	C3-001 – C3-002
<i>Insert new bullet 4 to Notes, consequently renumbering subsequent bullets</i>	
<i>Clause 20A amendment changing LTCCP to LTP in Note 6</i>	
Part C4 – Roading	C4-001 – C4-010
<i>Insert new bullet 1 to Notes, consequently renumbering subsequent bullets</i>	Entire chapter
<i>Clause 20A amendment changing LTCCP to LTP in Note 3</i>	
Part C5 – Utilities	C5-001 – C5-002
<i>Insert new bullet 4 to Notes, consequently renumbering subsequent bullets</i>	
<i>Clause 20A amendment changing LTCCP to LTP in Note 6</i>	
Part C6 – Outdoor Signs and Noticeboards	C6-001 – C6-004
<i>Insert new bullet 3 to Notes, consequently renumbering subsequent bullets</i>	
Part C9 – Activities	C9-001 – C9-026
<i>Clause 20A amendment changing LTCCP to LTP in Note 5</i>	Entire Chapter
<i>Amend the Notes at the end of Rules 9.3.1 and 9.4.1</i>	
<i>Insert new bullet 5 to Note at end 9.13.1</i>	
<i>Insert new bullet (d) to 9.14.1.1</i>	
<i>Insert new Rule 9.21.2.6</i>	
Part C10 – Subdivision	C10-001 – C10-018
<i>Clause 20A amendment changing LTCCP to LTP in Note 12</i>	Entire Chapter
<i>Insert new Rule 10.1.1.14</i>	
<i>Insert new Note at after 10.1.1.14</i>	
Appendix 2 - Designations	E2-023 - E2-024
<i>Insert new Designation for Central Plains Water</i>	
Appendix 25 – Porters Ski Area	E25-001 – E25-036
<i>Insert new Appendix 25 – Porters Ski Area</i>	Entire Chapter

Maps Volume

Amendments from 23 October 2012 to 12 November 2012

Insert Pages

Front of Maps Volume -
Supersedes existing Certificate of Approval

Signed Certificate of Approval
as of 12 November 2012

Replace pages - Please recycle all pages removed

Maps 18, 88, 89 (WM B1 Zone), Map 25 (Porters Ski & Recreation Area)

Maps 10, 11, 16, 17, 22, 59 & 60 (Central Plains Water Enhancement Scheme)

CERTIFICATE OF APPROVAL

The Council resolved to make operative those parts of the Selwyn District Plan relating to Plan Change 25 (Porter Heights Ski Area) on the 19 October 2012.

The Central Plains Water Designation has been fully consented.

Provisions which are not yet operative are detailed on the following page.

This resolution was made in accordance with Clauses 17(2) and 20 of Schedule 1 of the Resource Management Act 1991.

Sealed with the Common Seal of the Selwyn District Council

in the presence of:

A handwritten signature in black ink, appearing to read 'K. Coe', is written over a horizontal line.

Mayor
Kelvin Coe

A handwritten signature in blue ink, appearing to read 'P. Davey', is written over a horizontal line.

Chief Executive
Paul Davey

Dated at Rolleston this 12th day of November 2012

Requiring Authority	Unresolved Designations <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : D411 Rolleston Waste Water Treatment and Disposal D412 Rolleston Resource Recovery Park D413 Rolleston South Reserve D414 Rolleston Dog Park D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln D416 Rolleston Wastewater Disposal Area D417 Rolleston Recreation Precinct
Telecom	Township and Rural Volumes All Telecom designations are not operative
Non operative Plan provisions	
Plan Change 12	Non operative provisions resulting from Plan Change 12: Integrated Transport Management are shown as shaded throughout the Plan.
Plan Change 30	Non operative provisions resulting from Plan Change 30: West Melton Business 1 zone are shown as shaded throughout the Plan.

CONTENTS

PART A

1. The District Plan

A1.1 WHAT IS THE DISTRICT PLAN?	A1-001
A1.2 CONTENT OF THE DISTRICT PLAN	A1-001
A1.3 CHANGING AND REVIEWING THE DISTRICT PLAN	A1-003
A1.4 RELATIONSHIPS TO OTHER DOCUMENTS	A1-004
A1.5 CROSS-BOUNDARY ISSUES WITH OTHER COUNCILS	A1-006
A1.6 MONITORING	A1-008

2 The Planning Process

A2.1 NEED TO COMPLY WITH THE DISTRICT PLAN	A2-001
A2.2 STATUS OF ACTIVITIES	A2-001
A2.3 EXISTING USES	A2-001
A2.4 CERTIFICATES OF COMPLIANCE	A2-002
A2.5 RESOURCE CONSENTS	A2-002
A2.6 DESIGNATIONS AND HERITAGE ORDERS	A2-003
A2.7 ENFORCEMENT	A2-004
A2.8 COMPENSATION	A2-004

3 Preparing the Plan

A3.1 BACKGROUND	A3-001
A3.2 SECTION 32	A3-001
A3.3 CONSULTATION	A3-002

4 Finding material in the plan

A4.1 INTRODUCTION	A4-001
A4.2 MĀORI ISSUES AND VALUES	A4-001
A4.3 CONSERVATION VALUES	A4-006
A4.4 ENERGY	A4-008
A4.5 THE RURAL AREA AND ZONES	A4-010

PART B

1 Natural Resources

B1.1 LAND AND SOIL	B1-001
B1.2 VEGETATION AND ECOSYSTEMS	B1-010
B1.3 WATER	B1-020
B1.4 OUTSTANDING NATURAL FEATURES AND LANDSCAPES	B1-034

2 Physical Resources

B2.1 TRANSPORT NETWORKS	B2-001
B2.2 UTILITIES	B2-029
B2.3 COMMUNITY FACILITIES AND RECREATIONAL AREAS	B2-038
B2.4 WASTE DISPOSAL	B2-045

3 People's Health, Safety and Values

B3.1 NATURAL HAZARDS	B3-001
B3.2 HAZARDOUS SUBSTANCES	B3-010
B3.3 CULTURE AND HERITAGE	B3-019
B3.4 QUALITY OF THE ENVIRONMENT	B3-036

4 Growth of Rural Area

B4.1 RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA.....	B4-001
B4.2 DEVELOPMENT CONTRIBUTIONS	B4-017

PART C

Introduction to Rules

TYPE OF RULES.....	C-001
RESOURCE CONSENTS	C-002
DISCRETIONARY AND NON-COMPLYING ACTIVITIES.....	C-002
READING THE RULES	C-002
INTERPRETATION OF RULES.....	C-003
NOISE MEASUREMENT AND ASSESSMENT.....	C-004
1 Earthworks.....	C1-001
2 Tree Planting and Removal of Protected Trees.....	C2-001
3 Buildings.....	C3-001
4 Roding.....	C4-001
5 Utilities	C5-001
6 Outdoor Signs and Noticeboards.....	C6-001
7 Hazardous Substances.....	C7-001
8 Waste	C8-001
9 Activities.....	C9-001
10 Subdivision.....	C10-001

PART D/A CANTERBURY EARTHQUAKE RECOVERY

D/A.1 Workers' Temporary Accommodation for the Greater Christchurch Rebuild.....	D/A-001
----------------------------------------------------------------------------------	---------

PART D

Definitions	D-001
--------------------------	-------

PART E

Appendix 1

MONITORING STRATEGY	E1-001
---------------------------	--------

Appendix 2

DESIGNATIONS	E2-001
--------------------	--------

Appendix 3

SCHEDULE OF HERITAGE ITEMS	E3-001
----------------------------------	--------

Appendix 4

SCHEDULE OF PROTECTED TREES.....	E4-001
----------------------------------	--------

Appendix 5

SCHEDULE OF CULTURAL SITES.....	E5-001
---------------------------------	--------

Appendix 6

PROTOCOLS ON ACCIDENTAL DISCOVERY OF ARCHAEOLOGICAL SITES	E6-001
-----------------------------------------------------------------	--------

Appendix 7

PAPAKAINGA HOUSING	E7-001
--------------------------	--------

Appendix 8

AREAS RECOGNISED UNDER THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998.....	E8-001
----------------------------------------------------------------------	--------

Appendix 9

ROADING HIERARCHY	E9-001
-------------------------	--------

Appendix 10

TRANSPORT	E10-001
-----------------	---------

Appendix 11

TRAFFIC SIGHT LINES.....	E11-001
--------------------------	---------

Appendix 12

PROCESS AND CRITERIA FOR IDENTIFYING SIGNIFICANT SITES	E12-001
--------------------------------------------------------------	---------

Appendix 13

SCHEDULE OF THREATENED AND UNCOMMON PLANTS	E13-001
--------------------------------------------------	---------

Appendix 14

SCHEDULE OF REGIONALLY SIGNIFICANT PLANTS ON THE CANTERBURY PLAINS	E14-001
--------------------------------------------------------------------------	---------

Appendix 15

HAZARDOUS SUBSTANCES	E15-001
----------------------------	---------

Appendix 16

RECESSION PLANES.....	E16-001
-----------------------	---------

Appendix 17

LIST OF WATERBODIES FOR ESPLANADE RESERVES AND STRIPS	E17-001
-------------------------------------------------------------	---------

Appendix 18

INFORMATION TO BE SUBMITTED WITH A PLAN CHANGE REQUEST	E18-001
--------------------------------------------------------------	---------

Appendix 19

HEIGHT LIMITS FOR WEST MELTON AIRFIELD AND HORORATA DOMAIN	E19-001
------------------------------------------------------------------	---------

Appendix 20

AIRCRAFT NOISE EXPOSURE.....	E20-001
------------------------------	---------

Appendix 21

TERRACE DOWNS.....	E21-001
--------------------	---------

Appendix 22

GRASMERE	E22-001
----------------	---------

Appendix 23

ROCKLANDS.....	E23-001
----------------	---------

Appendix 24

SUMMIT ROAD	E24-001
-------------------	---------

Appendix 25

PORTERS SKI AND RECREATION AREA	E25-001
---------------------------------------	---------

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The High Country is the least settled and least modified of land in Selwyn District. The flat land in the basins and the rolling hills are often improved pasture and farmed in similar fashion to the flat land and rolling hills of the Plains and foothills. Steeper mountain ranges are often unmodified or little modified tussock blocks which are grazed much less intensively. Much of the very steep high country is retired from grazing.

Recreation is an important activity within the High Country. The mountains of the District are accessed for a range of passive and active sporting activities including fishing, hunting, tramping, mountain-biking, skiing and other snow sports. There are a number of Ski Areas within the Selwyn District. These include Porters, Mt Cheeseman, Broken River, Mt Olympus, Craigeburn Valley and Temple Basin. Of these Ski Areas, Porters is the largest commercial area and has been up-graded and expanded into the adjoining Crystal Basin. It is specifically recognised with a Ski and Recreation Area zoning which enables ski-field infrastructure and activities to be established and developed. Porters Ski Area is also distinguishable as providing New Zealand's first on-mountain village with permanent and visitor accommodation and commercial activities. This village base enhances accessibility to the mountains in this locality and is a year-round tourist destination.

There are three townships in the high country: Arthur's Pass, Castle Hill and Lake Coleridge villages. There are also smaller clusters of houses. These may be remnants of past settlements associated with transport or industry e.g. the railway village at Cass; or popular recreational spots e.g. Bealey Spur.

Land in the high country is a mixture of freehold, crown pastoral lease and University of Canterbury endowment lease. Leasehold land is held in long-term lease for pastoral use. Lessees pay both rates and rental on leasehold land and also pay for the costs of any improvements to the land. Crown pastoral lease land is subject to the Crown Pastoral Lease Act 1998.

The sustainable management of the foothills and high country faces different pressures and has to consider a number of effects from different sources.

- Pressure from interest groups to protect and enhance the ecological, landscape and recreation values of the Malvern Hills and the high country by restricting the activities which landholders can undertake, and the need or desire for landholders to earn an income from their land in farming, forestry, tourism or other activities.
- The effect of recreational activities on wildlife in remote areas and the amenity values of those areas.
- The effect of recreational uses on landholders, because people expect public access over land.
- Natural hazards from buildings and earthworks on steep slopes or from earthquakes.
- Activities which are out of character with people's perceptions of the hill and high country as a remote rural area which is miles away from urban areas and activities.

Use of Zones

There is only one zone in the rural area, though the zone is split into areas to manage specific activities, for example subdivision and residential density, plantations and outstanding landscapes. The boundaries of these areas are shown on the Planning Maps.

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The activities most likely to affect the landscape values in the Malvern Hills are:

- Structures or buildings located on the summit of the higher hills or located so they protrude into the skyline.
- Trees planted so they screen the rocky outcrops at Glenroy.
- Trees or large buildings or structures on the Russell Range, the south face of Flagpole or the ridge of the Rockwood Range.
- Earthworks, including mining and roads.

High Country

The landscape of the high country is characterised by the grand scale of its geomorphic features: mountains, river valleys, basins; and by the ecological values of the area: lakes, tarns, wetlands and tussocklands. The high country has areas with significant ecological values and landscape values because of the low intensity of human occupation and modification compared with other areas in the District.

The high country is a very romantic part of New Zealand's identity and culture. It is recorded in writings, paintings and songs, and is used to advertise and promote New Zealand and New Zealand products.

The high country also has important landscape values for tāngata whenua. The area contains Mahinga Kai Sites, Silent File Areas (see Section B3.3) and important landmarks, for example: Fighting Hill, Woolshed Hill, Prebble Hill, Gorge Hill and Flock Hill. Three areas of Statutory Acknowledgement in the Ngāi Tahu Claims Settlement Act 1998 are also located in the high country: Moana Rua/Lake Pearson, Whakamatau/Lake Coleridge and Kura Tawhiti/Castle Hill.

The high country can be split into four basic land types:

- National Park, reserves and other conservation areas which are managed principally for their ecological and recreational values. (Arthur's Pass National Park includes houses and buildings belonging to the Department of Conservation adjoining Arthur's Pass Village and includes the historic Aniwhaniwa Cottage).
- Unimproved or slightly improved run areas which are lightly grazed.
- More intensely farmed areas, with improved pasture, exotic forestry, farm homesteads and buildings and other characteristics typical of rural areas.
- Settlements and holiday homes, including the three villages at Arthur's Pass; Castle Hill; and Lake Coleridge.

The Areas of Outstanding Natural Features and Landscapes identified in the high country using the shared values approach, encompass large areas of unimproved or lightly improved runs, lakes and river valleys, some basin lands and the National Park and conservation areas.

Some of these areas are pristine natural landscapes, e.g. Arthur's Pass National Park. Most, however, are landscapes which have been modified by human activities, particularly pastoralism. Outdoor recreational activities are also popular in most of these areas. These areas contain features such as improved pasture, small-scale earthworks associated with tracks and fence lines, and small structures such as stock fences, water supplies, tramping huts and ski tows. These activities and features are part of the Areas of Outstanding Landscape now, and are appropriate uses of these areas.

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscapes in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic

plantations. Large structures and buildings have the potential to alter the sense of remoteness from people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. Exotic plantations can alter the predominant vegetation cover from brown tussocklands, which is a hallmark of the Canterbury High Country landscape. The Plan policies encourage these activities to occur on land which is outside the Areas of Outstanding Natural Features and Landscapes in the high country. The policies recognise exceptional circumstances where large structures or buildings, houses (outside existing building nodes), large scale commercial buildings, industrial developments or exotic plantations may be necessary or appropriate uses in the Areas of Outstanding Natural Features and Landscapes. Porters Ski and Recreation Area is one such exception, where the policies provide for large-scale but concentrated development that will be carefully designed to complement the Outstanding Landscape it is located in.

Large-scale earthworks are not ideal uses of land in the Areas of Outstanding Landscape. However, these activities need to locate where there are appropriate mineral deposits and sites within Areas of Outstanding Landscapes are worked for shingle and limestone now. The Plan policies allow for large-scale earthworks in the Areas of Outstanding Landscape (subject to a resource consent) provided the visual effects of these operations can be minimised, and the site is appropriately rehabilitated.

That part of the high country which is not identified as an Area of Outstanding Landscape is managed the in a similar way as the rest of the Rural zone. The Plan policies recognise the role of this area in providing a backdrop to the Areas of Outstanding Landscape and seek to maintain its rural character. This is achieved through managing density of settlement, site coverage and reflectivity of buildings, and the design and siting of plantations, particularly on slopes. The landscape values of lakes, rivers and their margins are managed through policies in Section B1.3- Water. The spread of wilding trees is managed through policies in Section B1.2 – Indigenous Vegetation and Wilding Tree Spread, Ecosystems, Vegetation and Habitat.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues with outstanding natural features and landscapes in the rural area:

- Policies to identify the outstanding natural features and landscapes in the District.
- Policies and rules manage inappropriate uses in these areas.
- Policies and rules to maintain the rural character of the Rural zone outside the Areas of Outstanding Landscapes.
- A policy gives the Council discretion to waive all or part of the costs of resource consents for activities in Areas of Outstanding Landscapes to help “balance” private costs and community benefits.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES – OBJECTIVES

Objective B1.4.1

The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social well-being.

Explanation and Reasons

Part of promoting sustainable management of natural and physical resources is recognising and protecting Areas of Outstanding Natural Features and Landscapes (section 6(b)). Many of the Areas of Outstanding Natural Features and Landscapes are on properties which are owned or leased for farming or other purposes. Part of promoting sustainable management is:

Enabling people and communities to provide for their social, economic and cultural well being... (section 5(2)).

Unless Areas of Outstanding Natural Features and Landscapes are going to be purchased by the Crown or by the community for conservation or protection, it is essential that landholders and occupiers are able to continue their existing land uses and to be able to diversify into other activities. This may mean further changes to vegetation cover and new structures or earthworks.

Objective B1.4.1 is achieved through policies which:

- Identify the Areas of Outstanding Natural Features and Landscapes in the District.
- Allow activities that will have complementary or only minor effects on the landscape values of these areas.
- Recognise the surrounding rural area as a backdrop to these Areas of Outstanding Natural Features and Landscapes; and have conditions by which activities are permitted (no resource consent needed) to help maintain the character of the surrounding area.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — POLICIES AND METHODS

DISTRICT WIDE

Policy B1.4.1

Provide for the mix of physical and natural elements that are often contained in Outstanding Natural Features and Landscapes to continue.

Policy B1.4.2

Recognise that landscapes will change over time and allow changes to landscapes provided that they complement the landscape and retain its core values.

Policy B1.4.3

Control the effects of clearance of indigenous vegetation in the Outstanding Landscape Areas and encourage the restoration and enhancement of indigenous vegetation generally, and the mitigation of practices which are adversely impacting on indigenous vegetation cover.

Explanation and Reasons

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic

trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Porters Ski and Recreation Area. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country.

Policy B1.4.2 recognises that most landscapes change naturally over time. Climate, geomorphic processes and biological processes can change the appearance of a landscape over time. Landscapes can also change temporarily with seasons or time of the day. Changes are an integral part of landscapes and protecting Areas of Outstanding Natural Features and Landscapes does not mean freezing them in time. Changes should be allowed, provided that these changes maintain the fundamental values of the landscape and fit with the character of the area.

Policies B1.4.1, B1.4.2 and B1.4.3 apply generally throughout the District. They are complemented by specific policies to manage each Area of Outstanding Landscape in the District.

Methods

District Plan Policies

- Outstanding Landscapes

District Plan Rules

- Earthworks
- Tree Planting
- Buildings
- Structures and Other Utilities
- Subdivision
- Indigenous Vegetation Clearance

Policy B1.4.4

To use discretion to waive all or part of resource consent processing fees for activities in Areas of Outstanding Natural Features and Landscapes, where:

- (a) The proposed activity would not otherwise require a resource consent; and**
- (b) The proposed activity will maintain or enhance the landscape values of the area.**

Explanation and Reasons

The Council has discretion to waive all or part of the charges for processing resource consent applications. Policy B1.4.4 indicates that the Council may do so for resource consent applications for activities in Areas of Outstanding Natural Features and Landscapes. The rules in Areas of Outstanding Landscape can impose private costs on landholders and occupiers, for a public or general benefit. Remitting resource consent fees is a way of reducing those private costs.

The policy has two conditions. Firstly, the application must be for an activity which would not need a resource consent if the site was not in an Area of Outstanding Landscape. Secondly, the proposed activity must be one that will maintain or enhance the landscape values of the area.

The Council does not believe that general rates should cover the costs of processing resource consent applications for activities that will not maintain the landscape values of the area (and are likely to be declined anyway). Policy B1.4.4 is similar to policies for landholders and occupiers with heritage or cultural sites on their properties (see Policy B3.3.9).

Method

District Plan Rules

- Waive or reduce resource consent processing fees

PORT HILLS

Policy B1.4.5

Recognise the Port Hills as an Area of Outstanding Natural Landscape, and protect the following features:

- (a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.
- (b) The summit and its outcrops such as Gibraltar Rock, and Cooper’s Knob, which form part of the ‘Ring of Seven Ladies.’

Policy B1.4.6

Avoid locating any dwelling, any other large structure or building, or any exotic plantation, shelterbelt or amenity planting in the area from 30.46m vertically below the Summit Rd to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.

Policy B1.4.7

Restrict subdivision and development of land for residential purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).

Policy B1.4.8

Keep residential density and site coverage with buildings at a low level which maintains the predominance of vegetation cover and the sense of low levels of human occupation and building development, which are characteristic of the Port Hills in Selwyn District.

Policy B1.4.9

Ensure any building or structure erected on the Port Hills and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which:

- Blend in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and

- **Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.**

Policy B1.4.10

Recognise exotic plantations as part of the land uses on the Port Hills and, wherever practical, encourage these plantations to be:

- (a) Planted in patterns which reflect the contours of the landscape;**
- (b) Planted in places which do not screen the visibility of the landforms listed in Policy B1.4.5, as viewed from any public road; and**
- (c) Interspersed with other land uses and vegetation cover.**

Policy B1.4.11

Avoid, remedy or mitigate adverse visual effects associated with earthworks in the Port Hills Area by ensuring that:

- (a) Earthworks are limited in volume; and**
- (b) The site is, to the greatest extent practicable, recontoured and replanted to the same state as surrounding land either when earthworks cease or at the end of appropriate stages (in the case of a large-scale operation).**

Explanation and Reasons

The Port Hills area within Selwyn District has been identified as an Area of Outstanding Landscape. This classification reflects a combination of the geomorphology of the Port Hills (its volcanic origins), its prominent position as a backdrop to the Plains and to Christchurch City, and the predominantly rural land uses on the Port Hills within Selwyn District. The rural land uses help maintain the visibility of geomorphic features such as ridges, spurs, dykes and outcrops, and help make the area popular for outdoor recreation. The Port Hills also has significant landscape values for tāngata whenua, particularly the summit and rocky outcrops, ridges and spurs. Gibraltar Rock and Cooper's Knob form part of a ring of rocky outcrops known by local rūnanga as The Ring of Seven Ladies.

Policy B1.4.5 identifies the Port Hills as an Area of Outstanding Landscape and lists those features of the Port Hills which contribute most to these values. Policies B1.4.6 to B1.4.11 describe the activities and effects which are appropriate and inappropriate to maintain the landscape values of the Port Hills.

The Port Hills is not a pristine natural landscape. Māori and Europeans have occupied the area and vegetation cover has been modified for cultivation and pastoral farming. More recently, land uses have diversified to include residential developments with a rural lifestyle, outdoor recreation and exotic plantations. Policies B1.4.6 to B1.4.11 recognise that all these activities may be appropriate or inappropriate on the Port Hills, depending on the number, scale and nature of these activities. The policies address effects of erecting houses (dwellings), other large structures or buildings, earthworks and tree planting.

Policy B1.4.6 recognises and protects the special landscape values of the summit of the Port Hills. The area between the Summit Road and the summit is the most visible part of the Port Hills landscape from the Plains and Christchurch. It is an area which is much used for recreation. The summit and ridgelines are important landforms for tāngata whenua. Mountains and hills are part of their ancestry or whakapapa, and erecting structures on the summit of a hill or mountain is inappropriate. Policy B1.4.6 does not allow for large structures, buildings or exotic plantations in that area from 30.46 metres vertically below the Summit Road to the summit. This policy reflects

the tenor of the Summit Road (Canterbury) Protection Act 2001, but acknowledges, as does that Act, that there may be circumstances in which exceptions are appropriate.

Policies B1.4.7, B1.4.8 and B1.4.9 deal with effects of buildings and structures on the Port Hills, generally. Policies B1.4.7 and B1.4.8 acknowledge that there will be a demand for subdivision and erecting houses (dwellings) within the Port Hills in the future. Policy B1.4.7 recognises that this activity may more appropriately occur in that area shown on the planning maps as the Lower Slopes (the area below the 160m contour). The Lower Slopes is an area slightly less prized for its recreational and landscape values than the Upper Slopes (the area above the 160m contour). Residential subdivision and development on the Port Hills within the Christchurch City has occurred largely below that contour. The policy does recognise that there may be some sites in the Upper Slopes where the visual effects of erecting a dwelling may be minor. The rules are tougher in this area, and allow for public notification of any resource consent application.

While there is some scope for further subdivision for residential purposes on the Port Hills, Policy B1.4.8 seeks to keep residential density and building site coverage generally, at a low level. The current low level of building development on the Port Hills in Selwyn District is a major contributor to its landscape and recreational values. Policy B1.4.8 should be read in conjunction with Policy B4.1.1, which sets a residential density standard for the Port Hills.

Policy B1.4.9 is to manage the design and siting of all large buildings and structures on the Port Hills to try and mitigate adverse visual effects. Policy B1.4.9 is not intended to prevent houses and other buildings from being erected on the Port Hills, provided they are designed and sited in sympathy with the surrounding landscape. The policy relates to both buildings and any associated access, utilities and infrastructure. Often roads or vehicular accessways, power pylons and similar features can have a greater visual effect on the landscape than the building they serve. The policy is implemented by a rule which manages the reflectance value of the exterior finish of buildings. The reflectivity of a surface can determine how prominent a structure or building looks, more so than hue or colour. In some cases, a finish with a high reflectance value may be appropriate, for example, where the building is screened or the material is a natural stone which is appropriate for the area.

Policy B1.4.10 applies to planting of exotic plantations on the Port Hills. As with Policy B1.4.9, Policy B1.4.10 is not intended to prevent exotic plantations on the Port Hills. Rather the policy is to manage the location and pattern of planting to reduce the visual effects of the plantation on landscape values. In particular, the policy encourages plantations to be planted in patterns that follow landforms, rather than rectangular shapes which cut across or dominate landforms, and in patterns which do not screen prominent features listed in Policy B1.4.5. Policy B1.4.10 does recognise that these patterns of planting may not always be practical to achieve, eg where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.11 manages the effects of earthworks in the Port Hills Area. Earthworks have the potential adversely to affect the outstanding natural landscape values of the Port Hills as well as having impacts upon land stability, sedimentation, soil productivity and habitats. District Plan provisions will ensure that effects on landscape values are avoided, remedied or mitigated by limiting the volume of earthworks and requiring site rehabilitation where appropriate. The 'Land and Vegetation Management Plan – Part II: Earthworks and Vegetation Clearance on the Port Hills', administered by the Canterbury Regional Council, contains specific provisions to manage those effects of earthworks that have to do with soil conservation and the use or diversion of water – in particular those pertaining to slope stability, soil erosion, sedimentation, water quality and alterations to watercourses. Additional consents may be required from that Council.

Methods

Regional Rules

- Earthworks on the Port Hills

District Plan Rules

- Earthworks
- Buildings
- Residential density
- Utilities and other structures
- Tree planting
- Subdivision

Summit Road (Canterbury) Protection Act 2001

CANTERBURY PLAINS AND TE WAIHORA/LAKE ELLESMERE

Policy B1.4.12

Recognise that the land between the Christchurch City and a line extending from West Melton to Tai Tapu is identified in the RPS as providing a significant 'rural' landscape in contrast with the 'urban' landscape of the City.

Explanation and Reasons

Objective 3 and Policy 5 of Chapter 12 of the RPS identify land lying between Christchurch City and a line from West Melton to Tai Tapu as a 'rural' landscape that provides an important contrast to the 'urban' landscape of the City. The RPS states that this land should remain in "rural or recreational" uses.

There are a number of townships within and bordering the area so identified in the RPS. Policies in this volume dealing with residential density and the growth of townships and policies in the Townships volume on township growth are relevant to this issue. These are relevant matters to be considered in any plan change that seeks to rezone land within or bordering on the identified area for Living or Business purposes.

Policy 1.4.13

- Recognise Te Waihora/Lake Ellesmere and its margins as an Outstanding Natural Feature; and**
- Ensure that any structures, earthworks or tree planting located along the margins of the lake, or any structure located across the surface of the lake do not detract from its natural character or the views across the lake or from the lake across the Plains; and**
- Control the clearance of existing areas of indigenous vegetation and wetlands, and encourage the restoration and enhancement of these areas in and around the vicinity of the lake.**

Policy B1.4.14

Avoid locating any structure or removing rock from the rocky outcrop at Motukarara which is shown on the planning maps as a landmark for tāngata whenua.

Explanation and Reasons

Te Waihora/Lake Ellesmere is an Outstanding Natural Feature and the views from the lake across the Plains and from the lake edge across the water, have been identified as Outstanding Landscapes in the shared values approach for the District Plan. Te Waihora/Lake Ellesmere and its surrounding wetlands is a site of immense cultural importance to Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga. Maintaining or enhancing the natural character of the lake and its margins is important to local rūnanga.

Policies B1.4.13 (a) and (b) recognise these values and manages the activities which are most likely to affect them, structures and tree planting in the margins of the lake and structures extending across the surface of the lake. Policies B1.4.13 (a) and (b) do not prevent these activities from occurring, provided they are appropriately designed and sited to maintain the natural character of the lake and these views. Policies B1.4.13 (a) and (b) should be read in conjunction with policies in Part B Section 1.3 – Water, to maintain the natural character of waterbodies. The policy is implemented by District Plan rules for activities in the margins of waterbody and structures which extend across the surface of waterbodies. Section 13 of the RMA controls structures in the beds of lakes and rivers.

Policy B1.4.13 (c) recognises the importance of indigenous vegetation and wetlands to the ecosystem functioning and natural character of the Lake. Policy B1.4.13 (c) should be read in conjunction with the policies in Part B, Section 1.2 Vegetation and Ecosystems.

Policy B1.4.14 applies to a site which has been identified as a landmark of significance to Te Taumutu Rūnanga. The rocky outcrop at Motukarara once formed an island within Te Waihora/Lake Ellesmere. The quarrying or removal of rock from this feature or erecting any structure on this feature is an inappropriate use.

Methods

District Plan Policies

- Riparian margins

District Plan Rules

- Earthworks
- Tree Planting
- Buildings
- Utilities and Other Structures
- Activities
- Clearance of Indigenous Vegetation

MALVERN HILLS

Policy B1.4.15

Recognise the following Areas of Outstanding Landscape and Outstanding Natural Features within the Malvern Hills area, as shown on the Planning Maps:

- **The upper slopes of the Russell Range;**
- **The south face of Flagpole Hill;**
- **The ridge of the Rockwood Range;**

- The rock outcrops at Glenroy.

Policy B1.4.16

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the Malvern Hills, unless the building or structure must be located in that area.

Policy B1.4.17

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.16:

- **Ensure the building or structure and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which minimise the visual effects on the landscape.**

Policy B1.4.18

Avoid locating plantations (exotic or indigenous) in the Areas of Outstanding Landscape in the Malvern Hills, unless it is the only practical option to manage soil erosion or the spread of plant pests on that land.

Policy B1.4.19

If a plantation is planted under Policy B1.4.18, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.20

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes by ensuring that:

- **Earthworks are limited in volume; and**
- **The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.**

Explanation and Reasons

The Malvern Hills is used in the Plan to describe the foothills. The area is shown on the planning maps. It comprises both rolling downs and higher peaks. Policy B1.4.15 identifies the Areas of Outstanding Natural Features and Landscapes within the Malvern Hills, identified through the 'shared values' approach for the District Plan. There are also sites within the Malvern Hills which have significant landscape values for tāngata whenua, including the south face of Flagpole Hill. Mountains and hills generally are important landscape features for tāngata whenua. They are part of the ancestry of tāngata whenua, their whakapapa, and erecting structures on the hilltops or the summit of mountains is inappropriate.

Policies B1.4.16 to B1.4.20 manage activities within the Areas of Outstanding Landscape.

Policy B1.4.16 manages houses (dwellings) and other large buildings and structures. These objects should be avoided in Areas of Outstanding Landscape unless the building or structure must be located in that area, that is, there is no alternative site where it can be located and serve its purpose. Where a building or structure must be located in the Area of Outstanding Landscape,

Policy B1.4.17 requires the building and any associated access, utilities or other infrastructure, to be designed and sited to mitigate any adverse visual effects. The policy applies to associated activities such as access and infrastructure because roads, power pylons or other utilities can have greater visual effects than the building or structure they serve. Policy B1.4.16 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.18 applies to plantations. Plantation forestry (exotic or indigenous) should be avoided in the Areas of Outstanding Landscapes in the Malvern Hills. These areas are valued for the prominence and visibility of the landforms, which are likely to be adversely affected if the area is planted in trees and these landforms are no longer visible. Policy B1.4.18 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of plant pests in these areas.

Policy B1.4.20 manages earthworks in Areas of Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary in Areas of Outstanding Natural Features and Landscapes. In addition, the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where large-scale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

HIGH COUNTRY

Policy B1.4.21

Recognise and protect the Areas of Outstanding Landscape in the high country, shown on the Planning Maps, and the following Outstanding Natural Features and sites with landscape significance to tāngata whenua:

- **Moana Rua/Lake Pearson and St Bernard Hill**
- **Ribbonwood Fan**
- **Red Hill and Red Lakes**
- **Torlesse Range**
- **Fighting Hill**
- **Woolshed Hill**
- **Gorge Hill, Prebble Hill and Flock Hill formation**
- **Castle Hill.**

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are shown on the planning maps. They encompass large areas of unimproved or lightly improved tussocklands, conversation areas, lakes, wetlands, river valleys, areas with unusual geomorphic features and areas which have landmark or other cultural significance to tāngata whenua. The areas listed in Policy B1.4.21 are all included within the Areas of Outstanding Landscape, but have been listed in the policy to highlight that they have other significant values too. Moana Rua/Lake Pearson and St Bernard Hill, the Ribbonwood Fan, Red Hill and Red Lakes and the Torlesse Range were all identified as

Outstanding Natural Features, using the shared values approach for the District Plan. The Torlesse Range is also a significant landmark for some local rūnanga Fighting Hill, Woolshed Hill, the formation of Gorge Hill, Pebble Hill and Flock Hill, and Castle Hill are also significant landmarks for local rūnanga.

The Planning Maps also show areas marked as Forestry Exclusion Areas. These areas are excluded from the Areas of Outstanding Landscape, because they are areas where more intensive pasture improvements, structures and buildings, earthworks or other activities may be appropriate landscape changes, but where exotic plantations may have adverse effects on the landscape. Rather than limiting other uses of that land by classifying it as Areas of Outstanding Landscape, the Plan has confined the restrictions to the one land use which may be inappropriate in those areas (Policies B1.4.25 and B1.4.26). For other land uses in the Forestry Exclusion Areas, the policies and rules for the high country, generally (Policies B1.4.30 to B1.4.32) apply.

Policies B1.4.22 to B1.4.29 identify activities and effects which are appropriate and inappropriate in Areas of Outstanding Landscape. Policies B1.4.30 to B1.4.32 apply to land in the high country which is not within the Areas of Outstanding Landscape.

Policy B1.4.22

Recognise pastoralism, outdoor recreational activities and associated pasture improvements, shelter belts and small-scale earthworks and structures, as appropriate activities in Areas of Outstanding Landscape in the high country.

Explanation and Reasons

The Areas of Outstanding Landscape in the high country are areas which are dominated by brown tussocklands or indigenous scrub or forest. Much of the land in the Areas of Outstanding Landscape in the high country is not a pristine, natural landscape (except for Arthur's Pass National Park and some reserve areas). It has been occupied by Māori and Europeans. The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks. These uses and features are part of the Areas of Outstanding Landscape in the high country and are appropriate activities within them. In many areas continued grazing or some other form of land management is necessary to manage the spread of plant pests and to retain a predominantly tussock vegetation cover.

Policy B1.4.23

Avoid locating dwellings or other large buildings, structures or utilities in the Areas of Outstanding Landscape in the high country unless:

- **The building or structure must be located in that area to serve its purpose; or**
- **The building or structure is associated with an activity in the Area of Outstanding Landscape and there is no suitable site outside the Area of Outstanding Landscape.**

Policy B1.4.24

Where a building or structure must be located in an Area of Outstanding Landscape under Policy B1.4.23, ensure the building or structure and any associated access, utilities or other infrastructure, is designed and sited to blend in with the landscape and be as visually unobtrusive as possible.

Policy B1.4.25

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, commercial activities and services that complement and support the ski field whilst ensuring that the layout, design and development of the Village complements the landscape values of the locality.

Explanation and Reasons

The Areas of Outstanding Landscape contain very few buildings or structures, other than those associated with outdoor recreational activities on the site and some utilities. Policy B1.4.23 identifies houses (dwellings) and other, larger buildings and structures as generally inappropriate uses in the Areas of Outstanding Landscape. These areas are valued because of the absence of larger structures or buildings. This absence of buildings and structures makes the landscape appear as if it is untouched or unmodified by humans and adds to the sense of wilderness or isolation from human settlement or occupation.

The Areas of Outstanding Landscapes in the high country are large and Policy B1.4.24 recognises that in some cases erecting structures or buildings may be necessary. For example, to enable a network utility to pass through the area or as part of an activity in the area such as facilities for a skifield. Where there is no alternative site for the building or structure outside the Areas of Outstanding Landscape it may be erected within the area, provided the Council is satisfied that it is designed and positioned in a way which minimises the extent to which it is visible in the landscape. Policy B1.4.23 is implemented by a rule which requires a resource consent for larger structures and buildings in Areas of Outstanding Landscape. The policy and rule do not apply to accessory buildings and other structures which are less than 40m² in gross floor area, less than 4m in height and have a reflectance value on exterior finishes of 37% or less.

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its role as a tourist and recreation destination.

The provision of a Ski and Recreation Area acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

Policy B1.4.26

Control forestry planting in the high country generally and avoid exotic tree planting in the Areas of Outstanding Landscape and the Forestry Exclusion Areas in the high country, unless it is the only practical option to manage soil erosion, wilding tree spread or the spread of plant pests on that site.

Policy B1.4.27

If an exotic plantation is planted under Policy B1.4.26, ensure it is planted to reflect landform patterns and shapes and maintain the landscape values of the area as much as practical.

Policy B1.4.28

Allow indigenous plantations, planted to enhance the landscape values in Areas of Outstanding Landscape, provided that:

- (a) Indigenous species are planted which may be found naturally occurring in the area; and**
- (b) The indigenous plantation is designed and sited to complement the landforms in the area and does not dominate the tussock lands or screen views of Areas of Outstanding Landscape as viewed from any public road.**

Policy B1.4.29

Recognise Fighting Hill as a site which has special landmark significance to tāngata whenua and as a site which is susceptible to plant pests, and encourage future management of that site which accommodates the interests of both the landholder and tāngata whenua, wherever practical.

Explanation and Reasons

Policies B1.4.26 to B1.4.28 apply to plantations. Exotic plantations should be avoided in the Areas of Outstanding Landscapes in the high country. These areas are valued for the prominence and visibility of the landforms and the dominance of brown tussock cover, with some pasture improvement. These features of the landscape are likely to be adversely affected if large areas are planted in exotic trees. Policy B1.4.26 contains an exception, where plantation forestry is the only practical method to manage soil erosion or the spread of wilding trees or other plant pests in these areas.

Policy B1.4.28 applies to indigenous plantations. Planting indigenous tree species for the purposes of enhancing the landscape (or managing soil erosion or plant pest problems) may be appropriate in some parts of the Areas of Outstanding Landscape. Policy B1.4.22 recognises that the landscapes within these areas, although outstanding, are not pristine natural landscapes and therefore some landscape enhancement may be appropriate. The location, design and extent of any such planting is managed to ensure it maintains or enhances the landscape values of the area. Indigenous plantations which are planted to enhance the landscape values of the area should not be clear-felled.

Policy B1.4.29 applies specifically to Fighting Hill. Fighting Hill is a landmark of significance to tāngata whenua and ideally local rūnanga would prefer that the area is not planted in exotic forestry. However, Fighting Hill is also an area which is susceptible to the spread of plant pests such as gorse and some form of tree planting may be a practical way to manage that area. Policy B1.4.29 does not preclude tree planting at Fighting Hill and suggests that any change in the current pastoral land uses on Fighting Hill should be managed considering both its landmark values to tāngata whenua and the need of the landholder to have a practical and inexpensive method to manage plant pests on the site.

Policy B1.4.30

Avoid, remedy or mitigate any adverse effects associated with earthworks in Outstanding Natural Features and Landscapes ensuring that:

- (a) Earthworks are limited in volume;**
- (b) The site is recontoured and replanted to the same state as surrounding land either when the operation ceases, or at the end of appropriate stages for a large-scale operation.**

Explanation and Reasons

Policy B1.4.30 manages earthworks in Outstanding Natural Features and Landscapes. The policy does not encourage earthworks, but recognises that they may be necessary as part of roads or other permitted activities in Outstanding Natural Features and Landscapes. Limestone is already mined from areas in Porters Pass and Castle Hill and shingle is quarried from various sites for both private use and the maintenance of metalled roads. The policies and rules provide for these activities, but the Council must be satisfied that any adverse visual effects will be adequately avoided, remedied or mitigated. This includes both effects from the earthworks operation and the rehabilitation of the site once earthworks cease. Where large-scale earthworks are occurring, such as quarrying, site rehabilitation is to occur in stages, as each area is worked, rather than at the end of the entire operation. This policy reduces the duration and extent of any adverse visual effects.

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Porters Ski and Recreation Area provides a separate set of rules for managing the effects of earthworks in that zone.

HIGH COUNTRY GENERAL

Policy B1.4.31

Recognise the surrounding high country area as a backdrop to the Areas of Outstanding Landscape and maintain the rural character of that area by:

- (a) Keeping residential density and site coverage with buildings, at a low level which maintains the predominance of vegetation cover and the sense of sparse and isolated pockets of human settlement which is characteristic of the high country.**
- (b) Encourage new dwellings and other principal buildings to be located in clusters in the high country, preferably in existing clusters, where practical. Where this is impractical, ensure the location of any new building node is managed in accordance with Policy B1.4.24.**
- (c) Encouraging new buildings and structures to be constructed from material with low reflectance values.**
- (d) Wherever practical, encouraging plantations to be planted to reflect landform patterns and shapes; and generally in quantities which maintain the predominance of a pastoral landscape.**

Policy B1.4.32

Encourage buildings, earthworks, shelterbelts and plantations to be designed and sited to maintain the panoramic views of the Upper Waimakariri Basin from along SH 73 and the Midland Railway.

Policy B1.4.33

Keep the area identified on the planning maps at the southern end of Moana Rua/Lake Pearson free of structures and plantations (exotic or indigenous) to maintain the view of the lake from SH 73.

Explanation and Reasons

Policy B1.4.31 manages activities in the high country generally, to maintain its existing rural character. Structures, buildings and exotic plantations are part of the character of the area, now. They are likely to increase in the future as more land is removed from Pastoral Leases as part of tenure review and the owners of the freehold land diversify land uses. The policies do not prevent the erection of houses, other buildings or the planting of exotic plantations in the high country area. Rather they manage how these activities are undertaken.

The policies for dwellings and other buildings seek to maintain the predominance of vegetation cover and the low level of building development which is such a hallmark of the high country landscape. This is achieved by managing the density of building, the location of new areas of building development and the reflectivity of the exterior finishes of buildings and structures. The reflectivity of a building or structure affects how visible or prominent it appears. Policy B1.4.31(c) and the Plan rules do not apply to the repairing, replacing or repainting of existing buildings and structures which are already finished in highly reflective tones.

Policy B1.4.31(a) should be read in conjunction with Policy B4.1.1 which sets a residential density standard for the Malvern Hills. Policies in Part B, Section 3.4 manage the effects of buildings and structures on the character of the rural area, generally. Policy B3.4.2, manages the types of activities which can locate in the high country, to retain the special amenity values associated with its remoteness from metropolitan areas and associated activities.

Policy B1.4.31(b) manages the location of dwellings and other principal buildings in the high country, generally. The policy encourages new buildings to be clustered together (in accordance with Policy B4.1.2) to retain the character of small, isolated settlement in the high country. Where practical, new buildings are encouraged to be located in an existing building node. Building node is defined in Part D of the Plan and includes an area of existing buildings such as the farm homestead, workers accommodation, woolshed and other main buildings. The policy recognises that it may not be practical to locate all new buildings adjoining existing building nodes. For example, holiday homes or visitor accommodation which is desirable to be located away from the farm buildings for the privacy of both residents and visitors, or the establishment of a new property. In these cases, a single dwelling on an allotment of 120 hectares or greater may be erected as a permitted activity (no resource consent required). The location of a cluster of dwellings requires a resource consent for a discretionary activity. The purpose of the rule is to ensure the site is appropriate for residential uses. Under Policy B1.4.31(c) this includes an assessment of the visual impacts of the new building node, in accordance with Policy B1.4.24.

Policy B1.4.31(d) manages the shape or pattern of plantations (both exotic and indigenous). When plantations are planted in shapes that reflect the contours of the landscape, they may better retain the landscape values of the area, than if they are planted in rectangular shapes that cut across or dominate the landscape. Similarly, planting an entire hillside in trees may better maintain the distinctness of the ridgelines and skyline, than planting part of the hillside. Policy B1.4.31 (d) recognises that planting to reflect landforms may not always be practical, e.g. where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.31(d) also manages the quantity of exotic plantations in the high country. The purpose of the policy and rule is not to allocate a set amount of forestry per property. Rather it is to manage the cumulative effects of exotic plantations on the landscape values of the high country, to ensure the predominance of the pastoral landscape is maintained. Large-scale exotic plantations are appropriate land uses in the high country, provided they are balanced with the retention of areas in a pastoral landscape. Other effects of plantations are managed through policies in Part B, Section 1.2 –Vegetation and Ecosystems and Part B, Section 1.3 – Water.

Policies B1.4.32 and B1.4.33 apply to specific sites which are outside the Areas of Outstanding Landscape, but which are managed to help maintain the views of Areas of Outstanding Natural Features and Landscapes, from SH 73 and the Midland Railway. SH 73 is the main road from Christchurch to the West Coast and the Midland Railway is the railway from Christchurch to the West Coast. Both are popular tourist routes. The properties along this route have the potential to earn revenue from visitor accommodation and other tourism related activities and several properties are involved in these activities.

Policy B1.4.32 manages the positioning of buildings, shelterbelts and plantations on land alongside SH 73. The purpose of the policy and rule is to retain expansive or panoramic views from SH 73 and the Midland Railway, together with the visual effects of earthworks in the two corridors where these views exist. The policy is implemented by a rule which requires a minimum setback for buildings, plantations and shelterbelts planted parallel to the road, from the road boundary. The policy and rule does not prevent activities from locating closer than the setback (a resource consent is required), provided the activity will not affect the views from SH 73 or the railway. An activity may not affect the views from SH 73 or the railway in an area where the view is already enclosed by plantings or structures. Alternatively, a structure or trees may interrupt the view for a short interval, but an expansive or panoramic view is maintained each side of the structure or trees.

The policy is also implemented by standards for buildings and earthworks. A resource consent is needed in order to assess the visual impact of activities which breach the standards, in order to maintain the quality of the views from the highway and railway.

Policy B1.4.33 applies to an area of land at the southern end of Moana Rua/Lake Pearson. The area is not included in the Area of Outstanding Landscape because it is the view through the site, rather than the site itself, which is outstanding. The site is an area of improved pasture which is part of the more intensive farming operation on the Station and contains the Station airstrip. However, the area does not contain any structures or trees at present. Keeping the area free of structures or trees will retain the existing, view of Moana Rua/Lake Pearson from SH 73.

Methods

District Plan Policies

- Residential Density
- Rural Character & Amenity Values
- Wilding Tree Spread

District Plan Rules

- Earthworks
- Tree Planting
- Buildings
- Utilities and Other Structures
- Activities

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — ANTICIPATED ENVIRONMENTAL RESULTS

The following outcomes should result from implementing Section B1.4:

- Activities on land in Areas of Outstanding Natural Features and Landscapes have only minor visual effects.
- Most structures and buildings are located on the Lower Slopes of the Port Hills.
- The area from the Summit Road to the Summit is kept free of buildings, other structures or plantations.
- The expansive views across the Outer Plains and the mosaic or patchwork quilt landscape are maintained.
- The distinction between the more intensely settled Inner Plains and the Outer Plains increases.
- The margins of Te Waihora/Lake Ellesmere look natural.
- The higher peaks of the Russell Range, the south face of Flagpole Hill and the ridge of the Rockwood Range remain free of structures and trees.
- The Areas of Outstanding Natural Features and Landscapes in the high country retain their natural and open character, with a dominance of natural landforms and features and predominance of pasture and tussock cover, indigenous vegetation, and are free of intrusive structures, buildings, earthworks and exotic plantings.
- Land uses diversify in the high country but the landscape remains predominantly pastoral, with a dominance of natural landforms and features, and with few, isolated and dispersed clusters of buildings.

OUTSTANDING NATURAL FEATURES AND LANDSCAPES — MONITORING

See Part E, Appendix 1.

B2.2 UTILITIES – ISSUES

- **The cost of providing utilities in the rural area.**
- **Adverse effects of utilities on the landscape and amenity values of the rural area.**

What are Utilities?

Utilities are physical resources – the infrastructure which provides services such as: transport; water supplies; drainage; effluent and waste disposal; energy; meteorological functions and telecommunications. This section addresses issues associated with utilities, generally. Part B, Section 2.1 addresses transport networks. Part B, Section 2.3 addresses community facilities and recreation areas; and Part B, Section 2.4 addresses waste disposal.

Utilities have the following characteristics:

- They are often necessary for people to carry out their activities, eg telecommunications and water supplies.
- People expect to have access to utilities, to a certain standard and at an affordable price, to enable them to carry out their activities.
- Some utility providers have a statutory duty to provide utilities to a certain standard and within a certain price.
- Many utilities operate in networks which cover large areas.

People expect utilities to be available and affordable. They also expect themselves and their environment to be protected from any adverse effects from the installation or operation of utilities.

Issues with Utilities

Need for Utilities

Utilities are essential for people to carry out economic and social activities. The rural area is an important business area in the District and access to utilities at a reasonable cost is vital. It can be more expensive to provide utilities in rural areas than townships, because people are more widespread and access into remote areas can be difficult.

If residential density increases and allotment sizes get smaller, some parts of the rural area will require additional utilities, for example: reticulated water supplies, reticulated sewage treatment and disposal, and waste collection. The District Plan allows for residential development at higher densities in the Rural zone immediately surrounding townships and in the Porters Ski and Recreation Area (see Section B4.1 Residential Density and Subdivision). These allotments will need utilities similar to those in townships.

Under the LTP Development Contribution Policy, the costs associated with these additional utilities can be met through development contributions. The LTP Development Contribution Policy requires the provision of development contributions toward the cost of utilities based on service catchments. All new developments in the service catchments will be subject to a development contribution. Development contributions are generally taken at the subdivision consent stage, though they may apply at the building consent stage or at the service connection stage on residential or rural development where additional units of demand are created in the absence of subdivision.

Effects of Utilities on the Environment

Utilities are often used to mitigate adverse effects of activities on the environment. They can also cause adverse effects. People want the convenience of utilities, but often do not want to live near the infrastructure that provides the services.

There are three types of effects from utilities in the rural area:

Visual

Visual effects are the most obvious effects from utility buildings and structures. Utility structures and buildings may affect the character of the rural area, which people perceive as having fewer buildings and structures than urban areas.

Nuisance

Some utilities have nuisance effects such as noise, odour, or glare. The Rural zone is often an attractive place to locate utilities that cannot operate close to people due to nuisance effects, for example, sewage treatment stations or landfills. Once established, these activities need to be protected from new residential development occurring too close and creating reverse sensitivity issues.

Potential Health Issues

There has been much publicity over whether utilities which emit electromagnetic radiation or electromagnetic fields, affect people's health. Policy B3.4.16 of the Township Volume of the Plan, encourages these utilities to be located in Rural zones rather than Living zones.

To address potential health issues research undertaken by the Ministry of Health in conjunction with the Ministry for the Environment resulted in New Zealand Standard NZS 2772.1:1999 on Radiofrequency Fields Exposure. This has largely been formulated by drawing on international standards so to arrive at an outcome that affords a high degree of public health protection.

Provision of Utilities

Traditionally, utilities were provided by central or local government. This was usually done by designations. Increasingly, private organisations are providing utilities. Some private organisations are Requiring Authorities under section 167 of the Act (they can designate land). However, the District Plan needs to make provision for utilities using other methods than designations, because:

- It is consistent with the RMA (Part II and Section 32) to allow activities which have only minor effects as permitted activities.
- It is necessary to provide for the installation, maintenance and upgrade of utilities on sites which are not designated.

Methods

District Plan Policies

- To assess plan change requests to rezone land for new residential or business development

District Plan Rules

- Subdivision

Policy B3.1.6

Avoid multi-storey buildings and critical facilities in the Malvern Hills or High Country

Explanation and Reasons

Policy B3.1.6 is to reduce the risk of loss of life and property damage from earthquakes by discouraging multi-storey buildings and critical facilities in this area. Critical facilities are those facilities vital in a Civil Defence Emergency such as: hospitals; communication centres; and machinery depots (It does not include utilities which are essential for daily activity such as telecommunication lines, power lines and transport links). This policy is implemented through rules for maximum building heights and as a matter to be considered when granting a resource consent. It is acknowledged that the Porters Ski and Recreation Area does provide for multi-level buildings. An assessment undertaken for this defined area in establishment of the zone concluded that the major part of the zone was not subject to a greater risk of loss of life or property relative to other parts of the District. However, further assessment is required for building over specified floor limits and for purposes of large public congregation or important public and emergency purposes.

The Building Code sets out the standards to which structures and buildings must be erected to withstand ground shaking from earthquakes. These standards apply to all structures and buildings, and vary between areas (earthquake zones).

Methods

District Plan Rules

- Buildings heights
- Residential density
- Activities in High Country

Policy B3.1.7

Ensure the risk of damage from avalanche, earthquakes or slips is minor when locating buildings, other structures or recreational facilities at high altitudes or on steep slopes.

Explanation and Reasons

Policy B3.1.7 addresses potential natural hazards caused by locating people, buildings and other structures on steep slopes which are prone to slipping or slumping; and on land at high altitudes where avalanches may occur. This includes the six ski fields in the District. Policy B3.1.7 does not prevent activities taking place at high altitudes or on steep slopes, provided any risk of damage from slips, or avalanches is minor. The risk may be minor for several reasons. For example:

- The area may not be prone to slip or avalanche;
- The activity may not occur during times when avalanches are most likely; or
- Mitigation measures or warning devices may be in place.

Section 1.1 Land and Soil, addresses earthworks and vegetation clearance causing slips and slumping on steep slopes.

Methods

District Plan Rules

- Earthworks on slopes
- Buildings and structures on slopes

Policy B3.1.8

Ensure any measures proposed to mitigate a potential natural hazard:

- **Do not lead to or intensify a potential natural hazard elsewhere; and**
- **Any other adverse effects on the environment being avoided, remedied or mitigated.**

Explanation and Reasons

Measures proposed to mitigate potential natural hazards should not lead to or intensify potential natural hazards elsewhere. For example by diverting or displacing floodwater on to someone else's property. Works to mitigate potential natural hazards can have adverse effects on other parts of the environment. For example, stopbanks can affect the natural character and habitat values of riparian margins or access along waterbodies. Retaining walls or rock nets (gabions) can affect the landscape values of hill slopes. These adverse effects need to be addressed. The extent to which they are addressed will depend on the severity of the effect and the feasibility and cost of other measures to mitigate the natural hazard.

Methods

District Plan Rules

- Activities near waterbodies
- Earthworks
- Buildings
- Natural Hazards

Policy B3.1.9

Continue to develop the information base on the location and characteristics of potential natural hazards in Selwyn District.

Explanation and Reasons

The major difficulty in trying to manage potential natural hazards is the lack of information on the type, location and frequency of these events in the District. Some of the main reasons for this lack of information are:

- The long periods between events, especially severe events.
- The short period of written measurements and records which makes it difficult to estimate how often events occur.
- The cost of research, particularly when only a small number of people are affected.

Research and modelling of natural hazards is occurring all the time. By keeping abreast of and supporting this work, and recording information on natural hazards as they occur, the information base is increasing.

Methods

Advocacy

- Encouraging and supporting relevant research work

Information

- Recording relevant information as opportunities arise.

NATURAL HAZARDS — ANTICIPATED ENVIRONMENTAL RESULTS

The environmental results should occur from Section B3.1:

- Increased awareness in the community of the risk and nature of natural hazards and how to respond.
- Houses are not erected in areas prone to coastal erosion or channel outbreak from the Waimakariri River.
- Houses and buildings located on land subject to flood water inundation are raised higher than floodwaters from a 2% AEP (1 in 50 year flood).
- No increase in stormwater runoff rates from land in the Rural zone.
- Houses, infrastructure and recreational facilities area not located on or under land that is slipping or prone to avalanche.
- The District's database on potential natural hazards improves.
- Effects of works to mitigate natural hazards on slopes are minor or mitigated.
- The database on potential natural hazards in the District, improves.

NATURAL HAZARDS — MONITORING

See Part E, Appendix 1.

B3.2 HAZARDOUS SUBSTANCES – ISSUES

- **Adverse effects on the human and natural environments from the manufacture, storage, transport on waterbodies or disposal of hazardous substances.**
- **Adverse effects on land and soils, waterbodies or other parts of the environment from accidental or deliberate spillage, leakage, or discharge of hazardous substances in the course of their manufacture, storage or disposal.**
- **Adverse effects on the amenity values of townships from activities involving the manufacture, storage or disposal of hazardous substances.**

What is a Hazardous Substance?

A hazardous substance is defined in section 2 of the Resource Management Act 1991 to include, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 (HSNO) as a hazardous substance.

HSNO section 2 states:

“Hazardous substance means, unless expressly provided otherwise by regulations, any substance

(a) with one or more of the following characteristics:

- (i) explosiveness,
- (ii) flammability,
- (iii) a capacity to oxidise,
- (iv) corrosiveness,
- (v) toxicity (acute or chronic),
- (vi) ecotoxicity with or without bioaccumulation;

or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified above.”

What are the Issues?

Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life and many industries. People and operations in rural areas often need to store hazardous substances on site to carry out their activities efficiently. Common examples of hazardous substances are agrichemicals and animal remedies in the rural sector of the community, timber preservatives and strong acids and alkalis in the industrial and commercial sector, and garden sprays in the domestic sector. Other substances such as LPG, petroleum hydrocarbon fuels and lubricants, solvents, paints, pool chemicals and household cleaning agents are in widespread use across all sectors. Wastes generated by all sectors also contain hazardous substance residues, such as industrial processing wastes, packaging and containers, dead batteries and waste oil, paints and solvents, surplus agrichemicals and garden sprays.

While the presence of hazardous substances in the community is generally accepted, there is potential for significant adverse effects to the natural, rural and urban environments if hazardous

substances and their locations, storage, transport, use and disposal are not managed or controlled appropriately. The potential adverse effects if hazardous substances are spilled, leak or escape from their containment or are discharged into the environment in an uncontrolled manner by accident or during their application or use include:

- effects on human health through skin contact, ingestion or inhalation
- effects on the health of farm stock and domestic animals
- damage to plant crops, windbreaks, plantations, landscape planting and other vegetation
- damage to natural flora and fauna
- contamination of the food chain, including chemical residues in farm stock and crops
- damage to the life-sustaining or aesthetic qualities of water and soil resources and ecosystems
- effects on ancestral lands, sites and other taonga of value to Tangata Whenua
- aesthetic and health effects arising from the development, improvement or occupation of land contaminated by hazardous substances
- devaluation of rural, residential, conservation and recreation amenity values of land that has been contaminated by hazardous substances
- potential and actual risks and public concerns associated with the location of facilities and activities involving hazardous substances, with respect to residences, schools, conservation areas, recreational areas, waterbodies and other sensitive land use areas and sensitive environments
- reverse sensitivity effects on rural land use involving hazardous substances, from residential and other more sensitive activities establishing in rural areas

Hazardous substances are already subject to regulation under other legislation such as HSNO, and the additional controls included in the District Plan are for resource management purposes.

Regulatory Controls

The Hazardous Substances and New Organisms Act 1996 (HSNO) and Hazardous Substances regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. Substances are classified numerically according to their hazardous characteristics, and the regulations and associated codes of practice and other instruments set specific baseline standards for storage, handling and emergency response for each class of substance and the facilities and activities involving them. HSNO has revoked earlier legislation, including the Dangerous Goods Regulations which the Council previously administered.

The Council has limited powers and responsibilities under HSNO, which is administered mainly by other agencies particularly in terms of the use and application of hazardous substances in working situations. It should be noted that HSNO protects health and safety within the immediate environment of the facility or activity, whereas community issues and concerns must be addressed through the provisions of the Resource Management Act via the Regional Policy Statement, the Regional Plan and District Plans.

The New Zealand Standard NZS 8409:2004 sets out the requirements for the safe, responsible and effective management of agrichemicals by suppliers and users in New Zealand. Parts of this standard are used within the rules to ensure compliance for agrichemicals and users of the Plan need to be aware that this document also provides guidance and controls for the management of agrichemicals beyond the provisions of the District Plan.

Regional and District Councils have functions for managing the effects of the use, storage, transport and disposal of hazardous substances, under the Resource Management Act 1991. Chapter 17 (p. 261) of the Regional Policy Statement sets out in more detail how those functions are shared between Environment Canterbury and territorial local authorities in Canterbury.

In summary, Environment Canterbury has a co-ordinating role in the management of hazardous substances in the Region, with specific responsibilities to manage:

- Any discharge of hazardous substances;
- Hazardous substances in the Coastal Marine Area;
- The use, storage, transportation and disposal of specified substances (including petrochemicals, agrichemicals, organic solvents, timber treatment chemicals, and toxic metals) where they may affect water quality.

The Draft Natural Resources Regional Plan (Air Quality and Water Quality chapters) control storage and use of the specified substances. Of particular significance to Selwyn District is the restriction of new development involving hazardous substances storage on land in the Christchurch Groundwater Recharge Zone which covers part of the District's north-east.

District and city councils in the Canterbury region are responsible for developing objectives, policies and rules relating to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of any hazardous substances except where they are controlled by Environment Canterbury. In setting those objectives, policies and rules, the Council must ensure those provisions are consistent with the RMA and HSNO, and also be mindful of other legislation associated with the control of hazardous substances.

Other Legislation

- The Transport Act 1962 controls the transport of hazardous substances, through the Ministry of Transport's Land Transport Dangerous Goods Rule which is enforced by the NZ Police. Incompatible substances must be segregated, loads must be secured and commercial loads must be placarded appropriately. The Council has no involvement with the Rule, but can consider controlling routes for the transport of hazardous substances through its District Plan and resource consents for environmental effects reasons.
- The Radiation Protection Act 1965 and the 1982 Regulations control radioactive materials. They are administered by the National Radiation Laboratory, a business unit of the Ministry of Health. The Council may control the location of activities where radioactive materials are present, to address local concerns.
- The Building Act 1991 contains requirements relating to the storage and containment of Hazardous Substances. The Council applies these provisions through the building consent process, at which stage the requirements of the Building Code can be coordinated with District Plan considerations.
- The Health and Safety in Employment Act 1992 addresses workplace safety and is administered by the Department of Labour's Occupational Safety and Health Division (OSH). Workplaces are required to have health and safety plans in place, which must be consistent with HSNO with respect to hazardous substances management and emergency response.

Hazardous Waste Management

Hazardous wastes may contain residues of hazardous substances in quantities or concentrations that have the same potential effects as those substances. The unauthorized disposal of hazardous wastes is often the cause of soil and water contamination. A number of hazardous

waste collection, treatment and disposal operators are based in Christchurch or handle their business through there, and their services are available to the District's waste generators.

The Council has recently adopted the Canterbury Hazardous Waste Management Strategy, which promotes the regionally coordinated management of hazardous waste. Under that strategy, the Council has established a Resource Recovery Centre which is a major component in the District's goal of achieving Zero Waste to Landfill by 2015. The Centre provides environmentally sound facilities for the temporary storage of domestic hazardous wastes that are dropped off by the public, and for hazardous waste materials that are recovered from the landfill waste stream. The wastes are stored temporarily before they are transported to hazardous waste treatment and disposal contractors.

HAZARDOUS SUBSTANCES – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues with Hazardous Substances:

- The Council accepts that HSNO controls immediate effects on people's health and safety from the manufacture, use and storage of hazardous substances, and that specific legislation administered by other agencies primarily controls use in workplace situations, transport, building development, and radioactive substances.
- The District Plan focuses on matters that are not covered by other, more specific legislation or the functions of the Regional Council.
- Policies and rules are implemented to avoid hazardous substances being stored or disposed of in places where, if they spill or leak, serious environmental effects will occur.
- Controls are imposed over the manufacture, storage and disposal of hazardous substances to protect the amenity values of areas and people's sense of well-being.
- Ensuring that activities in the District that use or produce hazardous substances have appropriate disposal plans.
- Managing the use of land which is contaminated by hazardous substances is addressed in Part B, Section 1.1 – Land and Soil.

HAZARDOUS SUBSTANCES – OBJECTIVES

Objective B3.2.1

To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects to human health, to the amenity of townships, the rural environment and to the natural environment arising from the manufacture, storage, transport on water bodies and disposal of hazardous substances.

Objective B3.2.2

To ensure that adequate measures are taken during the manufacture, storage and disposal of hazardous substances to avoid, remedy or mitigate any adverse effects to the health of livestock and other farm animals, to domestic animals, to flora and fauna, and to the life-sustaining capacity and amenity values of waterbodies, land and soil resources.

Hazardous substances are necessary tools for many agricultural and industrial activities and some domestic ones. Hazardous substances of various kinds are in widespread use in the Selwyn District and are an essential part of everyday life. By their nature, hazardous substances

carry an inherent risk of adverse effects, should an accident occur. The accidental or deliberate spillage, leak or disposal or inappropriate use of hazardous substances could adversely affect the District's natural resources and primary production resources, and the health of humans, farm and domestic animals and flora and fauna. The presence of large quantities of hazardous substances may also adversely affect the amenity values of townships and rural areas, by their actual or potential adverse effects.

Objectives B3.2.1 and B3.2.2 seek to minimise that risk. This is achieved through the District Plan provisions to manage the locations where larger quantities of hazardous substances are manufactured and stored, and to require the safe and secure containment of hazardous substances at all locations. This includes provisions for separation of hazardous substances from 'sensitive' areas e.g. near waterbodies and, for agrichemicals from sensitive activities such as community facilities, and Living and Business 1 Zones. Specific provisions are included for agrichemicals to recognise the use of these in primary production activities.

In making these provisions, the Council recognises that the use, transport, discharge and disposal of hazardous substances are controlled by other statutory authorities through legislation and associated controls and Standards including the HSNO Act 1996 NZS8409:2004; and through Environment Canterbury's Natural Resources Regional Plan.

HAZARDOUS SUBSTANCES – POLICIES AND METHODS

MANUFACTURE AND STORAGE

Policy B3.2.1(a)

Allow appropriate quantities and classes of hazardous substances to be stored in the rural area to provide for land use activities that are consistent with the District Plan objectives and policies for those areas; and

Policy B3.2.1(b)

Ensure hazardous substances are used and stored under conditions which reduce the risk of any leaks or spills contaminating land or water.

Explanation and Reasons

Many activities in the rural area use hazardous substances. The quantities stored are often sufficient to contaminate land and soil with significant adverse effects, therefore, the Plan provisions need to allow hazardous substances to be stored on site to be practical, but subject to conditions to protect the environment. Policies B3.2.1 (a) and (b) are implemented using rules relating to the quantities and conditions for manufacturing, storing and disposing of hazardous substances at any site. Resource consents are required where specified threshold quantity limits for hazard substances are exceeded, and/or specific site controls or other performance criteria are not complied with. Activities that comply with the performance criteria and do not exceed the specified quantity limit thresholds have permitted status in terms of the hazardous substances rules of the Plan.

The threshold quantity limits in Appendix 15 are a convenient measure to use to distinguish between small-scale activities where effects are likely to be minor, and larger scale activities that require resource consent.

The classification system used in Tables E15.1 and E15.2 of the Appendix is based on the provisions of the HSNO legislation. The quantity limits have been established with regard to local conditions and requirements, and with due consideration to the HSNO controls, to national guidelines and procedures published and advocated by the Ministry of the Environment and the Environmental Risk Management Authority, to the Natural Resources Regional Plan, and to District Plans published by other territorial local authorities.

Some HSNO classes are not listed in Appendix 15 because they are not considered to have a significant hazard rating in the land-use planning context. In this case, no restrictions apply under the District Plan. However, many hazardous substances have more than one HSNO class or category. Where this is the case, the most restrictive class or category will be applied, as this recognises the possible extent of the health and safety risks associated with the substance.

Table E15.3 is included within Appendix 15 as Agrichemicals, Fumigants and Vertebrate Toxic Agents have different provisions recognising their use in primary production. This is also linked to the provision of specific setbacks for these substances from sensitive activities and boundaries of Living and Business 1 zones.

When assessing compliance with the provisions of the hazardous substances rules and when considering applications for resource consents involving storage, use, disposal or transportation of hazardous substances, the Council will consider the types and quantities of hazardous substances and the adequacy of controls and conditions on the hazardous substances at the application site, the location of the substances relative to sensitive environments and natural resources, and the degree of risk of flooding or earthquake in the area of the site. The Council will also have due consideration of any controls imposed by other legislation. This will include but will not be limited to the provisions of the Hazardous Substances and New Organisms Act 1996 and Regulations (including test certification, approved handler certificates, controlled substances licences and codes of practice issued by or recognised by ERMA), the New Zealand Standard for Management of Agrichemicals NZS8409:2004, the Natural Resources Regional Plan and resource consents issued by the Canterbury Regional Council, and the Health and Safety in Employment Act 1992.

The Council recognises that the use, transport, discharge and disposal of hazardous substances are also controlled by other statutory authorities through legislation and associated controls including the HSNO Act 1996; and through Environment Canterbury's Natural Resources Regional Plan.

Methods

District Plan Rules

- Hazardous Substances

Other Legislation

- NZS8409:2004 Management of Agrichemicals will be used as part of the means to achieve the policies in relation to agrichemicals
- To enable consideration of best management practices, relevant Codes of Practice, NZ Standards, and requirements of other regulations.
- To address specialist areas of health and safety

Regional Council Rules

- To control the discharge of hazardous substances

Policy B3.2.2

Limit manufacturing, and avoid disposing of hazardous substances near any of the following areas:

- (a) Waterbodies or wetlands.**
- (b) Areas of outstanding natural features and landscapes.**
- (c) Significant ecological sites.**
- (d) Sites of heritage or cultural values.**
- (e) Popular recreational areas.**
- (f) Dwellings, other than a dwelling on the same site as the activity.**

Explanation and Reasons

Policy B3.2.2 is intended to protect waterbodies, wildlife and areas with special values from potential adverse effects caused by the manufacture or disposal of hazardous substances. Policy B3.2.2 also avoids adverse effects on amenity values and concern among residents, from having activities involving large quantities of hazardous substances close by.

The policy and associated rules apply to significant ecological sites, heritage sites and outstanding natural features which are identified using the processes set out in the District Plan. The policy and rules also apply to all waterbodies. In assessing a resource consent application to manufacture or dispose of hazardous substances, the consent authority shall also consider potential effects on any cultural or recreational values of the site and surrounds and the proximity of dwellings on surrounding sites.

Method

District Plan Rules

- Hazardous Substances

TRANSPORT

Policy B3.2.3

Avoid transport of hazardous substances on the surface of waterbodies in watercraft, if there is an alternative vehicular access to the site by land.

Explanation and Reasons

A hazardous substance spilled into a waterbody can cause both immediate and delayed adverse effects to aquatic life and ecological, cultural, recreational and amenity values. Such a spill is also much harder to contain and clean up than when it is spilled on to land, and the effects may become widespread as contaminants are carried downstream or disperse on water surfaces. Policy B3.2.3 recognises that there is no need to risk transporting hazardous substances on the surface of a waterbody when there is alternative access to a site, over land. The corresponding rule does not apply to spare fuel for motorised water craft or hazardous substances found in the motor of such craft.

Method

District Plan Rules

- Transport of Hazardous Substances

DISPOSAL

Policy B3.2.4

Ensure parties who manufacture or store commercial quantities of hazardous substances have the means to dispose of hazardous substances and their containers without adversely affecting the environment.

Policy B3.2.5

Work toward obtaining access to appropriate hazardous waste treatment and disposal facilities for residents and ratepayers of the District.

Explanation and Reasons

Under Policies B3.2.4 and B3.2.5, the Council will work with Environment Canterbury and other District Councils, to develop solutions for disposing of hazardous substances and hazardous waste, including empty hazardous substance containers. The Council will also encourage manufacturers and users of hazardous substances and generators of hazardous wastes to participate in identifying and developing waste disposal options.

Environment Canterbury, in conjunction with other local authorities including Selwyn District Council, has developed the Canterbury Regional Hazardous Waste Management Strategy for dealing with hazardous waste. It provides that basis for a co-ordinated region wide approach to the minimisation and management of hazardous waste. Under that strategy, facilities are being developed to receive and store domestic hazardous wastes from residents throughout Selwyn District.

Methods

District Plan Rule

- Hazardous Substances

Trade Waste Bylaws

Advocacy

- Continue to advocate for a co-ordinated approach to hazardous waste disposal in Canterbury as a signatory to the Canterbury Regional Hazardous Waste Management Strategy.
- Support initiatives such as the Agrecovery programme for disposal of agrichemical containers.

HAZARDOUS SUBSTANCES – ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B3.2:

- Adverse effects of hazardous substances on the environment are minimised.
- Reduced instances of land becoming contaminated where hazardous substances have been used or stored.
- Reduced risk of waterbodies becoming contaminated from hazardous substances.
- Access to facilities for the treatment and disposal of hazardous substances.
- Users of large quantities of hazardous substances follow plans to minimise the amount of hazardous waste they produce and to dispose of that waste in ways that have minimal effects on the environment.

HAZARDOUS SUBSTANCES – MONITORING

Please refer to Part E, Appendix 1.

B3.3 CULTURE AND HISTORIC HERITAGE – ISSUE

- **Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or structures which have historic heritage and cultural values.**

Culture and Historic Heritage in Selwyn District

Selwyn District is an area which has been affected by several waves of colonisation by Māori and Europeans. As a result there are sites, places and buildings which are of cultural or heritage value to individuals, families, iwi, rūnanga and communities in the District.

Some of these sites, places and buildings have been identified and protected in past planning schemes. Many significant trees have been protected for many years and it is the intention of the council to continue to provide recognition and protection for trees that display important values for the community or the environment

Sites, areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local rūnanga and Ngāi Tahu. In particular, wāhi tapu, wāhi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities. Most often, people associate heritage values with old buildings, ruins or significant trees and vegetation. Many other things have heritage values. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, and traditional activities and trees planted to commemorate special events.

Part of promoting the sustainable management of natural and physical resources is enabling:

“people and communities to provide for their economic, cultural and social well-being and for their health and safety...” (section 5(2)).

Section 6(e) of the Act requires the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga to be recognised and provided for. In addition, section 6(f) of the Act requires Selwyn District Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.

The Act defines historic heritage as meaning those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological:
- (ii) architectural:
- (iii) cultural:
- (iv) historic:
- (v) scientific:
- (vi) technological;

and includes—

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Māori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources

Cultural and historic heritage values are not only part of our inheritance from the past; they are also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, culture and historic heritage values are a vital part of what makes a place unique or important for the people who live there.

Cultural and historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can act as a reminder or social link to the past that is important to the community, but they can also provide valuable information that contributes to the knowledge of our history and environment. For example historic buildings provide information about the tools, technology and materials available at the time as well as contributing to a sense of place. Another example is examining an archaeological site to find information about how people lived in the past, and what their environment was like at that time. The accidental or inadvertent destruction or damage of cultural and heritage features can cause the loss of this knowledge as well as a social/cultural link to the past

Statutory Acknowledgement and Nohoanga Sites

The Ngāi Tahu Claims Settlement Act 1998 identifies Areas of Statutory Acknowledgement. These areas are culturally significant to Ngāi Tahu. In Selwyn District, there are four “Areas of Statutory Acknowledgement”:

1. Moana Rua/Lake Pearson
2. Kura Tawhiti/Castle Hill
3. Whakamataui/Lake Coleridge
4. Te Tai o Manaanui/Selwyn-Banks Peninsula Coastal Marine Area

The Act requires these areas to be identified on a map attached to the District Plan (see Planning Maps).

Ngāi Tahu is an affected party for any activity which affects Areas of Statutory Acknowledgement, for the purposes of sections 95 - 95F of the RMA. The consent authority has discretion to decide if an activity will affect the area. If it will, Ngāi Tahu is an affected party similar to any landholder or resident in the area.

Nohoanga sites are areas of customary settlement for mahinga kai (food gathering). One site is recognised in Selwyn District under the Ngāi Tahu Claims Settlement Act 1998. It is located at the mouth of the Rakaia River (see Planning Map 1). The Ngāi Tahu Claims Settlement Act 1998 gives Ngāi Tahu rights to occupy land at Nohoanga Sites for mahinga kai, including the right to erect temporary dwellings or shelters (section 259).

The Ngāi Tahu Claims Settlement Act 1998 recognises the significance of Te Waihora/Lake Ellesmere (see Part A Section 4.2 Maori Issues and Values). The Ngāi Tahu Claims Settlement Act provides for the bed of Te Waihora/Lake Ellesmere to be vested in fee simple estate to Te Rūnanga o Ngāi Tahu. The Act also has provisions for the preparation of a Joint Management

plan for Te Waihora, to be developed between Ngāi Tahu and the Department of Conservation, with input from local authorities.

Sites of Wāhi Taonga and Wāhi Tapu

Areas in Selwyn District have been traversed, occupied or settled by Māori. Part A, Section 4.2 explains the role of Māori in resource management under the Act, and describes the tāngata whenua of Selwyn District.

Wāhi Taonga and Wāhi Tapu are sacred places, which are held in reverence according to tribal custom. They provide a link to tribal custom. Protecting them helps protect and remember the mana of ancestors, and provides protection for future generations.

Sacred places include:

- Tauranga waka (canoe/landing sites)
- Waiwhakaheke Tūpāpaku (burial or habitation)
- Tuhituhi (rock drawing sites)
- Tuaha (sacred altars)
- Urupā (burial grounds)
- Pa sites
- Wai Taonga mahi o ringa (special sites where one finds material such as Harakeke-Flax and pingao-sand sedge).

These areas may have a rāhui (temporary tapu) placed on them.

Sites of wāhi taonga and wāhi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Wāhi taonga and wāhi tapu sites may also be disturbed by people or animals. Any sort of disturbance may be inappropriate, whether physical damage is done to the site or not.

In addition to wāhi taonga and wāhi tapu sites, there are sites of mahinga kai (food gathering) which are important to local rūnanga. Indigenous trees and plants can also have cultural values to Māori. For example, tikaka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga Kai trails.

All natural resources, including land, air and water are taonga (treasured) to Māori. Effects of activities on these values are addressed in Part B, Sections 1.1 to 1.4 of the Plan.

European Historic Heritage Sites and Buildings

Selwyn District has been colonised and farmed by European settlers since the 1850s. Coal, lime and clay were mined in the Malvern foothills. Rural towns developed associated with farming and mining activities, and the railway to the West Coast which began in the 1870s. Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with heritage values in the rural area. For example:

- Various styles of houses.
- Community buildings — schools, churches and halls which are often the last links or symbols of a once thriving town or settlement.

- Early farming or transport infrastructure: water races, bridges, roads, shelter belts; much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Heritage sites or buildings do not have to be old to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium.

Many of the District's heritage sites and buildings are located in the rural area. Land uses in the rural area, particularly beyond the Inner Plains (see Planning Maps) have not changed as quickly as in townships. When new buildings and structures are needed in rural areas, there is often sufficient space to put them alongside old ones, rather than demolishing and replacing old ones.

Damage to Sites with Cultural and Historic Heritage Values

Sites and buildings with cultural and historic heritage values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include earthworks, additions, alterations or modification to buildings or parts of buildings which are not in keeping with the original style, removing buildings, ruins or trees or disturbing wāhi taonga and wāhi tapu sites.

Old buildings and structures can also become derelict, particularly when they are no longer used or maintained. Many of the heritage buildings in the rural area are lost because they become derelict rather than being intentionally destroyed.

Protecting Cultural and Historic Heritage Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community;
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing; and
- Recognise and provide for the protection of heritage and cultural sites.

Protecting sites and structures with cultural and historic heritage values involves costs:

- Many sites and structures are privately owned or on private land. For example, some wāhi taonga and wāhi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common.
- Heritage buildings and structures need to be maintained to ensure their retention.
- Using heritage buildings can be costly as when the use of any building changes, the building must be upgraded as is reasonably practicable to the same level as for a new building to comply with the New Zealand Building Code.

Any measures in the District Plan to protect the cultural and historic heritage values of sites must:

- Recognise the costs to landholders if they cannot reasonably use buildings or sites.
- Be practical, easy and inexpensive for landholders to comply with.
- Encourage the ongoing use and maintenance of buildings and structures.

In addition, section 32 of the Act requires a council to assess the costs and benefits of any rule in a District Plan.

Archaeological Sites

An archaeological site is defined in section 2 of the Historic Places Act 1993 as:

"Archaeological site" means any place in New Zealand that–

(a) Either –

(i) Was associated with human activity that occurred before 1900; or

(ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand".

Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values such as wāhi tapu sites. There are various types of archaeological sites, some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.

Section 10 of the Historic Places Act 1993 directs that an archaeological authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity.

Under the RMA 1991, a District Council shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)). This requirement in the Act compels a council to identify known sites through the Plan and protect them from use and development through various methods. For this purpose, Appendices 3 and 5 include archaeological sites recorded in the New Zealand Archaeological Association (NZAA) site recording scheme.

Role of District Councils

Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of district councils under section 31 of the Act. District councils are also Heritage Protection Authorities under section 193 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.

Heritage Orders

The Council has decided to identify sites and buildings with heritage or cultural values in the District Plan, rather than relying on Heritage Orders. The reasons are:

- Certainty for landholders that a site or building is protected under the Plan, rather than having a “surprise” at the time they come to make alterations.
- Certainty for the community that a site or building is protected.

- Preserving the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.

Historic Places Act 1993

The New Zealand Historic Places Trust Pouhere Taonga is required to be notified of any proposed works affecting a listed heritage item that requires a building consent or any activities which may impact on a site of cultural significance. In addition the Trust is an affected party for resource consents involving places with heritage values.

CULTURE AND HISTORIC HERITAGE – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to protect sites with cultural and heritage values:

General

- Foster a partnership for protecting sites and buildings with cultural or heritage values between owners; local communities; local rūnanga; New Zealand Historic Places Trust Pouhere Taonga and the Council.

Māori Sites

- Record any historical information about sites and buildings on property files, if rūnanga agree.
- Encourage landholders and local rūnanga to develop voluntary protocols for the management of Silent File Areas, Wāhi Taonga Sites and Management Areas and Mahinga Kai Sites.
- Provisions in the Plan for managing the disturbance of Silent File Areas or damage or destruction of Wāhi Taonga Sites and Management Areas and Mahinga Kai Sites.
- Policies and methods to recognise the values associated with areas of Statutory Acknowledgement and Nohoanga Sites.

Heritage Sites

- A system to record any historical information about sites and buildings on property files to keep a public record.
- Provisions to manage the modification or destruction of buildings or sites with the most significant heritage values in the District.

Protected Trees

- A system to identify and record protected trees and the reasons for their significance, according to established evaluation criteria.
- Provisions to avoid the removal of identified trees and to protect them from activities that could endanger their health.

Costs

- The Council has established a discretionary fund to help applicants meet the processing costs for resource consent applications related to the maintenance or restoration of cultural or historic sites or buildings.

CULTURE AND HISTORIC HERITAGE — OBJECTIVES

Objective B3.3.1

Sites of wāhi tapu, wāhi taonga, mahinga kai and other importance to tāngata whenua are protected in partnership with local rūnanga and landholders.

Objective B3.3.2

Sites and buildings with heritage values are recognised and protected, where appropriate, in partnership with landholders.

Objective B3.3.3

To recognise and protect trees that contribute to character, ecological, or amenity values and/or are of significance to tāngata whenua, and the quality of the rural and urban environments identified in the District Plan.

Explanation and Reasons

Objective B3.3.1 reflects the duties under section 6(e) and (f) of the Act. The policies encourage local rūnanga and landholders to develop protocols for activities in Silent File areas. The co-operation of landholders is important for on-going protection of these sites and access to them. The District Plan also contains a policy and rules to manage earthworks, buildings and other activities in Silent File areas. Silent File areas are areas which contain sites of immense cultural or spiritual importance to tāngata whenua. The exact location of the site is not indicated, to protect it from intentional disturbance. Any Silent File areas protected by the District Plan are shown on the Planning Maps and listed in Appendix 5. The Appendix should be regularly reviewed and sites may be added or removed by a plan change as required.

Objective B3.3.2 also reflects the duty under section 6(f) of the Act to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The objective recognises that not all sites or buildings with heritage values in the District will warrant formal protection under the Act. The objective is achieved by policies and methods to: record the heritage values of any site or building and to protect those with significant heritage values. The places identified to have significant heritage values are listed in Appendix 3. Wherever possible, the Council works with landholders to protect heritage sites in partnership. A partnership is:

- Necessary to ensure sites and buildings in private ownership, are maintained; and
- Desirable to encourage people to protect the District's heritage, in the future.

Objective B3.3.2 fosters partnerships to protect heritage sites. The process of assessing the heritage values of sites was carried out in consultation with landholders. The provisions to protect heritage sites and buildings recognise the “costs” and “benefits” of owning heritage sites.

The policies and rules for protecting heritage sites and buildings:

- Allow modifications and alterations, maintain or enhance the heritage values of the site or building.
- Discourage demolition of sites or buildings, but recognise that in some cases there may be no practical alternative.

Objective B3.3.3 seeks to provide for the recognition and protection of trees that display values of significance to the community or environment. These trees contribute to character, ecological or amenity values and/or are of significance to tāngata whenua, along with contributing to the quality of the rural and urban environments in the District. Significant trees are generally appreciated by the community and require protection from development and activities that may lead to damage or their destruction.

CULTURE AND HISTORIC HERITAGE – POLICIES AND METHODS

SITES OF TANGATA WHENUA

Policy B3.3.1

Encourage local rūnanga to record information about sites of cultural importance to them, where appropriate.

Explanation and Reasons

Recording information about the location and importance of sites with cultural significance to local rūnanga, assists the Council to carry out its duties under the RMA and the Historic Places Act 1993, to help protect these sites. Traditionally, local rūnanga have protected sites, particularly very significant sites, by keeping information about their location and importance secret. Legislation such as the RMA and the Historic Places Act 1993, provide other mechanisms to protect these sites, which are legally binding. However, to be effective, they require the disclosure of a certain amount of information about these sites. In some cases, local rūnanga may prefer not to use statutory provisions to help protect sites of cultural importance to them. Where local rūnanga do decide to use statutory methods to protect sites, the Council will assist with recording the information on property files and Land Information Memoranda, provisions in district plans and other appropriate mechanisms.

Methods

Records

- Property files and Land Information Memoranda

District Plan policies and rules

Assist/facilitate landholders and Ngāi Tahu developing voluntary protocols for the management of silent file areas, wāhi taonga sites and management areas, and mahinga kai sites.

Policy B3.3.2

Recognise and protect sites of cultural importance to local rūnanga through fostering a partnership between landholders and local rūnanga.

Explanation and Reasons

Many sites of cultural importance to local rūnanga are located on land which is owned or managed by other parties. The understanding and co-operation of these parties is vital to ensure the sites are managed to protect their values for local rūnanga. It is also vital that the management of these sites is practical and inexpensive for landholders, and allows them to carry out their day-to-day activities unimpeded. Policy B3.3.2 promotes a dual approach to achieve this. Firstly, the Council will promote discussions between landholders and local rūnanga about how these sites may be managed, and will encourage the parties to develop a joint protocol or agreement for the management of each site. This method is particularly important for Wāhi Tapu Management Areas, because of the size of these sites and the possibility that landholders may uncover other material beyond the area identified in the District Plan. Secondly, the District Plan contains rules to protect sites which have been identified in the Plan, from disturbance or destruction (see Policies B3.3.3 and B3.3.4).

Methods

Advocacy

- Joint protocols with landholders and land managers for Wāhi Taonga Management Areas and other sites, if appropriate

District Plan rules

- See Policies B3.3.3 and B3.3.4

Policy B3.3.3

Protect sites within areas recognised in the Plan as Silent File areas, from inappropriate disturbance.

Policy B3.3.4

Protect areas identified in the Plan as Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai sites, from inappropriate damage or destruction,.

Explanation and Reasons

Policies B3.3.3 and B3.3.4 recognise and provide for the protection of four types of sites, in the Plan.

Silent File Areas may contain sites of immense cultural importance to local rūnanga. The Silent File Areas are listed in Appendix 5 and shown on the Planning Maps. The exact location and the type of site within the silent file area are not disclosed by local rūnanga, to try and reduce the likelihood of intentional damage to the site and in respect of the traditions of keeping this information among tribal elders.

Wāhi Taonga Sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The Wāhi

Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered.

Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are six Wāhi Taonga Management Areas in the District; at Rakaia Island, along the Coast from the Rakaia River to Fisherman's Point, Taumutu, along the bed of the Waikirikiri/Selwyn River and the area surrounding and including the Rakaia Huts Township, which has two distinct Wāhi Taonga Management Areas, one of which is the culturally and archaeologically significant Rakaia River Moa Hunter Site. For the purposes of management under the District Plan, the Rakaia River Mouth Moa Hunter Site has been divided into 2 sub Wāhi Taonga Management Areas (C39(a) and C39(b) with site C39(a) relating directly to the land zoned Rural (Outer Plains) to the east of Rakaia Huts Township itself.

Mahinga Kai sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites of identified land, where vegetation is traditionally gathered. The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes.

Policy B3.3.3 relates to Silent File Areas. Any disturbance of the sites within Silent File Areas is usually inappropriate. However, much land within the Silent File Areas has been disturbed in the past as part of farming or building activities. Therefore, the District Plan rules allow any activity which disturbs soil over an area or to a depth where it has already been disturbed, as a permitted activity (no resource consent needed). Any activity which disturbs soil in areas or to depths where it has not previously been disturbed requires a resource consent.

In deciding whether any disturbance of land in a Silent File Area is appropriate, the Council shall refer to local rūnanga for advice about whether the proposed activity will disturb a culturally important site within the Silent File Area. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

Policy B3.3.4 relates to Wāhi Taonga Sites, Wāhi Taonga Management Areas, and Mahinga Kai Sites. These sites are listed in Appendix 5 and shown on the Planning Maps. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.4 is to protect the artefacts and remnants contained in these sites from damage or destruction.

The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without first obtaining a resource consent.

With regard to Wāhi Taonga Management Area C39(a) at Rakaia Huts; the area is still of significant cultural and archaeological value in spite of significant alteration and disturbance to the area since European settlement. The District Plan identifies a number of activities which are considered to have less than minor effects on the cultural and archaeological values of Wāhi Taonga Management Area C39(a). These activities do not require a resource consent for earthworks. Activities exempt from the earthworks rules include:

- sowing tending or cultivating crops;
- digging post holes;
- Maintenance or landscaping of gardens, lawns or public spaces;
- burying pets; and
- trenching compost

The District Plan allows any activity not exempt from the earthworks rules to disturb soil over areas which have been previously disturbed by cultivation, planting or earthworks (to a depth of no more than 20cm) as a permitted activity (no resource consent needed). Any activity not exempt from the rules and which does disturb soil in areas previously disturbed by cultivation, planting or earthworks to depths more than 20cm, or disturbs soil in areas not previously disturbed shall require a resource consent.

In deciding whether protecting any Wāhi Taonga Site, Wāhi Taonga Management Area or Mahinga Kai site is practical, the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. In relation to Wāhi Taonga Management are C39(a) at Rakaia Huts, Council shall refer to the New Zealand Historic Places Trust Pouhere Taonga for advice about the effects of the proposed activity on any archaeological values. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

In addition, the provisions of the Historic Places Act 1993 apply to the Wāhi Taonga Management Areas in and around Rakaia Huts Township ((C39(a) and C39(b)). Other Wāhi Taonga sites and management areas may also be subject to the Historic Places Act 1993, as they may be considered archaeological sites.

Where a landholder requires a resource consent to undertake an activity in a Silent File Area, a Wāhi Taonga Site or Management Area or a Mahinga Kai Site, the Council has a policy to consider reducing or waiving fees for processing the resource consent application (see Policy B3.3.10). This policy applies to heritage sites and in Areas of Outstanding Landscapes, as well.

Methods

District Plan rules

- Earthworks, Tree Planting, Buildings, Utilities and Other Structures, Waste Disposal, Hazardous Substances, Subdivision.

Policy B3.3.5

Recognise the areas of Statutory Acknowledgement identified in Appendix 8 as areas of cultural importance to Ngāi Tahu.

Explanation and Reasons

The Ngāi Tahu Claims Settlement Act 1998 identifies areas of Statutory Acknowledgement. These areas are recognised as being culturally significant to Ngāi Tahu. There are four areas of Statutory Acknowledgement in Selwyn District. These areas are listed in Appendix 8 and shown on the Planning Maps. For the purposes of sections 93 and 94 of the RMA, Ngāi Tahu is considered an affected party without the need to demonstrate the cultural significance of these areas.

Methods

Consent Process

- Identification of Ngāi Tahu as an affected party.

Policy B3.3.6

To allow customary activities and erecting of temporary structures at nohoanga sites, provided any adverse effects on the environment will be minor.

Explanation and Reasons

The Ngāi Tahu Claims Settlement Act 1998 recognises nohoanga sites as areas of traditional Māori settlement and mahinga kai. Section 259 of the Act gives Ngāi Tahu rights to occupy nohoanga sites on Crown land and to erect temporary structures. There is one nohoanga site in Selwyn District, which is listed in Appendix 8 and shown on Planning Map 001. Policy B3.3.6 provides for erecting temporary structures on the nohoanga site, which may not comply with the District Plan policies and rules. This exemption is in keeping with the Council's duties under sections 6 (e) and 8 of the Act. Any adverse effects of additional structures are likely to be minor because there is only one nohoanga site in the District and it is only 1 hectare in area. ^{PC26}

Methods

District Plan Rules

- Exemptions for nohoanga sites

HERITAGE SITES AND BUILDINGS

Policy B3.3.7

Record information on the heritage values of sites and buildings in Selwyn District.

Explanation and Reasons

Many sites and buildings in Selwyn District have heritage values, but formal protection of them is inappropriate for a variety of reasons. For example:

- The building may have been removed, is derelict or has been dramatically altered
- The heritage values relate to information rather than a physical feature
- The owner opposes formal protection and the heritage values of the site are not significant enough to oppose the owner and abandon the partnership approach.

Policy B3.3.7 ensures records of the District's heritage are kept and can be accessed by people, whether a site has any legal protection for its heritage values or not. ^{PC26}

Methods

Information

- Provide an archive of information on the heritage values of sites and buildings, to accompany property files and record information on the location of archaeological sites on GIS, property files and LIMs.

Policy B3.3.8

Allow modifications, alterations or additions to the heritage sites and structures or the subdivision of heritage sites or sites containing heritage structures listed in Appendix 3, provided any such alterations, modifications, additions or subdivision does not adversely affect their heritage values, wherever practical.

Explanation and Reasons

The sites and buildings listed in Appendix 3 are those the Council considers worthy of protection for their heritage values. The values of these sites and buildings have been assessed using a process and set of criteria outlined in a report entitled: "A Review of Heritage Assessment Methods, January 2000".

The Council is satisfied that one of the most efficient and effective ways to maintain the heritage values of sites and buildings is to ensure their ongoing use. This encourages interest in and funds maintenance of the site or building.

Policy B3.3.8 allows heritage sites and structures to be altered or modified, so they remain useful assets. The policy requires any alterations or modifications to retain the heritage values of the site or building, whenever practical. This may be achieved through the way in which alterations and modifications are designed or carried out. Subdivision of sites of heritage value (or which contain heritage items) is also a relevant consideration. Subdivision may have beneficial effects for heritage values (to enable separation from a development site for example) or may detract by dividing a site or result in boundaries being too close to a heritage structure. In assessing whether it is 'practical' to retain heritage values, the consent authority should consider: ^{PC26}

- The cost and technical feasibility of options
- The necessity or desirability of the alterations
- The heritage value(s) of the site or building, described in Appendix 3
- The effect of any subdivision of a site

Method

District Plan Rules

- Heritage Sites and Buildings
- Subdivision

Policy B3.3.9

Discourage the demolition or destruction of heritage sites or buildings listed in Appendix 3, except where necessary to:

- **Avoid danger to people or property; or**
- **Allow reasonable use of the site; and**
- **There are no appropriate options to retain the site or building.**

Explanation and Reasons

The District Plan discourages the demolition of sites and buildings listed in Appendix 3. Policy B3.3.9 recognises that, in some cases, demolition may be the only option. The policy requires the

consent authority to consider the appropriateness of other options. This should be done having regard to the feasibility and cost of these options, the heritage values of the building or site, as described in Policy B3.3.9; and any ongoing danger, cost or liability to the landholder if the building or site is not demolished.

Method

District Plan Rules

- Heritage Sites

Policy B3.3.10

Assist owners where funds are available with the costs associated with the maintenance or restoration of heritage resources; and the additional resource consent costs imposed by the provisions to protect heritage sites or buildings, Silent File Areas, Wāhi Taonga Management Areas and Wāhi Taonga Management Sites and Mahinga Kai Sites listed in the District Plan.

Explanation and Reasons

The provisions in the District Plan for protecting sites of wāhi tapu or other cultural values or heritage values, impose costs on the owners of those sites for the benefit of the wider community.

Policy B3.3.10 enables the Council to reduce some of these costs by waiving fees to process resource consents for activities affecting these sites. Fees are likely to be reimbursed for activities that would not need a resource consent, had the site not had heritage or cultural values. Policy B3.3.10 is similar to policies for reimbursing resource consent processing fees in areas of Outstanding Landscape Values (see Section B1.4 Outstanding Natural Features and Landscapes).

Methods

Funding

- The Council has a contestable fund of money for projects which may enable it to assist with the maintenance or restoration of sites with cultural and heritage values

Fees

- The consent authority may choose to remit all or part of the fees for processing resource consent applications

Policy B3.3.11

Periodically review the lists of heritage site and buildings and Silent File Areas listed in the District Plan.

Explanation and Reasons

The cultural or heritage values of sites or buildings may change over time. A site or building may lose its values if it is modified or damaged. A site or building may increase in value if it is restored, or if other, better examples are lost or damaged. It may be impractical to protect a building or site which has become structurally unsafe or unstable.

Method

Monitoring Strategy

- Periodic review of lists of protected sites in the District Plan.

PROTECTED TREES

Policy B3.3.12

To identify and evaluate trees of significance to the community and keep a record system for these trees.

Policy B3.3.13

To protect identified trees from destruction or alteration which will adversely affect their significance or health as it relates to:

- the long term life of the tree;
- the heritage, ecological, biodiversity, botanical or amenity values of the tree;
- any cultural values of the tree or significance to Tangata Whenua.

Policy B3.3.14

To enable, where appropriate, some physical works on and around identified protected trees for normal cultivation/maintenance, safety purposes or essential services.

Policy B3.3.15

To promote, educate and inform tree owners and the public about the significance of listed protected trees.

Explanation and Reasons

Many trees around the Selwyn District have values that are significant to the community or the environment. These trees may provide a functional value such as shade from the sun, screening and soil stabilisation. It may be that they are pleasing visually, enhance amenity, and create character for an area. They could also have some historic or cultural significance, or they could be significant in terms of their age, form or species.

The Council considers it has a role to protect those trees that can be identified as providing a benefit or have value to the community in a significant way, whether this is physically or historically, ecologically or of significance to tāngata whenua, for future generations and the enhancement of the environment. These trees may be vulnerable to existing or future development and activities around them and thus merit protection to ensure their ongoing health.

PC26

Policy B3.3.12 seeks to ensure that significant trees are identified and evaluated according to an established system of criteria. The consistently applied evaluation criteria are intended to ensure

that the same system of evaluation is applied to each tree. From this, records of the District's significant trees are to be kept and can be accessed by interested people. ^{PC26}

Policy B3.3.13 establishes a system to protect those trees that have been identified as having significance. These trees would be subject to rules within the Plan to ensure that development and activities close to the trees do not affect their health or the values for which they have been identified. Associated Policy B3.3.14 provides for some situations where urgent works may be necessary for public safety or essential services (including roading networks, power and telecommunications networks and infrastructure services such as water supply and wastewater disposal). This too will be incorporated into the rules.

Policy B3.3.15 supports non-statutory processes that the Council undertakes to promote, educate and inform the public and tree owners about the values of the protected trees for the community and the environment. This links to the Council's Heritage Fund which provides annual grants for work necessary to maintain and protect listed trees.

Methods

Information

- Provide an archive of information on the values of identified trees, to accompany property files and record information on the location of archaeological sites on GIS, property files and LIMs.

Advocacy

- Promotion, education and information on the significance of protected trees to the District.

District Plan Rules

- Protected Trees
- Earthworks

Funding

- Discretionary fund to encourage and assist owners with the work required to maintain and enhance the heritage of the District, with priority given to those sites, buildings and trees that are listed for protection in the Selwyn District Plan.

CULTURE AND HISTORIC HERITAGE — ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B3.3:

- A growing database of the history of the Selwyn District.
- Development of agreements between landholders and local rūnanga for conducting activities in Silent File areas.
- Wāhi tapu and wāhi taonga sites are protected.
- Sites and buildings with significant heritage values are used and maintained.
- Nohoanga sites are used for mahinga kai and temporary structures may be erected on them.

- Recognition of and protection for trees of significant value to the community and environment.

CULTURE AND HISTORIC HERITAGE — MONITORING

Please refer to Part E, Appendix 1.

B3.4 QUALITY OF THE ENVIRONMENT — ISSUES

- **Activities which affect the character of the rural area or which make it a less pleasant place to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible affects locating too close to each other.**

Introduction

This section deals with two issues:

- The effects of activities on the amenity values of the rural area – its character and quality of the environment.
- Reverse sensitivity effects – when a new activity sets up near an existing activity and complains about the effects of the existing activity.

Amenity Values/Rural Character

Protecting amenity values is part of achieving the purpose of the Act. Section 7 requires particular regard be had to:

- The maintenance and enhancement of amenity values’ (section 7(c)); and
- Maintenance and enhancement of the quality of the environment (section 7(f)).

Amenity values is defined in the Act (section 2) as including:

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The rural area has a character which is distinct from townships. There are common perceptions which many people share about the character of the rural area. These include:

- Predominance of vegetation cover.
- Dominant land uses (but not all land uses) are associated with primary production: agriculture, horticulture, forestry, pastoralism.
- Views of mountains, basins and river valleys which are not modified by structures.
- Being able to see, hear and smell animals and birds.

Rural character can also mean different things to different people.

- People who live in the rural area as an alternative to living in a town may value a sense of open space, panoramic views and their perception of a rural outlook.
- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out existing activities; adopt new technology and practices; and to diversify activities as markets change.
- Some people value the rural area as a place to locate activities that need lots of space. These people may value large areas of land and distance from neighbours.

Conflicts can be created by the combination of different activities, effects and perceptions of the character of the rural area.

In particular, issues are emerging in the District over effects of activities which are typical or normal for rural areas, but which some residents do not expect or dislike. These effects fall into two categories:

- Temporary effects from seasonal activities such as burning stubble, harvesting crops or topdressing.
- Effects from day to day activities in the rural area are part of the rural area which are different from effects in townships such as, the smell of crops like silage, turnips or garlic; or noise from irrigators or tractors; and stock being driven along roads.

The Council believes these effects are part of the character of the rural area. This District Plan has policies and rules to maintain a generally pleasant living and working environment. However, residents should not expect an environment which is as conducive to residential activities as Living zones. The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely.

Reverse Sensitivity

Reverse Sensitivity is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. Reverse sensitivity is one of the major resource management issues in the rural area. It occurs principally between residential activities and activities associated with primary production or rural industries.

Reverse sensitivity issues arise when:

- Subdivision of rural land and erecting houses occurs in the vicinity of established activities; or
- Houses and other activities are located side by side, and the effects of the other activity alter.

The nature of reverse sensitivity issues varies in the District. There are examples of quite significant issues which have involved considerable time and cost to all parties, including the Council. For example:

- Mushroom composting at Prebbleton.
- Dairy cow droving along Old Tai Tapu Road.
- Noise from audible bird scaring devices.
- Houses and restaurants close to intensive pig or poultry farms.
- Nightglow from houses erected close to the West Melton Observatory.

Reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. People and natural and physical resources are part of the definition of environment in section 2 of the Act. Potential adverse effects of new activities on existing activities must be avoided, remedied or mitigated under section 5(2)(c) of the Act, and part of promoting sustainable management is enabling people and communities to provide for their economic, social and cultural wellbeing (section 5(2)). Potential reverse sensitivity effects have been recognised by the Environment Court as an issue under the Act, in several cases.

The District Plan has provisions to manage potential reverse sensitivity effects when the effects may be significant enough to create an unpleasant living or working environment. In these cases, reverse sensitivity effects may have significant costs on residents or businesses. The District Plan does not address effects which the Council considers are a typical or normal part of the rural environment, and which are mild or of short duration.

QUALITY OF THE ENVIRONMENT – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, rural character and reverse sensitivity:

Amenity Values

- The Plan identifies what rural character is and manages activities which may affect it.
- Temporary effects and mild effects which are typical of rural areas are part of the rural environment.
- Policies and rules manage effects of activities, which may be more severe or adverse.

Reverse Sensitivity

- Policies and rules manage the location of activities which may have significant effects on surrounding properties, when they set up.
- Once set up, policies and rules protect these activities from reverse sensitivity effects from other activities locating near them.

Objectives and policies in this section should be read in conjunction with the following:

- Section B1.4 Outstanding Landscapes and Natural Features
 - Effects of activities and landscapes and rural character.
- Section B2.1 Transport
 - Stock droving and airfields.
- Section B4.1 Residential Density and Subdivision
 - Managing residential density in the rural area.

QUALITY OF THE ENVIRONMENT – OBJECTIVES

Objective B3.4.1

The District's rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Explanation and Reasons

The rural area has a character which is distinct from townships and people value this distinction – the rural outlook. The rural area of Selwyn District is a pleasant place to live and work in. Objective B3.4.1 is to maintain this quality of the environment. It is achieved by policies and rules to manage effects such as noise, vibration, outdoor signage; glare and odour. The policies and rules allow for day to day farming and other activities which have effects typical of a rural area, but manage activities that have potentially stronger effects. The policies and rules are not as stringent as those for Living zones. The Rural zone is recognised principally as a business area rather than a residential area, in the Plan.

Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- Residential activities; and community facilities.

This diversity may increase in the future if farming and other business activities continue to diversify; and District Plans do not require activities in the rural area to be associated with primary production.

A variety of activities in the rural area creates the potential for reverse sensitivity effects, particularly between residential activities and other activities. Objective B3.4.2 recognises that while a variety of activities may be appropriate in the rural area, rural character must be maintained; and potential reverse sensitivity effects must be avoided.

Objective B3.4.2 is achieved by policies and rules which:

- Describe the character of the rural area and seek to maintain it.
- Require resource consents for activities to set up which may affect surrounding properties; and recognise and protect existing lawful activities from potential reverse sensitivity effects once they are set up.

The Council has chosen to use District Plan rules to manage effects of activities on amenity values and reverse sensitivity effects. Often people do not consider the effects of existing activities when making decisions about where to build houses in the rural area.

The policies are split into 3 groups:

- Those to identify and maintain rural character.
- Those to maintain the quality of the environment.
- Those to manage reverse sensitivity effects.

Policies and rules to manage reverse sensitivity effects are also found in Section B2.1 Transport, for airfields and airports. Policies and rules to manage residential density are found in Section B4.1 Residential Density and Subdivision.

QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS

RURAL CHARACTER

Policy B3.4.1

Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Explanation and Reasons

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests, ski areas and other rural activities are businesses and they need to be able to operate efficiently and with as few restrictions as practical. Residential activities occur in the Rural zone, both ancillary to farming and other business activities, and as the principal use of the site. The Plan provisions, coupled with the distance between houses and activities in the Rural zone, should combine to maintain a pleasant living environment. However, the rules will not be as stringent as those in Living zones and residents can expect to tolerate mild effects associated with 'day-to-day' farming activities and temporary effects associated with seasonal activities.

Method

District Plan Rules

- Rules manage effects not types of activities, except in Policy B3.4.2

Policy B3.4.2

In the areas shown on the Planning Maps as the Port Hills, Malvern Hills and the High Country, restrict activities to those which use natural resources in the area, and activities which are ancillary to those uses or utilities.

Explanation and Reasons

The Port Hills, Malvern Hills and the High Country are special places in the Rural zone. They are valued by residents and visitors as having amenity values which are remote and different from townships or urban areas. They are valued for their relative lack of structures, people and symbols of urbanisation. The Port Hills are particularly valuable as a rural outdoor recreation area in very close proximity to the City. The Malvern Hills are valued as a rural setting for residents wanting a certain lifestyle. The High Country is cherished as an outdoor recreation and holiday destination that is very remote from civilisation and back to nature.

The location of factories, warehouses, offices, shopping malls and other activities associated with urban areas, on the Port Hills, in the Malvern Hills and in the High Country would adversely affect the special amenity values of these areas. Policy B3.4.2 restricts the types of activities which can locate in these areas, to activities which use the natural resources of the areas. This includes, but is not limited to:

- Farming
- Forestry

- Ski Areas
- Outdoor recreation and mining
- Activities ancillary to those uses such as houses
- Holiday accommodation
- Hospitality and retail sales.

Utilities are provided for in these parts of the Rural zone. They are necessary to serve other activities in these areas, and network utilities need to pass through these areas. The use of lakes or rivers to generate hydroelectricity is a use of a natural resource in the area. Resource consents will be required for activities involving large-scale earthworks or structures.

Method

District Plan Rules

- Type of activities

Policy B3.4.3

Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Explanation and Reasons

There are many places in the rural area which are not outstanding landscapes or natural features or which do not contain significant ecological sites but which people find pleasant places to live in or visit, for example, rolling hills, meandering streams, and fields with animals and crops, which are all typical rural scenes. These areas can be sought after locations for activities that need large sites and to be separated from people. Some of these activities can make areas less pleasant – they can affect their amenity values.

Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. Part of promoting sustainable management under the Act is having particular regard for:

The maintenance and enhancement of amenity values.” (section 7(c)).

Policy B3.4.3 should not be used as a catch-all policy to oppose any changes to land uses in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where an activity will detract from the amenity values of an area, Policy B3.4.3 requires those effects be mitigated.

The requirement to mitigate adverse effects of activities in Policy B3.4.3 of this section does not replace more specific duties to protect areas and avoid adverse effects, in other policies in the Plan.

Method

District Plan Rules

- Discretionary activities

Policy B3.4.4

Ensure that any adverse effects arising from “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and “other” types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.

Explanation and Reasons

While the Rural zone may be able to better accommodate the potential adverse effects associated with industrial activities than Living or Business 1 Zones due to a lower population density and larger allotment sizes, certain types and scales of industrial activities are unlikely to be appropriate in all parts of the Rural zone. For the purposes of the Rural Volume, industrial activities have therefore been categorised into either a “rural-based” or an “other” type of industrial activity. Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas. Where these activities are of a scale and size beyond what is permitted by the District Plan there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness. There is also likely to be a higher demand for servicing requirements, such as water supply and stormwater disposal, which may be constrained in some parts of the rural area. Overall, the Council recognises that it may be necessary for an industrial activity that relies on a raw material or primary product derived from the rural environment to locate in proximity to its source.

However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that rural based industrial activities of a size and scale beyond that which is permitted by the District Plan are unlikely to be able to locate in this area without generating significant adverse amenity effects.

The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills or High Country. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry are likely to detract from the quality of the rural environment resulting in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided, remedied or mitigated.

Methods

District Plan Policies

- Residential Density
- Rural Character & Amenity Values

District Plan Rules

- Tree Planting

- Buildings
- Utilities and Other Structures

Policy B3.4.5

Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Explanation and Reasons

One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In all areas, it is much lower than the density in townships.

Policy B3.4.5 recognises the effect which building density has on rural character. Section B4.1 Residential Density and Subdivision, of the Plan addresses residential density, specifically. Policy B4.1.1 of that section prescribes residential density for different parts of the Rural zone.

Policy B3.4.5 and the District Plan rules manage the ratio of buildings to land area. The reason is to maintain the dominance of vegetation cover over buildings which is characteristic of rural areas. Policy B3.4.5 is implemented by a rule which limits the area of a site which may be covered by buildings. The rule does not apply to buildings which do not have built in floors, such as hay barns and tunnel houses. The rule does not apply to the expansion of existing intensive livestock farms. The reason is that these farms were established under a different planning regime and are unlikely to be able to comply with the rules. There is a fixed number of such farms, so the cumulative effects of the higher site coverage will be limited. The rules for site coverage apply to new intensive livestock farms.

The rule also exempts community facilities and utilities from the site coverage requirements in the Rural zone. The small number and size of most of these sites means that there is unlikely to be a cumulative effect on building density in the Rural zone and may help reduce compliance costs for community facilities and utilities. Similarly, an exemption is also made for the Porters Ski and Recreation Area. Within this zone there is provision for the establishment of a Village Base Sub-Zone to provide on-mountain accommodation and commercial services complementary to the Porters Ski Area. The Village is defined to a specific and discrete location and the planning rules limit built development and confine its layout within an Outline Development Plan. The nature and scale of the Village and its relationship to a commercial Ski Area means that there is unlikely to be a cumulative effect on building development throughout the Rural zone.

The Plan has site coverage rules for houses. The site coverage relates to the size of the property on which the house is erected. The rule for houses differs, because the density of houses is also controlled, whereas site coverage is the only method used to control the density of other buildings.

Method

District Plan Rules

- Residential density
- Site coverage

Policy B3.4.6

Avoid high rise buildings or highly reflective utility structures.

Explanation and Reasons

Policy B3.4.6 addresses two potential adverse effects of buildings and structures on the character of rural areas, high rise buildings, and highly reflective structures. In public workshops participants identified high rise buildings as out of character in rural areas in the District. An exemption is made for the Porters Ski and Recreation Area where a node of accommodation and commercial activity is considered appropriate as complementary to the Ski Area. The layout, scale and form of built development within this zone is required to demonstrate its responsiveness to the landscape and ecological values of the locality. Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape.

The Council manages the reflectivity of other utility structures, so they blend in rather than protrude from the background or general views, in the rural area. Policy B3.4.6 mirrors this practice. It is implemented by a rule to manage reflectivity as a condition on permitted activities. The District Plan rules also manage the height of buildings and structures as conditions on permitted activities.

Method

District Plan Rules

- Buildings
- Utilities and other structures

Policy B3.4.7

Provide for a concentration of built development in the Porters Ski and Recreation Area.

Explanation and Reasons

Policy 3.4.7 recognises that the Porters Ski and Recreation Area is recognised as a node for the maintenance and further development of Ski Area activities. In addition to new Ski Area infrastructure, the zone anticipates the development of a Village with permanent and visitor accommodation, commercial activities such as restaurants and complementary recreation activities. This built development would be at a higher density and form than is anticipated elsewhere in this high country but reflects the significance of the Porters Ski Area as a recreation area and tourist destination.

Method

District Plan Rules

- Ski and Recreation Area Outline Development Plan
- Buildings

Policy B3.4.8

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

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

Policy B3.4.9

Ensure signs and noticeboards are designed and positioned to avoid:

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

Explanation and Reasons

Signs and noticeboards are important tools for businesses to advertise their products and their location, and for people to find out information. Outdoor signs and noticeboards can have adverse effects. For example: Sound effects and moving parts can annoy neighbours and distract motorists; and too many signs can create a built up or metropolitan feel which may affect the character of an area. Policies B3.4.8 and B3.4.9 describe the effects which outdoor signs and noticeboards should avoid, in the Rural zone. Policy B3.4.8 discourages the erecting of general advertising hoardings in the Rural zone except in close proximity to townships on the Plains. General advertising hoardings, particularly along roadsides or railway lines, are often associated with townships. They may create a metropolitan or built up effect. The Plains area, particularly around townships is more built up than other parts of the Rural zone. The effects on rural character will be less adverse, in these areas.

Policies B3.4.8 and B3.4.9 are implemented through rules which establish conditions for erecting outdoor signs and noticeboards as permitted activities. Policy B2.1.5, Transport addresses effects of signs alongside roads on traffic safety.

Methods

District Plan Rules

- Outdoor signs
- Noticeboards

GLARE AND NIGHTGLOW

Policy B3.4.10

Avoid night lighting shining directly into houses, other than a house located on the same site as the activity, or from vehicles using roads in the District.

Policy B3.4.11

Reduce the potential nightglow from outdoor lighting in the area around the West Melton Observatory.

Explanation and Reasons

Lighting is an essential part of most activities which operate at night. Night lighting is often required for harvesting, shearing and other seasonal activities in the rural area. There are no restrictions on outdoor lighting at night in the rural area, provided that the light is not shining directly into a house on another property, except for that area covered in Policy B3.4.11.

The West Melton Observatory has been located in Bells Road since 1968. That site was chosen so that the nightglow from lights in Christchurch City would not reduce the visibility of stars. As subdivision and residential density has increased in the West Melton area, nightglow from house lights and car lights is starting to affect the observatory. Preventing subdivision and residential development in the area or shifting the observatory, are both costly solutions, to the problem. Much of the potential nightglow can be reduced by:

- Designing subdivisions so that vehicular accessways are not directly opposite the observatory, to reduce the glow from car lights;
- Using a specific design for outside lights; and
- Maintaining lower residential density in the rural area, in accordance with Policies B4.1.1 and B4.1.2.

Methods

District Plan Rules

- Lighting
- Subdivision & Vehicular Accessways

District Plan Policies

- Township Volume, Section B4.3

Information

- Appropriate types of night lighting

NOISE AND VIBRATION

Policy B3.4.12

Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.

Policy B3.4.13

Manage the operation of audible bird scaring devices to mitigate noise effects on surrounding properties.

Explanation and Reasons

The Rural zone is a business area and people can reasonably expect a higher level of noise and noise at hours which differ from Living zones. In particular, people can expect noise associated with seasonal activities such as harvesting or topdressing. These activities are usually short duration and typical of the rural area. Long-lasting noise effects should not disturb residents on adjoining properties when they are indoors. This includes noise which is continuous, for example, from a stationary motor; and noise which is intermittent but frequent and lasts longer than a few days. Policy B3.4.12 addresses noise, generally. It is implemented by rules that set noise limits for activities to be permitted activities (no resource consent needed). Noise limits set use the acoustical metrics L_{max} and L_{10} . Some activities, including those associated with the delivery of emergency services, have been exempted from the noise standards.

Policy B3.4.13 applies to a specific activity for which an L_{10} rule will not apply. Noise effects from audible bird scaring devices is an issue in the District. Although these activities are seasonal, the noise from them is loud and frequent enough to cause significant disturbance to surrounding residents. Therefore, the use of these devices is managed to mitigate noise effects. Policy B3.4.13 is implemented by a rule which sets conditions for using audible bird scaring devices as a permitted activity. The rule is based on a by law drafted by the Council in consultation with a variety of interested parties.

Policies B2.1.18, B2.1.19 and B2.1.20 address potential reverse sensitivity effects from aircraft noise.

Irrespective of Policies B3.4.12 and B3.4.13 and rules in the District Plan, there is a duty on all persons to avoid making unreasonable noise under section 16 of the RMA.

Method

District Plan Rules

- Noise
- Aircraft
- Audible Bird Scaring Devices

Policy B3.4.14

Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration.

Explanation and Reasons

Vibration can disturb people and damage property. Policy B3.4.13 requires adverse effects from vibration to be addressed. The policy is implemented by a rule requiring a resource consent for vibration effects that exceed the levels specified in the relevant New Zealand Standard 2631: 1985-1989 Parts 1-3.

Method

District Plan Rules

- Vibration and blasting

DUST

Policy B3.4.15

Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Explanation and Reasons

The rural area in the Selwyn District is exposed to wind, particularly north westerly winds and dust occurs from natural sources such as riverbeds or land. However, dust nuisance can be exacerbated by material blown from stockpiled material or extensive earthworks associated with subdivision or construction works. Policy B3.4.15 addresses dust nuisance from activities in the Rural zone, where it may affect houses on adjoining properties. In most cases, houses should be far enough apart to avoid dust nuisance. Where activities occur in the Rural zone next to a township, houses are close together and dust nuisances can occur. Policy B3.4.15 is not intended to prevent activities from occurring in these cases. Rather the policy and rules require steps to be taken to reduce potential dust nuisance, such as: dampening down earth until it is consolidated, or covering and securing stockpiled material that can blow in the wind. The rules apply to large scale earthworks and associated stockpiling.

Policy B3.4.15 and associated Plan rules DO NOT apply to dust blown from cultivated paddocks.

Method

District Plan Rules

- Earthworks
- Odour

SHADING

Policy B3.4.16

Ensure buildings and trees do not excessively shade adjoining properties.

Explanation and Reasons

Access to sunlight is important to create pleasant living environments. Access to sunlight can be reduced if trees or buildings on adjoining site shade a property. The most significant effect occurs with shading of houses and outdoor living areas. This is most likely to occur with houses on small allotments in the rural area.

Policy B3.4.16 is implemented by rules, which establish a recession plane for all buildings from property boundaries, and a maximum shading rule for trees as permitted activities. Trees shading roads is addressed in Section B2.1, Transport.

Methods

District Plan Rules

- Recession planes

- Tree planting

Policy B3.4.17

Ensure buildings are setback a sufficient distance from property boundaries to:

- (a) Enable boundary trees and hedges to be maintained;**
- (b) Maintain privacy and outlook for houses on small allotments; and**
- (c) Encourage a sense of distance between buildings and between buildings and road boundaries where practical.**

Explanation and Reasons

Many property boundaries in the Rural zone are marked by tree plantings or hedge rows. Buildings need to be set back a sufficient distance from property boundaries to enable trees and hedges to be trimmed.

Houses are erected on small sites in the rural area, particularly around townships and in the Existing Rural-Residential Developments. In these areas, buildings also need to be set back from property boundaries for privacy and to maintain an outlook.

In rural areas most houses and buildings tend to be set back greater distances from road boundaries than urban areas. This positioning adds to the sense of space between buildings and the unrestricted views from roadsides. The Plan acknowledges that it is not always desirable or practical to locate buildings large distances from road boundaries especially when the building is accessory to buildings that are already located close to the road boundaries. Policy B3.4.17 encourages a larger setback from the road boundary than urban areas, where practical. This Policy should be read in conjunction with Policy B2.1.9.

Policy B3.4.17 is implemented by a rule which sets a minimum setback distance for buildings from property boundaries as a permitted activity (no resource consent needed). Buildings sited closer to the boundary will require a resource consent.

Methods

District Plan Rules

- Setbacks

RELOCATED BUILDINGS

Policy B3.4.18

Ensure any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe.

Explanation and Reasons

Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the District. Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings; a specific building design may be required; or the building may be relocated to a new site to preserve it.

Some people object to relocated buildings being moved into their neighbourhood because they think it will reduce property values in the area, particularly if the relocated building is old and the other houses are new. Other people are more concerned if the relocated building sits on blocks on the new site for a long time, or is damaged during transit and not repaired.

Policy B3.4.18 and the associated rules do not prevent people from relocating buildings into the Rural zone. The provisions enable the Council to require the building be set on a building pad or foundations and repaired to a certain standard, within the time specified in the resource consent.

The District Plan does not prevent people relocating buildings for the following reasons:

- The plan does not control the design or age of any other building.
- Relocated buildings can be an efficient use of physical resources, which is a matter to have regard to under section 7(c) of the Act.
- If a particular developer wishes, he/she can use mechanisms outside the District Plan to prevent relocated buildings within a particular subdivision.

Relocated building is defined in Part D of the Plan. It does not include new buildings or parts of new buildings designed specifically for the site, but built off-site and transported to it.

Method

District Plan Rules

- Relocated buildings

REVERSE SENSITIVITY EFFECTS

Policy B3.4.19

Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.

Policy B3.4.20

Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity.

Explanation and Reasons

Policy B3.4.19 and B3.4.20 manage reverse sensitivity effects in the rural area. Policy B3.4.19 requires a resource consent for activities to set up which are likely to affect surrounding properties. This gives an opportunity for affected parties to participate in the consent process and for the Council to ensure those effects are mitigated to a satisfactory level. The policy also acknowledges that new roads and the upgrading of transport infrastructure needs to be managed to mitigate reverse sensitivity effects.^{PC12}

Policy B3.4.20 protects activities which are established from potential reverse sensitivity effects caused by potentially incompatible activities locating close to them. The most common activity is erecting houses. Other potentially incompatible activities include: restaurants; schools; and other forms of residential or visitor accommodation. This policy is necessary to enable established businesses to operate efficiently and with some certainty, and to avoid creating unpleasant living

environments for people. The most common tool to mitigate reverse sensitivity effects is to maintain appropriate buffers or separation distances between activities. However, there may be other methods which can be used to avoid reverse sensitivity effects.

Part B, Section 2.1 Transport contains specific policies to manage reverse sensitivity effects with transport routes.

Methods

District Plan Rules

- Discretionary activities
- Intensive livestock farming
- Waste disposal
- Aircraft
- Residential density
- Building position controls
- Subdivision standards

District Plan Policies

- Township Volume, Section B4.3, Growth of Towns
- Rural Volume, Policy B4.1.1

Land Information Memorandum

- Information Sheet

QUALITY OF THE ENVIRONMENT — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B.3.4:

- Variation in activities in the rural area on the Plains.
- Activities on the Port Hills and in the high country remain predominantly farming, forestry, outdoor recreation and holiday accommodation.
- Buildings are low rise (1 or 2 storey) and surrounded by vegetation cover rather than hard standing.
- Utilities are made of low reflective materials.
- Outdoor signs advertise local events, products or information.
- New airfields are not located too close to houses.
- Nuisance effects may occur from time to time from temporary or seasonal activities, but these effects should be mild and typical of the rural environment.
- Buffer zones are maintained between residential activities and activities with which they may be incompatible.

QUALITY OF THE ENVIRONMENT — MONITORING

See Part E, Appendix 1.

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4 GROWTH OF RURAL AREA

B4.1 RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA — ISSUES

- **The manner in which demand for a variety of living opportunities in the rural area might be met.**
- **Adverse effects of erecting houses in the rural area can affect natural or physical resources, the character of the rural area or create reverse sensitivity effects with other activities.**
- **Problems caused by managing residential density solely through subdivision.**
- **Meeting international visitor demands for on-mountain accommodation.**

Residential Density

Residential density is the ratio of houses to land area. Residential density of an area indicates the concentration of buildings, people and their activities; and thus, the likely effects on the environment.

The Plan has a separate section dealing specifically with subdividing land and residential growth in the rural area, because it is the most significant resource management issue in the District.

People have houses in the rural area for a variety of purposes. For example:

- Custodial houses and worker's accommodation associated with many agricultural and horticultural activities, occurring on a range of property sizes.
- Houses on small allotments for a rural lifestyle.
- Holiday homes, baches and other forms of visitor accommodation.
- Papakainga housing on Māori land at Taumutu.

There is a steady demand for more houses in the rural area. The latest population growth projections from Statistics New Zealand show Selwyn District a fast growing area (refer: Barber, 2000, "Revised Population Projections for Selwyn District"). Most of this demand will be for allotments in that part of the rural area within 30 km radius of Christchurch City. This area is within the area shown as the Inner Plains, on the Planning Maps.

In addition there are specific residential and visitor accommodation demands associated with commercial Ski Areas. Ski Areas are a significant component of New Zealand's winter tourism industry for both domestic and international visitors, and the Porters Ski Area is the largest commercial Ski Area in the Selwyn District.

Part of promoting sustainable management is enabling:

"people and communities to provide for their economic, social and cultural well-being..."(section 5(2)).

Papakainga Housing

Papakainga is an area of traditional Māori settlement. If it is an ancestral home, it may be associated with Taurangawaewae – a sense of belonging. Areas of papakainga may include houses, a marae, church, and community facilities and buildings.

Te Ture Whenua Māori Act 1993 provides for papakainga housing on Māori land. Taumutu is the ancestral home of the Hapū of Ngāi Te Ruahikihiki. Te Taumutu Rūnanga wishes to establish papakainga on land at Taumutu subject to Te Ture Whenua Māori Act 1993.

Papakainga is not easily accommodated in traditional European settlement patterns of one dwelling per allotment. Māori land tends to be owned by families or hapū, rather than individuals, and is not subdivided or sold outside of the family or hapū.

Making provisions for papakainga housing is part of the Council's duty under the Act to recognise and protect:

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga...(section 6(e)).

Effects of Residential Development

As allotments get smaller, and more people live in an area, adverse effects can occur. For example:

- Effects on groundwater quality, including drinking water supplies, from increasing the amount of on-site effluent treatment and disposal in an area (see Section B1.3 Water).
- Effects on adjoining properties if allotments are too small to contain the zone of influence from the well or septic tank (see Section B1.3 Water).
- Effects on the values of outstanding natural features and landscapes and the natural character of lakes and rivers if houses and infrastructure are built in these areas (see Section B1.4 Outstanding Natural Features and Landscapes).
- Increased traffic on roads; demand for roads to be sealed; and effects on other road users, especially stock droving (see Section B2.1 Transport Networks).
- Increasing potential natural hazards if houses are built in areas which flood or are prone to earthquakes or slips or other forms of erosion (see Section B3.1 Natural Hazards).
- Effects on the character of rural areas, generally, if areas become too built up (see Section B3.4 Quality of the Environment).
- Effects on activities in the rural area if houses locate too close to them and residents then complain about the activity and try to stop or restrict it. This is known as reverse sensitivity effects (see Section B3.4 Quality of the Environment).

Subdivision

A minimum allotment size for subdividing land is the traditional method to manage residential density in the rural area under the Town and Country Planning Acts 1953 and 1977. The minimum allotment size was based on the minimum, economically sustainable farming unit, at the time. As farming changed, some planning schemes altered the minimum size.

This approach to subdivision creates the following issues:

Selecting a Minimum Size

There is so much variation in the types of farming activities and other activities in the rural area, that it is difficult to select a minimum allotment size which is appropriate for most activities.

Inefficient Use of Land

Minimum allotment sizes for subdivision in the rural area can result in inefficient land uses, if the minimum is more than an activity requires. The LTP Development Contribution Policy includes 'Criteria for Taking Land instead of Cash', which stipulates that Council may take land as a form of development contribution. This may result in a more efficient use of land in the case of minimum subdivision lots, as some of the land could then be vested and used as reserve instead of privately owned.

Subdivision for Other Purposes

Minimum allotment sizes for subdivision, based on residential density, do not:

- Provide for subdividing land for other reasons than erecting a dwelling; or
- Recognise subdivisions of existing houses or other buildings, where there will be no increase in potential residential density.

An option to address these issues is to separate the process of subdividing land from the rules for uses of the land. However, most land is subdivided for the purpose of building on it. The Council believes that most New Zealanders think that if they buy an allotment they have a "right" to build on it. The Council wants to avoid creating a system whereby people can purchase allotments only to find out later that they do not comply with the District Plan rules for erecting a house.

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues of residential density and subdivision:

- Manage residential density (the ratio of houses to land area) in the rural area. Residential density varies over the rural area.
- Allow houses to be erected on small allotments in the rural area, provided the allotment is surrounded by open space to maintain the residential density for the area.
- Manage subdivision to ensure allotments are created which are appropriate for the intended use of the land.
- Provide for permanent and visitor accommodation in the Porters Ski and Recreation Area

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA — OBJECTIVES

Objective B4.1.1

The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Objective B4.1.2

Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.

Objective B4.1.3

Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.

Objective B4.1.4

A village with a concentration of accommodation and commercial activity at the base of the Porters Ski Area which is respectful of, and responsive to, the landscape and ecological values of the locality.

Explanation and Reasons

The District Plan manages potential adverse effects of residential development in the rural area by maintaining residential density at levels which are considerably lower than those in townships. The levels differ throughout the rural area, reflecting the differences in effects, particularly effects on the rural character and landscape values of each area.

Objective B4.1.1 recognises the variety of residential patterns which exist in the Rural Zone. Not all houses are associated with large farms. Even when they are, people do not always want the house on a large allotment. Objective B4.1.1 is to allow a house to be erected on any sized allotment in the Rural Zone, as long as low levels of residential density are maintained.

Objective B4.1.2 relates to the level of residential density in the Rural Zone. It must be low enough to:

- Avoid effects on natural or physical resources such as groundwater and roads.
- Maintain the character of the area, particularly the ratio of land to buildings, which affects how built up an area looks.
- Avoid reverse sensitivity effects which can occur when houses locate too close to other activities in the Rural Zone.

Objective B4.1.1 and B4.1.2 are achieved by policies and rules which set maximum residential density standards in the Rural Zone; and allow houses to be erected on any sized allotment as long as the balance land area needed to comply with the density standard does not have any form of residential development on it.

The policies exempt some situations from complying with the residential density standards, because the development already exists or it will have only a minor effect. Exemptions include: replacing or adding to an existing house; and allotments which have already been subdivided for residential development and substantial progress has been made to complete the development (see Policy B4.1.5).

Objective B4.1.3 relates to subdividing land, generally. The objective is to avoid unnecessary restrictions on subdividing land, while ensuring people are not caught buying allotments that:

- Are unable to be used for their intended purpose; or
- Have unexpected costs for utility services or development contributions.

There is no minimum allotment size for subdividing land. Objective B4.1.3 is achieved through policies and rules to ensure that:

- Any allotments created is of an appropriate size and shape for its intended use, has all utility connections required under the Plan or expected for its use; and any development contributions are paid; or
- There is appropriate notation on the Certificate of Title to advise people of any limitations on use of the allotment or development contributions owing.

Objective B4.1.4 is concerned with the development of residential and visitor accommodation, commercial and associated tourist and recreation activities at the Porters Ski Area. The density of this development will be more concentrated than in other parts of the high country. This reflects the skier capacity of the Porters Ski and Recreation Area and the associated demand for on-mountain accommodation and convenient access as part of the recreation experience. It is appropriate that this residential development is concentrated to avoid the dispersal of potential environmental effects.

At Porters Ski Area the layout and form of development is able to be absorbed within the landscape. It is contained within a discrete valley some distance from the state highway and its development will remain subordinate to the mountainous location. Similarly, the scale and concentration of residential development should ensure that effects on ecological values from residential activity can be avoided, remedied or mitigated.

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – POLICIES AND METHODS

RESIDENTIAL DENSITY

Policy B4.1.1

Discourage residential density greater than those shown below where these are outside the areas identified in policies B4.1.3 to B4.1.6.

Area shown on Planning Map	Dwellings per Hectare
Port Hills – Lower Slopes	1:40
Port Hills – Upper Slopes	1:100
Inner Plains	1:4
Outer Plains	1:20
Malvern Hills	1:20
High Country	1:120

Policy B4.1.2

Except in the Inner Plains area, allow a house to be built on any sized allotment, provided:

- (a) The balance of land area needed to comply with Policy B4.1.1 is kept free of dwellings by covenant or some other method
- (b) The house allotment is of an appropriate size and shape to avoid adverse effects on adjoining properties, the road network or potential reverse-sensitivity effects; and
- (c) The number of houses clustered together on small allotments is kept small, to avoid creating new villages or settlements; and
- (d) The balance of land area adjoins the house allotment and is of a shape that maintains the sense of “open space”.

Explanation and Reasons

Policies B4.1.1 and B4.1.2 provide for residential growth in most parts of the Rural Zone. There are separate provisions for existing houses; papakainga; and residential development around townships, in Policy B4.1.4.

Policy B4.1.1 states a maximum residential density standard for each part of the rural area. The boundaries of each area are shown on the Planning Maps. The term dwelling is defined in the Plan. It includes a house and a family flat up to 70m² in floor area or holiday accommodation based on the number of kitchen facilities (see Part D).

The densities are based on a combination of factors. A maximum density in the rural area was established considering factors such as: groundwater; soil; natural hazards; and reverse sensitivity effects (see Barber, 1999, Rural Area Density). Effects of residential development at

this density on the landscape values and character of the rural area were assessed (see Densem, 2001, Plains Area Landscape Study).

The submissions and decisions on Plan Changes 23 and 25 to the Transitional Selwyn District Plan were also taken into account, in establishing the densities.

Policy B4.1.1 is implemented by rules. Erecting a house on an allotment which is as large as the maximum density standard or larger is a permitted activity (no resource consent needed). Erecting a house on a smaller allotment is a restricted discretionary activity (needs a resource consent). The Council shall restrict its discretion to the matters in the rule, including the method(s) used to keep the balance land needed to meet the density standard, free of houses or other large buildings.

Policy B4.1.2 allows houses to be erected on small allotments, as long as the residential density standards set out in Policy B4.1.1 are not exceeded.

The policy can be achieved by putting the balance land needed to comply with Policy B4.1.1 in some form where dwellings cannot be erected on it. The Plan does not have a set method to do this because different options may suit different people. Refer to the Council's pamphlet -Building a House in the Rural Area for further information on possible methods to comply with this policy and rule.

Policy B4.1.2 requires the house allotment to be of a size and shape to avoid adverse effects on adjoining property owners. For example: zones of influence from a well or septic tank, shading, or "reverse sensitivity" effects with other activities. The policy also limits the number of houses which may be clustered together on small allotments to avoid creating small villages or settlements. Creating new villages or settlements in the District is contrary to objectives and policies in both the Township and Rural Volumes of the Plan.

Policy B4.1.2 does not apply to the Inner Plains. The residential density standards in the Inner Plains is sufficiently high that:

- A minimum allotment size of 4 ha is needed to avoid adverse effects on adjoining properties; and
- To avoid creating clusters of houses.

Methods

District Plan Rules

- Residential Density
- Subdivision

Policy B4.1.3

Recognise Taumutu as the ancestral home of Ngāi Te Ruahikihiki and provide for papakainga housing in this area.

Explanation and Reasons

Taumutu is the ancestral home of Ngāi Te Ruahikihiki and one of the oldest settlements in the District. Policy B4.1.3 recognises the history of this area and provides for tāngata whenua to create a living environment which retains the links to their past and incorporates the traditions of tribal living and land ownership. This provision reflects the Council's duty under section 6(e) of the Plan to recognise and provide for:

“The relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.”

Papakainga housing is defined in Part D of the Plan. It is the erecting of dwellings for members of the same iwi or hapū on land which is owned by that iwi or hapū. Such land cannot be subdivided or sold outside the iwi or hapū, so several dwellings need to be erected on one allotment.

The Plan allows dwellings to be erected for papakainga housing at much higher densities than other dwellings in the Rural Zone, to provide for this relationship. The rules limit the development of papakainga housing to Māori Land (within the meaning of section 129 of Te Ture Whenua Māori Act 1993) at Taumutu. Therefore, there is unlikely to be any precedent or cumulative effects on residential density in the Rural Zone. The rules also stipulate conditions to ensure that each dwelling has access to sunlight, potable water and outdoor living space to ensure a pleasant living environment within the papakainga housing area.

Methods

District plan rules

- Buildings
- Subdivision

Policy B4.1.4

Recognise Existing Development Areas, Ski and Recreation Areas and Tourist Resort Areas within the Rural Zone, but encourage new residential development at densities higher than those provided for in Policy B4.1.1, to occur in and around townships.

Explanation and Reasons

Past plan changes have provided for residential developments and tourist resorts in the Rural Zone, at densities higher than the ratios set out in Policy B4.1.1. Policy B4.1.4 recognises these existing developments and provides for them to be completed to the original approved plan. However, any further residential developments at these higher densities should occur in or around townships, where the services and amenity values are appropriate for the density. It is also important to maintain the character of the rural area and to reduce potential ‘reverse sensitivity’ issues by keeping the distinction between townships and the rural area.

In the case of Lots 7, 8, 10 and 11 DP 309872 at Edendale, the Council notes that the subdivision and residential density minimum and average allotment size requirements reflect the maximum development potential that could have been achieved in accordance with the relevant provisions of the Transitional District Plan. Any further development of this land that exceeds 10 dwellings and/or allotments would therefore exceed the residential density anticipated to occur within the Edendale Existing Development Area.

Policy B4.1.4 does not prevent new holiday homes, tourist resorts and other forms of visitor accommodation in the Rural Zone, provided any such development is at a scale which maintains the ratio of residential density set out in Policy B4.1.1. The Porters Ski and Recreation Area is also exempt from this policy. The zone has been created to recognise the existing Porters Ski Area and its expansion, as well as providing for a concentration of residential development at the base of the Ski Area. Due to the scale of the skier capacity and its significance as a tourist and recreation destination within the District, a greater density of residential development is proposed within the zone than is provided for in other parts of the High Country.

Policy B4.1.5

Exempt the following activities from the residential density ratios set out in Policy B4.1.1:

- (a) Any additions to or replacement of existing, dwellings;**
- (b) Temporary structures erected on nohoanga and Mahinga Kai sites (identified in the Ngāi Tahu Claims Settlement Act 1998); and**
- (c) The erection of a dwelling on any existing, bare allotment upon which a dwelling might have been erected as a permitted activity under the Transitional District Plan, provided that the relevant allotment has been bought, sold or subdivided for the purpose of erecting a dwelling within the 10 years preceding notification of the Rural Volume of the Proposed District Plan.**
- (d) Dwellings within the Porters Ski and Recreation Area.**

Explanation and Reasons

Policy B4.1.5(a) exempts additions to or the replacement of dwellings from the residential density ratios in Policy B4.1.1. The effects of these dwellings already exist. Section 10 of the RMA provides circumstances when existing, lawfully established activities do not need to comply with the District Plan rules. Section 10 provisions can be uncertain, especially if an existing building is added to. Policy B4.1.5(a) makes it certain that people may modify or replace existing dwellings without complying with the residential density standards. Policy B4.1.5(a) is implemented by a rule which applies to any dwelling which existed prior to notification of this Plan.

Policy B4.1.5(b) exempts temporary shelters erected on nohoanga or Mahinga Kai sites from the residential density ratios in Policy B4.1.1. The Ngāi Tahu Claims Settlement Act 1998 identifies one nohoanga site and two Mahinga Kai sites in the District, and allows temporary shelters to be erected on these sites. These activities will not meet the density ratios in Policy B4.1.1 because the sites are only 1 hectare in size. The activities should be provided for, as part of the Council's duties under section 6(e) of the Act:

"to provide for the relationship of Māori their customs and traditions with their ancestral lands, water sites, wāhi tapu and other taonga."

These activities will have only a minor effect on residential density in the Rural Zone because:

- They can only occur on a few sites in the District; and
- Any structures are temporary.

Policy B4.1.5(c) recognises that some allotments which are smaller than the minimums set out in Policy B4.1.1, have been subdivided, bought and sold for residential uses in the past.

Policy B4.1.5(c) and the rule which implements it (Rule 3.10.2), are 'grandfather provisions' which allow for erecting a dwelling on allotments where some action has been taken during the currency of the Transitional District Plan towards the development of those allotments for residential use. The policy is designed to avoid people being 'caught' by the change of provisions in the Proposed District Plan, and ending up with an allotment which they subdivided or bought to erect a dwelling at a time when such an activity was permitted under the Transitional District Plan at the time. In these cases, the Council believes an exemption to the residential density standards in Policy B4.1.1 is necessary to enable people to provide for their economic and social well-being and therefore to achieve the purpose of the Act. It is also important that people who have approved subdivision consents for their land are able to proceed with the development proposal unless the consent lapses. The provisions cannot be relied upon or interpreted as indicating that one dwelling per 4 hectares is an acceptable residential density in the rural area (other than in the Inner Plains) and it is not intended that these provisions be used as a comparison for creating new allotments by subdivision or boundary adjustment, or for erecting

dwelling on existing allotments which do not comply with the conditions relating to recent subdivision purchase.

Policy B4.1.5(d) recognises that a higher density of residential development is appropriate within the Porters Ski and Recreation Area. The zone has no wider consequential effects on residential density in the Rural Zone due to the limited number of commercial Ski Areas in the district and those with a suitable location for the establishment of a village.

Method

District plan rules

- Buildings

Policy B4.1.6

Allow subdivision of existing houses or boundary adjustments between allotments with existing houses, that do not comply with the residential density standards in Policy B4.1.1, provided the subdivision does not create any potential for additional residential development on the property.

Explanation and Reasons

Policy B4.1.6 recognises that subdividing all existing dwellings may not affect residential density. For example, where two dwellings exist on one allotment and that allotment is subdivided, with one dwelling on each new allotment. Similarly, adjusting the boundaries between adjoining allotments both of which are too small to comply with Policy B4.1.1. The key under Policy B4.1.6 is that the subdivision does not create an opportunity to erect additional dwellings that did not exist before the subdivision.

Methods

District Plan Rules

- Subdivision

Policy B4.1.7

Provide for consideration of the form of land to be taken, as a development contribution for reserves under the LTP Development Contribution Policy, when land is subdivided.

Explanation and Reasons

The consent authority may take development contributions under the LTP for the cost of providing growth-related network and community infrastructure, and reserves for open space and recreation. The provisions allow development contributions to be taken at either the subdivision consent stage, building consent stage, or at the time of service connection depending on when the consent authority thinks it is the most appropriate time for them to be paid.

While the area/value of land to be provided as a development contribution for reserves is determined under the LTP Development Contribution Policy process, it is necessary to consider the form of the land to be provided as reserves, including consideration of the location, size, layout, topography, etc, of that land at the time of subdivision consent. This is achieved through reference to the “Criteria for Taking Land Instead of Cash” policy in the Development Contribution Policy in the 2006 - 2016 LTP.

Methods

LTP

- Development Contribution Policy

District Plan Rules

- Subdivision (all zones)

SUBDIVISION

Policy B4.1.8

To provide for the subdivision and development of residential, commercial and visitor accommodation buildings in the Porters Ski and Recreation Area, where effects on the ecological and landscape values of the environment are managed in accordance with the following:

- (a) The size, shape and layout of allotments is optimised in response to the topography, ecological and landscape values having regard to the nature of the proposed activity.
- (b) Integrated management of subdivision, development and activities is achieved by requiring compliance with an Outline Development Plan and a set of complementary rules which result in a comprehensive and efficient layout.
- (c) Limiting the range, scale and location of development in the Porters Ski Area Village Base Sub-Zone to ensure the Village remains at a scale and density that is related to the capacity of the Porters and Crystal Basin Ski Areas and can be serviced for water supply and wastewater disposal in a manner that does not adversely affect ecological or landscape values.
- (d) Limiting the infrastructure, structures and buildings within the Porters Basin and Crystal Basin Ski Sub-Zones to those required for snow and mountain based recreation activities.
- (e) Requiring earthworks, buildings and structures to be assessed on a project or individual basis to ensure that works and structures are responsive to the ecological and landscape values, sensitivities and features of the site and potential adverse effects on ground stability and natural hazards are avoided, remedied or mitigated.
- (f) Protecting areas of ecological significance through the use of covenants, esplanade strips and management plans which avoid or minimise ground and vegetation disturbance.
- (g) Maintaining and enhancing indigenous vegetation cover through the use of management plans and rules to avoid or minimise areas of disturbance, require the restoration of vegetation and the planting of locally indigenous species.
- (h) Recognising that whilst avoidance, remedying or mitigation of effects is the primary objective that where this cannot be achieved it may be appropriate to offset adverse effects through environmental compensation.

Explanation and Reasons

Policy B4.1.8 provides the basis for the rules controlling the subdivision and use of land within the Porters Ski and Recreation Area. Due to the sensitivity of values within the zone it is appropriate that subdivision, earthworks and building rules trigger an assessment process that enables site specific considerations and responses to be implemented. Reliance on standards which are based on a numerical threshold that may be unrelated to the specific features of a site do not guarantee an optimum design outcome or ensure that the Ski Area will be efficiently developed or managed. Accordingly, subdivision, earthworks, building design and appearance and landscape treatment are to be implemented as controlled activities where Council can assess the final design and integration of development.

Underpinning the development of the Ski Area is a requirement to comply with an Outline Development Plan. This plan represents a comprehensive approach to land use and development and controls the overall location of buildings and activities and the inter-relationship between the Village Base Sub-Zone and the Porters Basin and Crystal Basin Sub-Zones. The proposed rules are primarily concerned with the location, form and finish of built development. Some of the standards will vary within the Village Base Sub-Zone depending on the nature of the activities and the need to ensure that development is less intensive at the boundary of the zone. The range of activities provided for within the zone is specified and reflects the mix of uses that are necessary to service and support a significant recreational activity and tourist destination. The scale and density of development is greater than in other parts of the High Country, however this reflects the popularity and significance of snow and mountain-based recreation and the need to provide facilities for people who enjoy this form of recreation and the ability to access the High Country environment. The scale and density of development is however capped to ensure that the Ski Area is developed in a manner which ensures the final outcome is appropriate and responsive to the environment.

As a Ski Area is geographically-dependent on a mountain location it is necessary that development is responsive to the wider landscape and ecological values of the High Country. The proposed rules require the protection of areas of significant ecological value and the adoption of other methods to maintain and enhance indigenous vegetation wherever possible. Careful control over the types of plant species established is also necessary to ensure that exotic or inappropriate plants are not established which threaten the integrity of the wider habitat. Consideration of impacts on the landscape values is also required with an emphasis on materials and building forms that complement the mountain environment. If circumstances arose where, despite all reasonable efforts have been made to avoid, remedy or mitigate effects, this cannot be achieved, policy (h) indicates that there may be circumstances where it is appropriate to consider environmental compensation.

Methods

District Plan Rules

- Outline Development Plan
- Subdivision
- Buildings

Policy B4.1.9

Ensure any allotment created is of sufficient size and shape for its intended use, including the avoidance of reverse sensitivity effects on existing lawful uses and has provision for a complying access to an adjacent road.

Policy B4.1.10(a)

Ensure any allotment created has connections to the reticulated utility services it requires, available at the boundary of the allotment when it is created; or

Policy B4.1.10(b)

If utility connections are not needed when the allotment is created, a notation is placed on the Certificate of Title to alert people that utility connections are not available at the boundary of the allotment.

Policy B4.1.11

Ensure any allotment created which may be used to erect a dwelling has an adequate building square and access to sunlight.

Policy B4.1.12

Ensure subdivisions do not create separately saleable allotments which due to their size, shape, location or legal restrictions on the Certificate of Title, cannot be used to erect a dwelling as a permitted activity, unless that allotment shall be used as a utility lot or for some other specified purpose; and that purpose is unlikely to result in the need to erect a dwelling at some stage.

Explanation and Reasons

The District Plan rule encourages allotments to be created that are the size and shape required for their intended use. This approach recognises that:

- Land is subdivided for a variety of reasons and uses in the rural area.
- Even when land is subdivided to erect a dwelling, there are other ways to maintain low residential density in the rural area than a minimum allotment size.

The Council also recognises that most subdivision of land is for residential development and that most people who purchase an allotment in the rural area expect to be able to erect a dwelling on it. Policies B4.1.8 to B4.1.12 are intended to provide for subdivision for a variety of purposes, while ensuring people do not unwittingly purchase allotments which are not suited for their intended use. In particular, people do not purchase an allotment expecting to erect a dwelling, only to find that:

- The allotment is too small; or
- It does not have an adequate building square or sunlight; or
- There are unexpected costs for utilities or development contributions.

Policy B4.1.12 ensures that any allotment which is created by subdivision and which is able to be bought or sold as a separate allotment can have a dwelling erected on it as a permitted activity. An allotment may not be able to have a dwelling erected on it as a permitted activity if it is too small or located in an area where building is not a permitted activity such as a flood area or an Area of Outstanding Landscape. An allotment may not be able to have a dwelling erected on it, if it has a legal restriction on the Certificate of Title, such as a covenant or a Consent Notice. This may be the result of an earlier subdivision under Rule 10.10, which provides for building on smaller lots, with building restrictions on adjoining land, to maintain the residential density standards set out in the Plan.

The reason for the policy and associated rules is to reduce the risk of people buying a rural allotment hoping to build a house on it, only to find the allotments cannot be built upon. Once this occurs, it is very difficult for the Council to refuse resource consent to allow a dwelling to be built on the allotment, especially if this is all the land the person owns. The result is that the residential density standards set in the Proposed Plan are undermined.

The policy provides for creating allotments which cannot have a dwelling erected as a permitted activity, if the allotment shall be used for an activity such that a dwelling will not be required on the lot, such as a utility lot or a reserve and possibly some business activities. In these cases, the Consent Authority needs to be satisfied that the location of the site and the nature of the proposed activity is such that there is unlikely to be any demand to erect a dwelling in conjunction with the activity in the future.

Policy B4.1.13

Encourage allotment boundaries to follow natural or physical features on the land, wherever practical.

Explanation and Reasons

In many parts of the Rural Zone, allotments will include natural or physical features which can make easily identifiable boundaries. Often it is more efficient for the natural or physical feature to form the boundary to an allotment rather than to cut through it; for example: a river or stream; or a road. Some natural features are easier to manage if they are wholly contained in one allotment than if the allotments are owned or managed separately, for example: a bush area or wāhi tapu site.

Policy B4.1.13 urges people to consider these matters, where it is practical to do so.

Methods

District Plan Rules

- Subdivision

Policy B4.1.14

“In limited circumstances and at the Council’s discretion, to apply the concept of “environmental compensation” where:

- (a) Land of high landscape or natural value is protected or made available for public use; or**
- (b) Significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values”.**

Explanation and Reasons

There is a strong link between subdivision of land and the subsequent impacts of land use development. Subdivision activity can, in some cases, provide an opportunity to enhance the environment through the protection of significant features or through the provision of additional areas of open space. The Plan provides for the consideration of environmental compensation at the time of subdivision or development proposals. In some circumstances development may be proposed on land, where there are significant open space or natural values, examples being portions of the Port Hills, Malvern Hills and the High Country. The ability to acquire or protect such land in exchange for development opportunities is an option the Council will explore in

appropriate circumstances. However, it is important to bear in mind that environmental compensation does not form part of a proposals development contribution under the LGA.

The acquisition or protection of land having high landscape or natural values is often impractical on account of land purchase costs. The use of the concept of "environmental compensation" (public ownership or covenants) for development rights has to be approached with some caution, but does offer a cost effective means to the community of achieving environmental benefits. This may result in development in locations which may not meet all other policy criteria, but any such arrangement must still require permitted development to be sustainable and environmentally acceptable.

The acquisition of land by the Council as environmental compensation for development opportunities in terms of Policy B4.1.14 would generally be in addition to, and not instead of, any requirement to provide land or cash for reserves under the Council's Development Contribution Policy. The Development Contribution Policy requires provision for public reserves for open space and recreation at the time of any residential and/or business development and/or subdivision. However, the provision of environmental compensation may be a situation where it is appropriate for the Council to exercise its discretion to reduce the amount of development contribution payable under the remission provisions of its Development Contribution Policy.

Environmental compensation may also be appropriate in circumstances where a public benefit is obtained from hazard mitigation, but only where as a result of such measures, there is a significant enhancement of amenity values (eg plantings, or wetlands for flood retention). It would not apply to normal sound management practices which landowners can be expected to undertake. Environmental compensation would arise in circumstances requiring significant development proposals, which would arise through plan changes, variations or resource consents, the outcome of which would still be subject to rights of submission and appeal under the Act.

Methods

District Plan Rules

- Subdivision

Policy B4.1.15

Any subdivision or development within deferred Living Z zones that are subject to the Rural (Inner Plains) rule package shall proceed in a manner that does not compromise:

- (a) the future minimum net densities required by an ODP policy for the area; and**
- (b) the ability to achieve future co-ordinated urban development in the area.**

Explanation and Reasons

The administration of rural zones in District Plans for areas identified for future urban growth needs to ensure land is not fragmented or compromised in a manner which may jeopardise its future urbanisation. Any subdivision occurring in accordance with the Rural (Inner Plains) zoning in these circumstances will therefore be assessed in relation to its potential impacts on the ability to achieve effective integration with adjoining urban areas; the achievement of higher intended residential densities; and the appropriate layout of servicing and infrastructure facilities, areas of open space, community facilities and business areas; and the achievement of urban design best practice. As such, new rural lot boundaries and the subsequent erection of dwellings should not preclude or frustrate the future coordinated urban development of these areas.

Methods

District Plan Maps

- Identify ODP areas and zones

District Plan Provisions

- Zone policies
- Policies for specific criteria for ODP areas
- Medium Density Design Guide
- Subdivision Design Guide

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

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

- Residential development remains lower in rural areas than in townships.
- Dwellings built on small allotments in the rural area, are surrounded by land without buildings.
- Papakainga housing occurs at Taumutu.
- There is variety in the size and shape of allotments subdivided in the District.
- Residential density varies across the rural area.
- Other activities have allotments which are of an appropriate size and shape with the utility connections the activity requires.
- Residential development is concentrated at a higher density in the Porters Ski and Recreation Area with the layout, size and shape of allotments considered in relation to the environmental features and values of the zone.

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – MONITORING

Please refer to Part E, Appendix 1.

B4.2 DEVELOPMENT CONTRIBUTIONS – ISSUES

The distribution of the costs between private parties and general rates for:

- **Providing reserves and network and community infrastructure; and**
- **Mitigating the fiscal effects of providing growth related infrastructure.**

What are Development Contributions?

The term development contributions, defined in section 197 of the Local Government Act 2002, means a contribution:

- a) provided for in a development contribution policy included in the Long-Term Council Community Plan of a territorial authority; and
- b) calculated in accordance with the methodology; and comprising:
 - i. money;
 - ii. land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii. both.

Development contributions can be taken to provide for:

- Reserves;
- Network infrastructure;
- Community infrastructure.

In most cases provision for reserves (for open space and recreation), land for esplanade purpose, network infrastructure or community infrastructure is made at the time of subdivision of the land. However, in some instances land use development and activities are undertaken without associated subdivision of land.

Contributions of land and / or cash arising from growth-related development can be required by the Council either under the Resource Management Act by way of the District Plan or under the Local Government Act 2002 by way of a Development Contribution Policy in the Long Term Council Community Plan (LTP). The Council has developed a Development Contribution Policy within the requirements of the Local Government Act. Accordingly, the Council's requirements for land and / or cash for the provision of growth-related reserves and for network and community infrastructure are contained within the Development Contribution Policy and such contributions are no longer taken under the District Plan. Requirements for the provision of esplanade reserves / strips and provisions relating to environmental compensation and the form of land contributions are included within the Subdivision provisions of the District Plan, while requirements for the provision of financial contributions to mitigate environmental damage are included as policies in Part B, Section 3, Peoples Health, Safety and Values.

Where costs are incurred in relation to maintenance of infrastructure or for improvements in service levels, these costs are met through targeted rates rather than development contributions. Therefore, the purposes for which development contributions are taken and the proportion of costs which are funded through development contributions is an important part of the Council's financial planning.

NOTE:

Esplanade reserves and strips – see Part B, Sections 1.4 and 2.3 and Part C, Rule 10 – Subdivision.

DEVELOPMENT CONTRIBUTIONS – STRATEGY

The provision to take development contributions under the LTP Development Contribution Policy will be complimentary to the subdivision consent process. Esplanade reserves/strips will be taken under the subdivision consent process, while consideration of the form of land to be provided as reserves will also be considered at the time of subdivision.

The LTP Development Contribution Policy will ensure that those responsible for development and/or subdivision that places additional demands on the Council's provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution towards the expansion of those services.

DEVELOPMENT CONTRIBUTIONS – OBJECTIVES

Objective B4.2.1

The parties creating the need for the expenditure meet the costs of establishing or upgrading reserves and network and community infrastructure and developing and enhancing the recreational and amenity values of the District.

Objective B4.2.2

The Council uses its discretion to take development contributions under the LTP Development Contribution Policy in a transparent and consistent manner.

Explanation and Reasons

Development contributions are taken to help address the fiscal effects which a new development may have on the existing ratepayers of an area. If development contributions are not taken, the costs of addressing these effects must be funded from general rates.

DEVELOPMENT CONTRIBUTIONS – POLICIES AND METHODS

Policy B4.2.1

To ensure that subdividers and/or developers meet the costs of any required provision of works and services as a result of land use development and/or subdivision.

Explanation and Reasons

The Council has decided that all development contributions for new or upgraded reserves or network and community infrastructure as a result of development and/or subdivision will be in accordance with the Development Contribution Policy under the LTP and the Local Government Act 2002. This Policy will enable the Council to ensure that those responsible for development and/or subdivision that places additional demands on the Council's provision of reserves and network or community infrastructure will contribute a fair and reasonable contribution to the provision and expansion of these services.

Methods

LTP

- Development Contribution Policy

District Plan

- Subdivision

DEVELOPMENT CONTRIBUTIONS — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results will occur from implementing Section 4.2:

- New developments and subdivisions contribute towards the cost of provision and expansion of reserves and network and community infrastructure facilities.

DEVELOPMENT CONTRIBUTIONS — MONITORING

Please refer to Part E, Appendix 1.

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RURAL RULES - INTRODUCTION TO RULES

TYPE OF RULES

The rules in the District Plan differ according to zoning. In the rural area of the District, there is only one zone – the Rural zone.

Within the Rural zone there are 7 areas, within which different rules may apply. Those areas are: High Country, Malvern Hills, Porters Ski and Recreation Area, Outer Plains, Inner Plains, Port Hills and Existing Development Areas. They are shown on the Planning Maps.

Within each area of the Rural Zone, special classifications may apply. Areas of Outstanding Landscapes in the High Country, Malvern Hills and Port Hills, and Flood Areas in the Inner and Outer Plains, are examples. There are special rules which apply to land having a classification. The classifications are shown on the Planning Maps.

The types of rules which apply to the Rural zone are ‘effects based’ rather than prescriptive (i.e. they focus on the effects of an activity rather than the type of activity). The rules:

- List the conditions which determine whether an activity is a permitted activity; and
- Specify the status of an activity that does not comply with the conditions for a permitted activity.

There are three exceptions to this:

- Some activities are specifically listed as discretionary activities. These are activities that, by their very nature, are likely to have site specific effects which warrant a prescriptive approach;
- The activities which are permitted in the High Country, Malvern Hills, the Porters Ski and Recreation Area and Port Hills are limited to specific activities, in recognition of their sensitive receiving environments, which may make some activities inappropriate;
- Subdivision is not a permitted activity. All subdivision requires resource consent for a controlled activity if the standards and terms set out in the Plan are able to be met.

The rules are set out by broad topic headings. These headings are:

- Rule 1 Earthworks;
- Rule 2 Tree Planting and Removing Heritage Trees;
- Rule 3 Buildings;
- Rule 4 Roading;
- Rule 5 Utilities;
- Rule 6 Outdoor Signs and Notice Boards;
- Rule 7 Hazardous Substances;
- Rule 8 Waste Generation, Storage and Disposal;
- Rule 9 Activities;
- Rule 10 Subdivision.

Each rule topic is set out by ‘sub-topic’. These are listed in the Table of Contents at the start of this volume of the Plan, and at the start of Part C, District Plan Rules,

RESOURCE CONSENTS

Any proposed activity that is “controlled”, “restricted discretionary”, “discretionary” or “non-complying” requires a resource consent.

Instructions on how to apply for a resource consent are included in Part A, Section 2.5 of the Plan.

When making a decision on a resource consent application, the consent authority (the Council) must consider certain matters as set out in the Act.

For “controlled” or “restricted discretionary” activities the matters that may be considered are those that are stated under the rule(s) of the Plan. The Council will also have regard to other relevant provision of the Plan pursuant to section 104(1)(b)(iv) of the Act.

For ‘discretionary’ and ‘non-complying’ activities, the matters are broader and include: any adverse effects on the environment; and the objectives and policies of the Plan.

At the end of each rule topic is a table which cross-references the main objectives and policies which should be considered in respect of a ‘discretionary’ and ‘non-complying’ activity.

A resource consent may not be applied for if the activity is specified as a ‘prohibited activity’.

DISCRETIONARY AND NON-COMPLYING ACTIVITIES

The Plan distinguishes between discretionary activities and non-complying activities according to the anticipated effects of the activity and how appropriate those effects may be in the zone, specific areas of the zone, and areas with special classifications.

A discretionary activity has effects which are generally appropriate depending on:

- the scale and nature of the activity; and
- the site and surrounding land uses; and
- how the activity is managed.

A non-complying activity has effects which are generally inappropriate and inconsistent with the relevant objectives and policies. There may however be some instances where the effects are atypical or minor, such that the activity is appropriate and resource consent is able to be granted.

The objectives and policies in the Plan describe effects that are, and are not, generally appropriate to the zone, and to the specific areas within the zone.

READING THE RULES

Figure 1 shows a guide to reading the rules and assessing whether an activity requires a resource consent. Please note that this guide does not apply to subdivision, as all subdivision require a resource consent. However, the procedure of checking against each topic of the rule does apply.

1 RURAL RULES — EARTHWORKS

Notes

1. Rule 1 –Earthworks, does not apply to any of the following activities, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply:
 - Tending or landscaping of gardens, lawns or public spaces;
 - Digging post holes;
 - Drilling bores, except in Wāhi Taonga Management Area C39(a);
 - Planting trees or removing dead or diseased trees;
 - Cultivation;
 - Burying Pets;
 - Trenching compost;
 - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(a).
2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.
3. Planting of Shelterbelts, Amenity Plantings and Plantations is subject to Rule 2 – Tree Planting and Removal of Protected Trees.
4. Rules 9.16 and 9.17 apply to blasting and vibration. Rule 8 Waste Generation, Storage and Disposal applies to offal pits and landfills.
5. Earthworks affecting any archaeological site, Silent File Area, Wāhi Taonga Management Area or Wāhi Taonga Management Site may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
6. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.
7. All earthworks within the Porters Ski and Recreation Area which comply with the rules in Appendix 25.
8. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
9. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
10. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality.

1.1 EARTHWORKS AND ROAD AND ACCESS FORMATION^{PC12}

Discretionary Activities – Earthworks and Road and Access Formation

- 1.1.1 Any earthworks for the purposes of creating or forming; a road, or access to serve any future allotment(s), shall be a discretionary activity unless the road or access forms part of an approved subdivision consent or is provided for within a designation.^{PC12}

1.2 EARTHWORKS AND CONTAMINATED LAND

Permitted Activities – Earthworks and Contaminated Land

- 1.2.1 Any earthworks which meet the following condition shall be a permitted activity:
- 1.2.1.1 Any soil or earth to be removed from the site is not contaminated.

Restricted Discretionary Activities – Earthworks and Contaminated Land

- 1.2.2 The removal of contaminated soil or earth from a site shall be a restricted discretionary activity.
- 1.2.3 Under Rule 1.2.2, the Council shall restrict its discretion to the consideration of:
- 1.2.3.1 Where the contaminated soil will be disposed to and how; and
- 1.2.3.2 Any monitoring conditions.

1.3 EARTHWORKS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

Permitted Activities – Earthworks and Sites of Significance to Tāngata Whenua

- 1.3.1 Any earthworks which meet the following conditions shall be a permitted activity:
- 1.3.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, the earthworks are limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
- 1.3.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), the earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;

2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED TREES

Notes

1. Any earthworks associated with tree planting or harvesting must comply with Rule 1 – Earthworks.
2. Plantations on the Plains must comply with Rule 9.13 – Vehicle Movements.
3. Removal of indigenous vegetation must comply with Rule 9.21 – Clearance of Indigenous Vegetation and Indigenous Plant Species.
4. The burning of vegetation is managed through regional rules. Therefore, Environment Canterbury should be contacted.
5. All tree planting within the Porters Ski and Recreation Area is exempt from these rules.
6. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
 - Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziessi*)
 - Mountain pine (*Pinus mugo/unaciata*)
 - 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
 - 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:
 - (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
 - (b) Set back a minimum distance of 300m from the road boundary;
 - 2.1.1.4 The tree(s) are planted at least:
 - (a) 20m from the edge of any waterbody listed in Appendix 17; and

- (b) 10m from the edge of any other waterbody (excluding aquifers).

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

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

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

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

2.1.1.5 No tree shades:

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

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

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

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

2.1.1.9 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the tree planting(s) is limited to the disturbance of soil over areas where that soil has been previously disturbed by tree plantings. Any disturbance within those areas shall be limited to a maximum depth of 20cm;

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

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

3 RURAL RULES - BUILDINGS

Notes

1. Erecting or demolishing any building and many alterations to buildings will require a building consent under the Building Act 2004, irrespective of whether a resource consent is needed under the District Plan. The Building Department of the Selwyn District Council should therefore be contacted.
2. Any earthworks associated with preparing a building site or erecting a building shall comply with Rule 1 – Earthworks. Any subdivision of land or buildings shall comply with Rule 10 Subdivision. Any activity, which is carried out in any building or on any site where a building is being erected, shall comply with Rule 9 Activities.
3. The treatment and disposal of effluent from any building onto the site is managed by regional rules. The disposal of stormwater on-site from any building, and sinking any bore to abstract water are also managed by regional rules. Therefore, Environment Canterbury should be contacted in respect of all these activities.
4. All buildings within the Porters Ski and Recreation Area shall be exempt from these rules.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
6. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

3.1 BUILDINGS AND NATURAL HAZARDS

Permitted Activities – Buildings and Natural Hazards

- 3.1.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
 - 3.1.1.1 Any new dwelling or other principal building is not erected in any of the following areas:
 - (a) Any area shown on the Planning Maps as the Waimakariri Flood Category A area;
 - (b) Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps;
 - (c) Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and
 - (d) The area shown on the Planning Maps as the Lower Plains flood area; unless a minimum building floor level 300mm above a 2% Annual Exceedence Probability (AEP) hazard event is identified and the building floor level is at or above that level;
 - (e) The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified.

Notes

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

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

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

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

Restricted Discretionary Activities – Buildings and Natural Hazards

- 3.1.2 Erecting any new dwelling or other principal building on any site in the areas listed in Rule 3.1.1.1(d) and (e) with a minimum floor level which does not comply with Rule 3.1.1.1(d) or (e) shall be a restricted discretionary activity.
- 3.1.3 Under Rule 3.1.2, the Council shall restrict its discretion to consideration of:
- 3.1.3.1 The potential risk of the dwelling or other principal building being inundated and the extent of any flood damages; including its proximity to any adjacent stopbank where in the case of overtopping, breach or failure of a stopbank, the depth and velocity of that event (i.e. depth (m) x velocity (ms⁻¹) > 1) shall be taken into account.
 - 3.1.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
 - 3.1.3.3 Any effects of the dwelling or other principal building or the proposed flood mitigation measures on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
 - 3.1.3.4 Any other effects of any proposed mitigation measures on the environment;
 - 3.1.3.5 Any positive effects which may offset any adverse effects; and
 - 3.1.3.6 Any monitoring or review conditions.

Non-Complying Activities Buildings and Natural Hazards

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

4 RURAL RULES — ROADS AND TRANSPORT

PC12

Notes

1. All vehicular accessways, vehicle crossings and vehicle parking within the Porters Ski and Recreation Area shall be exempt from compliance with the rules of 4 Rural Roads and shall comply with the rules in Appendix 25 and the rules in Appendix 13 of the Townships Volume concerned with separation distances, sightlines and carpark dimensions.
2. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
3. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

4.1 ROADS AND OUTSTANDING LANDSCAPE AREAS PC12

Permitted Activities — Roads and Outstanding Landscape Areas PC12

- 4.1.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following condition is met:
 - 4.1.1.1 In any area shown on the Planning Maps as an Outstanding Landscape Area, the formation of any road, pathway, road bridge or vehicle accessway is limited to the maintenance of existing roads, road bridges or vehicle accessways. PC12

Restricted Discretionary Activities — Roads and Outstanding Landscape Areas PC12

- 4.1.2 Any activity which does not comply with Rule 4.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
 - 4.1.2.1 The road is located in an area shown on the Planning Maps as:
 - (a) An Outstanding Landscape Area in the High Country or the Malvern Hills; or
 - (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and
 - 4.1.2.2 The road or utility structure has to be located within that area.
- 4.1.3 Under Rule 4.1.2, the Council shall restrict its discretion to consideration of:
 - 4.1.3.1 Whether the site is appropriate for the road and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;

- 4.1.3.2 The design and siting of the road and any associated infrastructure;
- 4.1.3.3 The need for, species and design of any planting in the road reserve, to mitigate visual effects;
- 4.1.3.4 Whether there are alternative sites available for the road and the costs, technical feasibility and practicality of using an alternative site;
- 4.1.3.5 Any positive effects which may offset any adverse effects;
- 4.1.3.6 Any monitoring or review conditions.

4.2 ROADS AND NATURAL HAZARDS PC12

Permitted Activities – Roads and Natural Hazards PC12

- 4.2.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
 - 4.2.1.1 In any area shown on the Planning Maps as a flood area, the road is not located in a position or designed in such a way that it would:
 - (a) Divert, or displace, any floodwater; or
 - (b) Impede or alter the existing drainage pattern of the land.

Restricted Discretionary Activities – Roads and Natural Hazards PC12

- 4.2.2 Any activity which does not comply with Rule 4.2.1 shall be a restricted discretionary activity.
- 4.2.3 Under Rule 4.2.2, the Council shall restrict its discretion to consideration of:
 - 4.2.3.1 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
 - 4.2.3.2 Any effects of the road or any proposed flood mitigation measures, on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
 - 4.2.3.3 Any other effects of any proposed mitigation measures on the environment;
 - 4.2.3.4 Any positive effects which may offset any adverse effects;
 - 4.2.3.5 Any monitoring or review conditions.

4.3 ROADS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA **PC12**

Permitted Activities — Roads and Sites of Significance to Tāngata Whenua

- 4.3.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
- 4.3.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any road is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
 - 4.3.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any road is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
 - 4.3.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.1.2, any road does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and.
 - 4.3.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities — Roads and Sites of Significance to Tāngata Whenua **PC12**

- 4.3.2 Any activity which does not comply with Rule 4.3.1 shall be a restricted discretionary activity.
- 4.3.3 Under Rule 4.3.2, the Council shall restrict its discretion to the following matters:
- 4.3.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
 - 4.3.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
 - 4.3.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.3.2, as advised by local rūnanga; or

- 4.3.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
- 4.3.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 4.3.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 4.3.3.7 Any positive effects which may offset any adverse effects; and
- 4.3.3.8 Any monitoring or review conditions.

4.4 ROAD AND ENGINEERING STANDARDS

Permitted Activities — Road and Engineering Standards

- 4.4.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following standards are met:
 - 4.4.1.1 Any part of any road does not have a gradient greater than:
 - (a) 1:6 vertical; or
 - (b) 1:20 horizontal.
 - 4.4.1.2 Any road is formed to the relevant standards set out in Appendix E10.3, except that E10.3.1 shall not apply to works to existing roads undertaken by Council pursuant to the Local Government Act; ^{PC12}

Discretionary Activities — Road and Engineering Standards ^{PC12}

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

Notes: The Council may refer to its most recent Engineering Code of Practice to assist it in deciding on any resource consent application made under Rule 4.4.2, where appropriate. ^{PC12}

Rule 4.4.1.1 does not apply to private roads, vehicle accessways or tracks which are intended to be used solely by persons owning or occupying the property and are not located within the road reserve. The rules do apply to vehicle accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent). ^{PC12}

4.5 VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS

Permitted Activities — Vehicle Accessways and Vehicle Crossings ^{PC12}

- 4.5.1 The forming, installation, upgrading, maintenance or replacement of any vehicle accessway or vehicle crossing shall be a permitted activity if the following conditions are met: ^{PC12}

- 4.5.1.1 Any part of any vehicle accessway does not have a gradient greater than:
PC12
- (a) 1:6 vertical; or
 - (b) 1:20 horizontal.

Note: Rule 4.5.1.1 does not apply to private roads, vehicle accessways or tracks which are intended to be used solely by persons owning or occupying the property and are not located in the road reserve. The rules do apply to vehicle accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent).

- 4.5.1.2 Any vehicle accessway is formed to the relevant design and formation standards set out in Appendix E10.2. PC12
- 4.5.1.3 Any vehicle accessway complies with the relevant separation and sight distance standards set out in Appendix E10.2.
- 4.5.1.4 Any vehicle crossing which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary;
- 4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is sealed:
- (a) The full length of the vehicle crossing (from the edge of the sealed carriageway to the road boundary of the property), or; PC12
 - (b) For the first 10 metres from the sealed carriageway. PC12
- 4.5.1.6 Any access to a State Highway or Arterial Road complies with the following:
- (a) No legal access is available from another lower classification road;
 - (b) For State Highways only, the traffic generated through the access to the State Highway is less than 100 ecm/d; PC12
 - (c) The vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2, E10.2.3 and E10.2.4; PC12
 - (d) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required.

4.5.1.7 Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway. PC12

4.5.1.8 Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification. PC12

Note: For example, where a site has frontage to both an arterial road and a local road access shall be to the local road. PC12

Restricted Discretionary Activities — **Vehicle Accessways and Vehicle Crossings** **PC12**

- 4.5.2 Any activity which does not comply with Rule 4.5.1.6 shall be a restricted discretionary activity.
- 4.5.3 The Council shall restrict its discretion to the exercise of:
- 4.5.3.1 Whether the crossing is sufficiently removed from an intersection having regard to traffic volumes on the roads, and any other factors that will prevent conflict and confusion between vehicles turning at the crossing or at the intersection;
 - 4.5.3.2 The adequacy of available sight distances having regard to the 85th percentile **operating** speed of vehicles on the road; **PC12**
 - 4.5.3.3 Whether there is a need to separate entry and exit in order to reduce potential traffic confusion and conflict;
 - 4.5.3.4 Whether the physical form of the road will minimise the adverse effects of access (e.g. whether the road offers good visibility; whether a solid median barrier will stop unsafe right turns or a flush median will assist right hand turns etc);
 - 4.5.3.5 Whether particular mitigation measures such as a deceleration or turning lane are required due to speed or volume of vehicles on the road;
 - 4.5.3.6 The design of the crossing to enable traffic exiting the site to safely enter the traffic stream;
 - 4.5.3.7 The location and design of the crossing in relation to pedestrian and cycle safety;
 - 4.5.3.8 Whether there is adequate queuing and parking space on site so that vehicles do not queue over vehicle crossings or on the State Highway **or Arterial Road**; **PC12**
 - 4.5.3.9 Any potential cumulative effects of extra access points on the function of the State Highway **or Arterial Road**; **PC12**
 - 4.5.3.10 Any relevant accident history of the State Highway in the vicinity of the site; and
 - 4.5.3.11 The particular traffic characteristics of an existing or proposed activity, including expected traffic generation, types of vehicles etc.

Discretionary Activities — **Vehicle Accessways and Vehicle Crossings**

- 4.5.4 Any activity which does not comply with Rules 4.5.1.1, 4.5.1.2, 4.5.1.3, 4.5.1.4(a), **4.5.1.7 or 4.5.1.8** shall be a discretionary activity. **PC12**

Note: The Council may refer to its **most recent Engineering Code of Practice** to assist it in deciding on any resource consent application made under Rule 4.5.4, where appropriate. **PC12**

Non-Complying Activities — Vehicle Accessways and Vehicle Crossings ^{PC12}

- 4.5.5 Any activity which does not comply with Rules 4.5.1.4(b) or 4.5.1.5 shall be a non-complying activity.

4.6 VEHICLE PARKING AND CYCLE PARKING

Permitted Activities — Vehicle Parking and Cycle Parking

- 4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.

4.6.1.1 Two car parking spaces on-site for each dwelling without a family flat; or

4.6.1.2 Three car parking spaces on-site for each dwelling with a family flat; and

4.6.1.3 For any other activity:

(a) all car parking associated with an activity must be located either on-site or on land adjoining the site and not on the road reserve; and ^{PC12}

(b) all loading (including unloading) associated with an activity must be undertaken on-site or on land adjoining the site and not within the road reserve; and ^{PC12}

4.6.1.4 All carparking and loading areas shall comply with all standards set out in Appendix E10.1. ^{PC12}

- 4.6.2 Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if:

4.6.2.1 The site is used for any activity other than residential activities; or

4.6.2.2 The site has access to a State Highway or an arterial road listed in Appendix 9.

Note: Refer to the Council's most recent Code of Practice for the design standards required for the manoeuvring of vehicles. ^{PC12}

- 4.6.3 Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met:

4.6.3.1 One disabled carpark is provided with the first 10 carparking spaces; and one additional disabled carpark space for every additional 50 carparking spaces provided.

4.6.3.2 The disabled carparks are:

- (a) Located as close to the entrance to the building or the site of the activity as practical;
- (b) Sited on a level surface; and
- (c) Clearly marked as being for mobility-impaired persons.

Controlled Activities – Vehicle Parking and Cycle Parking^{PC12}

- 4.6.4 Any development of a parking area with a total of 40 or more parking spaces shall be a controlled activity, in respect to safety, circulation and access for pedestrians within the site and moving past vehicle crossings.^{PC12}

Restricted Discretionary Activities – Vehicle Parking and Cycle Parking

- 4.6.5 Any activity which does not comply with Rule 4.6.3 shall be a restricted discretionary activity.
- 4.6.6 The Council shall restrict its discretion to consideration of:
- 4.6.6.1 Whether there is likely to be a demand for parking for mobility impaired person, given the nature of the activities being undertaken on the site;
 - 4.6.6.2 Whether there is any need to provide specific carparking for mobility impaired persons on the site, given the size and nature of the carparking area and the location of the activity relative to the carparking area; and
 - 4.6.6.3 Any monitoring or review conditions.

Discretionary Activities – Vehicle Parking and Cycle Parking

- 4.6.7 Any activity which does not comply with Rule 4.6.1 shall be a discretionary activity.

Non-Complying Activities – Vehicle Parking and Cycle Parking

- 4.6.8 Any activity which does not comply with Rule 4.6.2 shall be a non-complying activity.

4.7 TRAFFIC SIGHT LINES – ROAD/RAIL CROSSINGS

Permitted Activities – Traffic Sight Lines Road/Rail Crossings

- 4.7.1 The following shall be permitted activities:
- 4.7.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10, Diagram E10.E
 - 4.7.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10, Diagram E10.E

Note: The NZTA Traffic Control Devices Manual provides further guidance on level crossings.

Non-Complying Activities – Traffic Sight Lines Road/Rail Crossings

- 4.7.2 Any building or tree which does not comply with Rules 4.7.1 shall be a non-complying activity.^{PC12}

Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
4.1	Outstanding Landscape Areas	1.4, 2.1, 2.2, 3.1	1.4.1, 2.1.2, 2.2.2, 3.1.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30, 2.1.14, 2.2.5, 3.1.6 to 3.1.8.
4.2	Natural Hazards	2.1, 2.2, 3.1, 4.2	2.1.2, 2.2.2, 3.1.1 and 3.1.2, 4.2.1 and 4.2.2	2.1.3, 2.2.8, 3.1.3 and 3.1.5 to 3.1.8, 4.2.1
4.3	Sites of Significance to Tāngata Whenua	2.1, 2.2, 3.3	2.1.2, 2.2.2, 3.3.1,	2.1.14, 2.2.5, 3.3.2, 3.3.3, 3.3.5 and 3.3.9
4.5, 4.6	Vehicle Accessways and Vehicle Crossings. Vehicle Parking and Cycle Parking	2.1, 2.2	2.1.1, 2.2.2	2.1.1 to 2.1.8, 2.2.10

Reasons for Rules

Rule 4 manages effects of establishing, maintaining, upgrading and replacing roads, vehicle accessways, vehicle crossings and car parking on the environment. The rules should be read in conjunction with Rule 1 – Earthworks. **PC12**

Many activities involving roads are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply (see section 10 of the Act). However, it is still necessary to have rules in the Plan, because:

- Often roads are formed by private developers as part of subdivisions or land uses. The roads then vest in the Council. The plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of roads which will vest in the Council;
- It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

Rule 4 follows a similar format to Rules 1, 2 and 3. Activities involving roads require resource consents: in areas of Outstanding Landscape, areas prone to flooding, and Silent File and Wāhi Taonga Management areas; and on Wāhi Taonga and Mahinga Kai sites. New roads in areas of outstanding landscape require a resource consent, and the applicant will need to demonstrate that the activity needs to locate in these areas, given that they have not been greatly modified by

road. While the Plan recognises that some roads may be necessary in these areas, they are not encouraged.

Rules 4.4 to 4.6 set standards for the forming of roads, vehicle accessways, vehicle crossings and carparking as permitted activities. These standards are based on the Council's most recent Engineering Code of Practice. The rules apply irrespective of whether roads, vehicle accessways and vehicle crossings are formed when land is subdivided or when buildings are erected.^{PC12}

Rights of way (ROW) have historically been problematic in the Selwyn District. In some instances further development of sites has resulted in a large number of sites with a shared access. Whilst limited shared access can be useful such as where houses front a reserve or waterway the potential number of users needs to be limited. The provision of long ROWs is not conducive to achieving a high degree of connectivity, permeability and accessibility for vehicular and non-vehicular access. Where access to a larger number of sites (or potential sites) is required this should be by way of local roads.^{PC12}

A lack of visibility for road/rail level crossings raises implications for road users and traffic safety.^{PC12}

For that reason, buildings and tree plantings are not permitted if they encroach within the line of sight of a railway crossing as shown in Appendix 13 (Diagram E10.E). This rule reflects the importance of maintaining lines of sight for traffic safety.^{PC12}

The majority of rural roads have a narrow carriageway and do not provide adequate width or sealed shoulders to allow for parking, many of these roads also have higher speed limits which can exacerbate potential safety issues. The provision of parking off-road also ensures vehicles are accessing the parking area at an appropriately formed and located point. Road side parking in rural areas can have a noticeable impact on the character and amenity of the surrounding area.

Activities with larger parking areas require the consideration of pedestrian safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk to and within townships and provide for safe movement of pedestrians within the site, and moving past vehicle crossings.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicle access and manoeuvring areas relative to pedestrian entrances to sites, parking areas and the building entrance and does not always require provision of separate pedestrian facilities.

The provision of rule 4.6.4 is not intended to suggest that parking areas of this size are generally anticipated in rural zones. The intention of the rule is to ensure that if such a parking area does occur, attention is drawn to the consideration of pedestrians within parking areas (including movement between cycles / cars and the building entrance) and at vehicle crossing points.^{PC12}

5 RURAL RULES – UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 1- Earthworks, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply.
2. The Rules in the Rural Volume of this Plan are applicable to activities generally, including utilities. However, the rules under Rule 3 Buildings, Rule 4 Rooding and Rule 9.4 Scale of Non-Residential and Non-Rural Activities do not apply to utilities, except the following:

Rule 3 Buildings

- Rule 3.15.1 Relocated Buildings
- Rule 3.9.1.1 Access and Parking
- Rule 3.13.1.2 Line of sight – railway crossings

Rule 4 Rooding

- Rules 4.5.1.2 – 4.5.1.5 Roads, Accessways and Vehicular Crossings.
- Rules 4.6 Parking
- Rule 4.1.1 Outstanding Landscapes

3. Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
4. All utility buildings and structures in the Porters Ski and Recreation Area shall be exempt from compliance with these rules.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
6. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

5.1 UTILITIES – ACTIVITIES

Permitted Activities – Utilities – Activities

The following existing utilities shall be permitted activities:

- 5.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
 - 5.1.1.1 The replacement of support structure cross arms;
 - 5.1.1.2 The reconductoring or replacement of lines;

- 5.1.1.3 The resagging of conductors or lines;
- 5.1.1.4 The addition of longer or more efficient insulators or mountings;
- 5.1.1.5 The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;
- 5.1.1.6 The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- 5.1.1.7 Pole replacement;
- 5.1.1.8 Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- 5.1.1.9 The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- 5.1.1.10 An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.

5.1.2 Any utility which meets the following provisions shall be a permitted activity:

- 5.1.2.1 Any utility which emits electromagnetic radiation shall meet the following conditions:
 - (a) Exposures shall comply with NZS 2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
 - (b) Prior to commencing any radiofrequency emissions, the following shall be sent to and received by the Selwyn District Council:
 - (i) Written notice of the location of the facility or proposed facility; and
 - (ii) A report prepared by a radio engineer/technician or physical scientist containing a prediction or whether the New Zealand Standard will be complied with (note – this requirement shall not apply to the holder of an amateur radio licence).
 - (c) If the report provided to the Council under condition 5.1.2.1(b)(ii) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within 3 months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.
- 5.1.2.2 Any power frequency electric and magnetic fields created by a utility do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public. Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.

6 RURAL RULES - OUTDOOR SIGNS AND NOTICEBOARDS

Notes:

1. Outdoor Signs and noticeboards are defined in Part D of the Plan. Noticeboards hold information designed to be read by people stopping, whereas signs are designed to be read by people as they are passing by.
2. Outdoor Signs within any road reserve require the permission of the Council, even if the sign complies with the rules in the District Plan for a permitted activity.
3. All signs in the Porters Ski and Recreation Area shall be exempt from Rule 6.2, while signs required for the purpose of on-mountain directions and safety shall not be required to comply with Rule 6.1.
4. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

6.1 OUTDOOR SIGNS – GENERAL

Permitted Activities – Outdoor Signs – General

- 6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

- 6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve;

Note: Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries.

- 6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner;

- 6.1.1.3 The sign does not have any of the following features:

- (a) Flashing or revolving lights;
- (b) Sound effects;
- (c) Balloons or blimps; or
- (d) Moving parts;

- 6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal;

- 6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill;

- 6.1.1.6 The height of the sign is not more than:
- (a) The height of the building to which it is attached; or
 - (b) 6m above the ground if the sign is not attached to a building;
- 6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m² and the total area of signage on the site does not exceed 6m².
- 6.1.1.8 Any sign which is attached to a building and exceeds 3m² in area does not protrude beyond the framework of the building;
- 6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.

Table C6.1 – Maximum Number of Signs

No.	Sign Type	Maximum Number per Property
1	Any directional <u>sign</u> having: A maximum <u>height</u> of 1m; and A maximum size of 0.6m ² ; and Any message limited to 'entry' or 'exit' or arrows.	No maximum
2	Any <u>sign</u> required under other legislation or to provide for people's health or safety.	No maximum
3	Any <u>sign</u> advertising a <u>property</u> for sale if the <u>sign</u> is removed within one calendar month or the <u>property</u> being sold.	No maximum
4	Any <u>sign</u> denoting a place name or <u>road</u> name.	No maximum
5	Any <u>sign</u> denoting private <u>property</u> , wandering stock, fire restrictions and public access.	No maximum
6	Any <u>sign</u> which relates to products and services sold on-site at a shop or a service station.	No maximum
7	Any other <u>sign</u> .	Three

Discretionary Activities – Outdoor Signs – General

- 6.1.2 Erecting any outdoor sign which does not comply with Rule 6.1.1 shall be a discretionary activity.

6.2 OUTDOOR SIGNS AND OUTSTANDING NATURAL LANDSCAPE AREAS

Permitted Activities – Outdoor Signs and Outstanding Natural Landscape Areas

- 6.2.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

- 6.2.1.1 Any outdoor sign in any area shown on the Planning Maps as an Area of Outstanding Landscape is limited to:
- (a) Any sign or signs depicting the name of, or information about, a place which is on the site to which the name or information relates; or
 - (b) Directional signs for traffic or pedestrians; or
 - (c) Signs indicating private property, fire restrictions, wandering stock, public reserves or public access; or
 - (d) Any sign required under other legislation;

Discretionary Activities – Outdoor Signs and Outstanding Natural Landscape and Port Hills Areas

- 6.2.2 Erecting any sign which does not comply with Rule 6.2.1 shall be a discretionary activity.

6.3 OUTDOOR SIGNS AND WEST MELTON OBSERVATORY LIGHTING AREA

Permitted Activities – Outdoor Signs and West Melton Observatory Lighting Area

- 6.3.1 Erecting any outdoor sign within the area shown on the Planning Maps as the West Melton Observatory Lighting Area shall be a permitted activity provided that the sign is not illuminated between the hours of 10:00pm and 6:00am, unless the sign is required to be illuminated under other legislation.

Restricted Discretionary Activities – Outdoor Signs and West Melton Observatory Lighting Area

- 6.3.2 Any sign which does not comply with Rule 6.3.1 shall be a restricted discretionary activity.
- 6.3.3 Under Rule 6.3.2, the Council shall restrict its discretion to consideration of:
- 6.3.3.1 The need for, or the desirability of, illuminated signage at night for the proposed activity;
 - 6.3.3.2 Any adverse effects of the illuminated sign on the West Melton Observatory;
 - 6.3.3.3 Any cumulative effects of illuminated signage on night glow in the sky around the Observatory;
 - 6.3.3.4 The effectiveness of any proposed mitigation measures to reduce lux spill from the illuminated sign;
 - 6.3.3.5 Any positive effects which may offset any adverse effects; and
 - 6.3.3.6 Any monitoring or review conditions.

6.4 OUTDOOR SIGNS AND STRATEGIC ROADS

Permitted Activities — Outdoor Signs and Strategic Roads

- 6.4.1 Erecting any outdoor sign on a site adjoining a road which is listed in Appendix 9 as a Strategic Road shall be a permitted activity if all of the following conditions are met:
- 6.4.1.1 The sign has a maximum number of 5 words or a maximum combined number of 6 words and symbols;
 - 6.4.1.2 There is a minimum separation distance between any 2 outdoor signs of:
 - (a) 70m, where the speed limit is 80km/hr; or
 - (b) 80m, where the speed limit is 100km/hr;
 - 6.4.1.3 The sign is visible from a distance of:
 - (a) 175m, where the speed limit is 80km/hr; or
 - (b) 250m where the speed limit is 100km/hr;
 - 6.4.1.4 The sign has a minimum height for any letter which complies with the values set out in Table C6.2.

Table 6.2 — Minimum Letter Sizes - Strategic Roads

Speed Limit	Main Message	Secondary Message
80 km/hr	250mm	125mm
100 km/hr	300mm	150mm

- 6.4.1.5 The sign is illuminated only when the premises are open for business; and
- 6.4.1.6 The sign is positioned at right angles to the road frontage of the site but angled off the direction of traffic by 5°.

Restricted Discretionary Activities — Outdoor Signs and Strategic Roads

- 6.4.2 Any sign which does not comply with Rule 6.4.1 shall be a restricted discretionary activity.
- 6.4.3 Under Rule 6.4.2, the Council shall restrict its discretion to consideration of:
- 6.4.3.1 Any adverse effects, singularly or cumulatively, of the proposed sign on the safety of motorists, pedestrians or cyclists;
 - 6.4.3.2 Any effects on reduced visibility for people moving into and out of properties along the Strategic Road;
 - 6.4.3.3 Any potential effects on traffic speed, manoeuvring or general flow of traffic along the Strategic Road;

9 RURAL RULES - ACTIVITIES

Notes

1. Any activity which is covered by Rules 1 to 8 or Rule 10 must comply with those rules, as well as Rule 9:
 - Earthworks – see Rule 1
 - Tree planting - see Rule 2
 - Buildings – see Rule 3
 - Roading- see Rule 4
 - Utilities – see Rule 5
 - Signs and Notice boards – see Rule 6
 - Hazardous Substances – see Rule 7
 - Waste Disposal –see Rule 8
 - Subdivision – see Rule 10
2. Any activity involving the taking, damming or diverting of water or the discharge of contaminants may require a resource consent from the Regional Council. Therefore, Environment Canterbury should be contacted.
3. Underlined words are defined in Part D of the Plan.
4. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
5. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

9.1 ACTIVITIES — GENERAL

Permitted Activities — Activities – General

- 9.1.1 Any activity shall be a permitted activity if all of the following conditions are met:
- 9.1.1.1 The activity complies with all other rules of the Plan (Rules 1 to 8 and Rule 10);
 - 9.1.1.2 The activity is not listed as a discretionary activity in Rule 9.2.1.
 - 9.1.1.3 The activity is not listed as a non-complying activity in Rule 9.2.2.

Other Activities — Activities – General

- 9.1.2 Any activity which does not comply with Rule 9.1.1.1 shall have the status of the rule with which it does not comply.

9.2 ACTIVITIES – LISTED ACTIVITIES

Discretionary Activities – Listed Activities

- 9.2.1 All of the following activities shall be discretionary activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.1.1 Any activity which requires an Offensive Trade Licence under the Health Act 1956;
 - 9.2.1.2 Any activity which involves the composting of organic material, where that material is brought on to the site except where additional material such as saw dust or straw is required as part of the process of composting pigs;
 - 9.2.1.3 Any activity which involves the manufacture of fertiliser from organic material, where that material is brought on to the site;
 - 9.2.1.4 Prisons or detention centres; and
 - 9.2.1.5 Camping ground facilities.

Non-Complying Activities – Listed Activities

- 9.2.2 All of the following activities shall be non-complying activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.2.1 Any other industrial activity, except for an other industrial activity being a home based occupation.

Note: Rule 9.2.2 does not apply to any temporary activity.

9.3 ACTIVITIES IN THE PORT HILLS, MALVERN HILLS AND HIGH COUNTRY

Permitted Activities – Activities in the Port Hills, Malvern Hills and High Country

- 9.3.1 Permitted activities in the areas shown on the Planning Maps as the Port Hills, Malvern Hills and High Country are limited to any one or more of the following:
- 9.3.1.1 The growing or rearing of crops or livestock, including forestry, viticulture and horticulture;
 - 9.3.1.2 Recreation and tourism activities and facilities associated with the use of the natural resources in the area or the appreciation of the physical surroundings;
 - 9.3.1.3 Areas for the conservation, protection and enhancement of natural resources;

- 9.3.1.4 Visitor accommodation, retail sales and other business activities any of which are ancillary to or associated with activities listed in Rules 9.3.1.1, 9.3.1.2 or 9.3.1.3;
- 9.3.1.5 Transport networks;
- 9.3.1.6 Mining and other industrial activities which involve the use or extraction of natural resources found in the area;
- 9.3.1.7 Education and research activities associated with the natural resources in the area or appreciation of the physical surroundings;
- 9.3.1.8 Residential activities and home based occupations and;
- 9.3.1.9 Community facilities, including schools;
- 9.3.1.10 In all areas, temporary military training activities.

Note: Refer to Appendix 21, 22, 23 or 25 for conditions, standards and matters of control/discretion which apply to specific activities in the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs, Grasmere and Rocklands, and as Porters Ski and Recreation Area. These are existing development areas in the High Country and Port Hills.

Non-Complying Activities — Activities in the Port Hills, Malvern Hills and High Country

- 9.3.2 Any activity in the areas shown on the Port Hills, Malvern Hills and High Country, and which is not listed in Rule 9.3.1 shall be a non-complying activity.

9.4 SCALE OF NON-RESIDENTIAL AND NON-RURAL ACTIVITIES

Permitted Activities — Scale of Activities

- 9.4.1 Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:
 - 9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m² and no more than two full-time equivalent persons are employed in undertaking any other activity on the site; or
 - 9.4.1.2 The activity is undertaken by either an approved tertiary education provider (as defined in the Education Act 1989) or a Crown Research Institute involving the use of land or buildings for the purpose of growing or rearing of crops or livestock and associated monitoring of the environment for research and education purposes but excluding conferencing, accommodation, recreation and retail activities.

Note: Rule 9.4.1 does not apply to any temporary activity or any activity within the Porters Ski and Recreation Area, Rural Based Industrial Activity or any Other Industrial Activity (where Rule 9.5.1 and 9.2.2 apply), or Utilities (where rules in Part C Rule 5 Utilities apply).

Discretionary Activities — Scale of Activities

9.4.2 Any activity which does not comply with Rule 9.4.1 shall be a discretionary activity.

9.5 RURAL BASED INDUSTRIAL ACTIVITIES

Permitted Activities — Rural Based Industrial Activities

9.5.1 Any rural based industrial activity shall be a permitted activity if the following conditions are met:

9.5.1.1 The maximum area of any site covered by any building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m².

9.5.1.2 No more than two full-time equivalent persons are employed in undertaking the activity on the site.

Note: Rule 9.5.1 does not apply to any temporary activity.

Discretionary Activities — Rural Based Industrial Activities

9.5.2 Any activity which does not comply with Rule 9.5.1 shall be a discretionary activity if one of the following standards and terms are met:

9.5.2.1 The site is located within the Outer Plains, as shown on the Planning Maps; or

9.5.2.2 Any building and/or operations expansion or addition associated with the poultry processing plant of Brinks South Island, 1310–1312 Main South Road, Weedons that occurs within land parcels Lot 1 and/or Lot 2 DP 20292; or

9.5.2.3 Any upgrading of the existing on-site irrigation waste disposal associated with the poultry processing plant of Brinks South Island, Main South Road, Weedons that occurs within land parcels Lot 4 DP 22430 and/or Lot 2 DP 83245; or

9.5.2.4 Any building and/or operations expansion or addition associated with the feedmill of Feedco Canterbury, 162 Selwyn Road, Broadfield that occurs within land parcel Lot 2 DP 61860.

Non-Complying Activities — Rural Based Industrial Activities

9.5.3 Any activity which does not comply with Rule 9.5.2 shall be a non-complying activity.

9.6 ACTIVITIES AND CONTAMINATED LAND

Permitted Activities: Activities and Contaminated Land

- 9.6.1 Any activity on land which is contaminated shall be a permitted activity provided that none of the following activities are undertaken on that land:
- 9.6.1.1 Erecting any dwelling or undertaking residential activities;
 - 9.6.1.2 The use of land for educational activities or erecting any educational facilities;
 - 9.6.1.3 Outdoor recreation activities; and
 - 9.6.1.4 Growing or rearing of food crops or livestock;

Restricted Discretionary Activities – Activities and Contaminated Land

- 9.6.2 Any activity which does not comply with Rule 9.6.1 shall be a restricted discretionary activity.
- 9.6.3 Under Rule 9.6.2, the Council shall restrict its discretion to consideration of:
- 9.6.3.1 The effectiveness of any proposed mitigation measures that reduce the risk of any adverse effects on people or the environment from contaminated land;
 - 9.6.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of effects on people or to remove or contain the area of contaminated land;
 - 9.6.3.3 Any effects on the environment or other people resulting from any mitigation measures, including where any contaminated soil removed from the site will be disposed to and how;
 - 9.6.3.4 Any positive effects which may offset any adverse effects; and
 - 9.6.3.5 Any monitoring or review conditions.

9.7 ACTIVITIES ON THE SURFACE OF WATERBODIES

Permitted Activities – Activities on the Surface of Waterbodies

- 9.7.1 Any activity on the surface of any waterbody shall be a permitted activity if all of the following conditions are met:
- 9.7.1.1 The use of motorised craft on the surface of any of the following lakes: Blackwater; Catherine; Evelyn; Georgina; Grasmere; Hawdon; Henrietta; Ida; Letitia; Lillian; Marymere; Moana Rua/Pearson; Red Lakes; Rubicon; Sarah; Selfe; or Vagabonds Inn, is limited to one of the following uses:

- (a) Emergency search and rescue work; or
- (b) Law enforcement;

9.7.1.2 Any use of motorised craft on the surface of any waterbody for overnight accommodation is limited to one night on any waterbody, in any one month period;

Notes:

Rule 9.7.1.2 does not apply to overnight accommodation on craft on any waterbody in emergency weather conditions or where the craft has mechanical problems.

For erecting structures across the surface of waterbodies, see Rule 5 – Utilities.

Non-Complying Activities – Activities on the Surface of Waterbodies

9.7.2 Any activity on the surface of a waterbody which does not comply with Rule 9.7.1 shall be a non-complying activity.

9.8 ACTIVITIES AND THE KEEPING OF ANIMALS

Permitted Activities – Activities and the Keeping of Animals

9.8.1 The keeping of animals shall be a permitted activity if all of the following conditions are met:

- 9.8.1.1 Any keeping of animals does not include:
 - (a) The boarding of animals, including catteries and kennels; and
 - (b) Intensive livestock production;

9.9 ACTIVITIES AND THE BOARDING OF ANIMALS

Restricted Discretionary Activities – Activities and the Boarding of Animals

9.9.1 Any activity which involves the boarding of animals shall be a restricted discretionary activity if all of the following standards and terms are met:

- 9.9.1.1 Any building or compound is setback a minimum distance of 50m from any property boundary;
- 9.9.1.2 Any building or compound is setback a minimum distance of 30m from any road boundary; and
- 9.9.1.3 Any building or compound used for the boarding of animals is set back a minimum distance of 200m from the nearest boundary of: any Living zone; or any Existing Development Area, as shown on the Planning Maps.

- 9.9.2 Under Rule 9.9.1, the Council shall restrict its discretion to consideration of:
- 9.9.2.1 Any potential nuisance effects from noise, traffic, odour or inadequate animal containment on surrounding properties;
 - 9.9.2.2 The effectiveness of any proposed mitigation measures to reduce effects of noise, traffic, odour or inadequate animal containment on surrounding properties;
 - 9.9.2.3 Any positive effects which may offset any adverse effects; and
 - 9.9.2.4 Any monitoring or review conditions.

Discretionary Activities – Activities and the Boarding of Animals

- 9.9.3 Any activity which does not comply with Rule 9.9.1 shall be a discretionary activity.

9.10 ACTIVITIES AND INTENSIVE LIVESTOCK FARMING

Controlled Activities – Activities and Intensive Livestock Farming

Expansion of Existing Intensive Piggery Production Activity

- 9.10.1 The expansion of any existing intensive piggery production activity shall be a controlled activity if all of the following standards and terms are met:
- 9.10.1.1 That the applicant has obtained an air discharge consent or if no consent is required a Certificate of Compliance from the Canterbury Regional Council, covering the discharge of odour from the proposed expanded piggery.
 - 9.10.1.2 The proposed expansion would result in a nil increase in overall odour emission rate from the site. The applicant shall provide an assessment from a suitably qualified expert which demonstrates the nil increase in overall odour emission rate from the site. The assessment shall consider relevant New Zealand and international odour emission rate information and research for the piggery industry. The Council may appoint its own suitably qualified expert (the expert is to be agreed to with the applicant) to peer review the assessment provided by the applicant to confirm compliance with this standard.
 - 9.10.1.3 The increase in the number of stock pig units (SPUs) shall not exceed 50% of the existing SPUs, where SPU is to be calculated from existing stock numbers as per Table C9.1 below.

Table C9.1 – Standard SPU multipliers for different classes of pig

	Definition	SPU Factor
Gilt	24-30 weeks	1.8
Boar	100-300kg	1.6
Gestating sow	160-230kg	1.6

	Definition	SPU Factor
Lactating sow	160-230kg	2.5
Sucker	0-4 weeks	0.1
Weaner	4-10 weeks	0.5
Grower	10-16 weeks	1.0
Finisher	16-24 weeks	1.6
Heavy Finisher	Over 24 weeks	1.8

9.10.1.4 The applicant has prepared a management plan to deal with activities that have the potential to produce an offensive or objectionable odour. This management plan shall address the following:

- (a) Management of shed
- (b) Effluent collection and storage systems
- (c) Manure application to land systems
- (d) Carcass disposal system
- (e) Landscaping and building design
- (f) The keeping of monitoring and maintenance records
- (g) Performance review process
- (h) Any consultation with the local community and the operation of a complaints system.

9.10.2 In considering any application for a resource consent under Rule 9.10.1 the Council shall, in granting consent and in deciding whether to impose conditions, exercise its control over the following matters:

- 9.10.2.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
- 9.10.2.2 The effectiveness of any proposed mitigation measures incorporated into the management plan to address potential adverse effects;
- 9.10.2.3 The location of buildings to avoid, remedy or mitigate potential adverse odour effect associated with any relocation of the odour emission source to another part of the site;
- 9.10.2.4 Any positive effects which may offset any adverse effects;
- 9.10.2.5 Any monitoring or review conditions.

Restricted Discretionary Activities – Activities and Intensive Livestock Farming

9.10.3 The establishment of any new site for intensive livestock production or the expansion of any existing intensive livestock production activity shall be a restricted discretionary activity, unless it is a controlled activity under 9.10.1.

- 9.10.4 Under Rule 9.10.3 the Council shall restrict its discretion to consideration of:
- 9.10.4.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
 - 9.10.4.2 The effectiveness of any proposed mitigation measures to address potential adverse effects;
 - 9.10.4.3 Any positive effects which may offset any adverse effects; and
 - 9.10.4.4 Any monitoring or review conditions.

9.11 ACTIVITIES AND NEW OR EXPANDED DAIRY FARMS

Permitted Activities — Activities and New or Expanded Dairy Farms

- 9.11.1 The establishment of, or any extension to, any dairy farm is on land shall be a permitted activity where the following conditions are met:
- 9.11.1.1 All dairy cows are excluded from all land within 10m from any waterbody (excluding aquifers).
 - 9.11.1.2 It is on land which is adjoining to that of the milking shed.

Notes:

Dairy farm means all the land used to support a dairy milking platform but excludes separate off-farm land areas used to graze dry dairy cows.

Rule 9.11.1.1 applies to the conversion of new land to dairying and for both grazing and droving of dairy cows; it does not include land which is used for grazing beef herds.

For Rule 9.11.1.2 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

Rule 9.11.1.2 does not apply to land which is used for grazing dry herds.

Adjoining is defined in Part D of the Plan and includes any land which is separated by a road, easement, water race or drain.

Where stock access is across a State Highway, Transit must be consulted.

- 9.11.2 All dry dairy cows on separate off-farm land areas shall be excluded from any waterbody.

Restricted Discretionary Activities — Activities and New or Expanded Dairy Farms

- 9.11.3 Any new or expanded dairy farm or off-farm dairy grazing activity that does not comply with Rules 9.11.1.1 or 9.11.2 shall be a restricted discretionary activity.
- 9.11.4 Under Rule 9.11.3 the Council shall restrict its discretion to consideration of:
- 9.11.4.1 The effect on natural character and indigenous biodiversity;

- 9.11.4.2 Any mitigation measures to prevent or reduce animal access to the waterbody or its riparian margin.
- 9.11.5 The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 9.11.1.2 shall be a restricted discretionary activity.
- 9.11.6 Under Rule 9.11.5 the Council shall restrict its discretion to consideration of:
 - 9.11.6.1 The proposed method to move dairy cows between grazing areas and milking sheds;
 - 9.11.6.2 Traffic safety;
 - 9.11.6.3 Any positive effects which may offset any adverse effects; and
 - 9.11.6.4 Any monitoring or review conditions.

9.12 ACTIVITIES AND CARPARKING, VEHICLE CROSSINGS, ACCESS AND EGRESS

Permitted Activities — Carparking, Vehicle Crossings, Access and Egress

- 9.12.1 The activity shall comply with the rules for carparking, vehicle crossings, vehicle access and egress set out in Rule 4, and Appendix 10 for specific provisions applying to State Highways to be a permitted activity.

Default Activity — Carparking, Vehicle Crossings, Access and Egress

- 9.12.2 Any activity which does not comply with Rule 9.12.1 shall have the status set out in Rules 4.4 to 4.6 for the rules(s) with which it does not comply.

9.13 ACTIVITIES AND VEHICLE MOVEMENTS

Permitted Activities — Activities and Vehicle Movements

- 9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:
 - 9.13.1.1 Road Unformed and, or not maintained by Council: ^{PC12}
 - (a) For any commercial or industrial related activity where access is required off an unformed and un-maintained road, excluding normal farming activities: Nil.
 - (b) For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day (ecm/d) per site.
 - 9.13.1.2 Road Formed, Sealed and maintained by Council: ^{PC12}
 - (a) State Highway and Arterial Roads (as identified in Appendix 9): 30 ecm/d per site averaged over any one week period). ^{PC12}

- (b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).

9.13.1.3 Road Formed, Unsealed and maintained by Council: ^{PC12}

- (a) 60 ecm/d per site (averaged over any one week period).

Note:

1. Rule 9.13.1 does not apply to vehicle movements between sites within a property; relocating of premises; or any other temporary activity.
2. For the purposes of Rule 9.13.1.2, Local roads are those roads which are not listed in Appendix 9 as State Highways, Arterial Roads, or Collector Roads. ^{PC12}
3. Rule 9.13.1 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere – refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
4. Rule 9.13.1 does not apply to existing plantations.
5. Rule 9.13.1 does not apply to roads within the Porters Ski and Recreation Area.

Discretionary Activities – Activities and Vehicle Movements

- 9.13.2 Any activity which does not comply with Rule 9.13.1 shall be a discretionary activity. The Council's discretion may include but shall not be limited to: ^{PC12}

- 9.13.2.1 Any works required to the road to upgrade it to the standards set out in the Council's most recent Engineering Code of Practice; ^{PC12}

- 9.13.2.2 Any potential adverse effects of traffic on the amenity values of surrounding residents and on other uses of the road, including (but not limited to) stock droving;

- 9.13.2.3 In respect to the integration of land use and transport, the appropriateness of the location within the existing and planned road network. ^{PC12}

- 9.13.2.4 The position and design of any vehicle crossing or vehicle access and egress;

- 9.13.2.5 Any positive effects which may offset any adverse effects; and

- 9.13.2.6 Any other relevant matters including relevant objectives and policies. ^{PC12}

- 9.13.2.7 Any monitoring or review conditions.

9.14 ACTIVITIES AND AIRCRAFT MOVEMENTS

Permitted Activities – Activities and Aircraft Movements

- 9.14.1 The following aircraft movements are permitted:

- 9.14.1.1 Taking off and landing which is associated with:

- (a) Emergency, fire control or law enforcement work; or

- (b) Seasonal farming work such as topdressing, spraying, stock management, fertiliser application, frost mitigation, or associated activities; or
- (c) The operation of military aircraft.
- (d) Aircraft movements associated with activities within the Porters Ski and Recreation Area.

9.14.1.2 Other aircraft movements, provided that:

- (a) The noise produced at any notional boundary in the Rural Zone or at the boundary of any Living Zone is no more than 50 dBA Ldn; and
- (b) Where the airstrip or helipad is located within 1 km of the nearest boundary of any Living zone, there are no more than 14 flights (28 aircraft movements) / week on any one property except that on any five days in any continuous six month period, an unlimited number of flights is permitted.

For the purposes of this rule:

- Aircraft noise may be averaged over periods of seven consecutive days and the averaged value shall not exceed 50 dBA Ldn, and in any case the limit shall not be exceeded by more than double the sound exposure limit (i.e. 3 dBA Ldn terms) on any one day. Daily sound exposure values shall be averaged on an arithmetic basis.
- The notional boundary shall not be measured from any residential activity which exists on the same property as the aircraft movements.

Discretionary Activities — Activities and Aircraft Movements

9.14.2 The use of any land or establishing any facilities for taking off or landing or aircraft which does not comply with Rule 9.14.1 shall be a discretionary activity.

9.15 ACTIVITIES AND AUDIBLE BIRD SCARING DEVICES

Permitted Activities — Activities and Audible Bird Scaring Devices

9.15.1 Any activity shall be a permitted activity provided that the following rules are met:

9.15.1.1 The use of any air horn, siren or amplified sound occurs:

- (a) During daytime; and
- (b) For a maximum period of 2 seconds at any one time and for not more than 10 such times in any one hour; and
- (c) No impulsive noise event shall exceed 65 dBA SEL;

9.15.1.2 The use of any other audible bird scaring device complies with the following daytime noise limits:

- (a) No impulsive noise event shall exceed 65 dBA SEL; and
- (b) The number of noise events shall not exceed 18 in any one hour period;

- 9.15.1.3 The use of any other audible bird scaring device complies with the following sunset and sunrise noise limits:
- (a) No impulsive noise event shall exceed 60 dBA SEL; and
 - (b) The number of impulsive noise events shall not exceed 3 in any one hour period.
- 9.15.1.4 The use of any other audible bird scaring device complies with the following night-time noise limits:
- (a) No device shall be operated to exceed 40 dBA Leq (10 min).
- 9.15.1.5 For the purposes of Rule 9.15.1:
- (a) An audible bird-scaring device includes any firearm used for this purpose.
 - (b) 'Daytime' is measured as 1 hour after sunrise to 1 hour before sunset. 'Sunset' is measured as 1 hour before sunset to 1 hour after sunset. 'Night-time' is measured as 1 hour after sunset to 1 hour before sunrise. 'Sunrise' is measured as 1 hour before sunrise to 1 hour after sunrise.
 - (c) Sound shall be measured in accordance with the provisions of NZS 6801:1999 Acoustics-Measurement of Environmental Sound.
 - (d) The measurement location shall be at any point within any Living zone or Business zone or within the notional boundary of any dwelling, rest home, hospital, Papakāinga housing or educational facility on another property.

Note: The times for sunrise and sunset are those printed in The Press newspaper each day.

Restricted Discretionary Activities: Activities and Audible Bird Scaring Devices

- 9.15.2 Any use of any audible bird scaring device which does not comply with Rule 9.15.1 shall be a restricted discretionary activity.
- 9.15.3 Under Rule 9.15.2, the Council shall restrict its discretion to consideration of:
- 9.15.3.1 Any adverse effects of noise or disturbance on surrounding residents and activities;
 - 9.15.3.2 The effectiveness of any proposed mitigation measures to reduce those effects;
 - 9.15.3.3 The availability, effectiveness and cost of alternative bird scaring mechanisms;
 - 9.15.3.4 Any positive effects which may offset any adverse effects; and
 - 9.15.3.5 Any monitoring or review conditions.

9.16 ACTIVITIES AND NOISE

Permitted Activities — Activities and Noise

- 9.16.1 Except as provided in 9.16.3 below, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the following tables in order to be a permitted activity:

Table C9.2 – Maximum noise limits at any Living Zone boundary.

Hours	Noise Limit
7.30am – 8.00pm	55 dBA L ₁₀ 85 dBA L _{max}
8.01pm – 7.29am	40 dBA L ₁₀ 70 dBA L _{max}

Table C9.3 – Noise limits assessed at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility except where that dwelling, rest home, hospital or classroom is located within a Living zone.

Hours	Noise Limit
7.30am – 8.00pm	60 dBA L ₁₀ 85 dBA L _{max}
8.01pm – 7.29am	45 dBA L ₁₀ 70 dBA L _{max}

Notes:

Rule 9.14 applies to take off or landing of aircraft.

Rule 9.15 applies to noise from audible bird scaring devices.

Discretionary Activities — Activities and Noise

- 9.16.2 Any activity which does not comply with Rule 9.16.1 shall be a discretionary activity.

Exemptions and Special Provisions Relating to Noise Limits

General Exemptions

- 9.16.3 Noise limits in any part of the Plan shall not apply:

- 9.16.3.1 In any area to activities of a limited duration required by normal primary production activities including agriculture, horticulture, aquaculture, forestry and fishing, provided that the activity shall comply with the requirements of Section 16 of the Resource Management Act 1991.

For the purposes of Rule 9.16.3.1, “activities of a limited duration” means: Activities which are temporary and/or intermittent in nature, such as crop harvesting, crop irrigation, general use of farm machinery or crop protection devices (other than audible bird scarers). Such uses may occur on a limited number of days in a year, a limited number of hours in a day or a limited number of days in a week or month.

- 9.16.3.2 In any part of the District where the noise source is a warning device used by emergency services.
- 9.16.3.3 In any part of the district used for residential activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motor sport, powered aviation, gunfire or amplified music.
- 9.16.3.4 Where any residential activity exists on the same site, or a site owned by the same owner, as a noise source being assessed.
- 9.16.3.5 Where the activity is a temporary military training activity and complies with the following provisions:

Any temporary military training activity in any area of the District shall be conducted so as to ensure the noise limits in the Table C9.4 below are not exceeded at any point within the boundary of any Living or Business zone or at any point within the notional boundary of any dwelling, rest home hospital, or educational facility classroom in the Rural zone. Within the Burnham Military Camp defence area no noise limits in the Plan apply.

Table C9.4 –Noise limits for Temporary Military Training activities:

Time on any day	Leq dBA	L90 dBA	L _{max} dBA
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630 the following day	55	45	70

Provided the limits for impulsive noise arising from any use of explosives, explosives simulators, ammunition, munitions or pyrotechnics at any time, shall not exceed 120 dBC (peak).

Notes:

The term “dBC (peak)” means the peak C-frequency weighted sound level. “Peak” is non-rms value and is quite different to L_{max} cited elsewhere in this standard.

Provided also that the above noise limits shall not apply on up to four occasions in any period of 12 months where any exhibition or demonstration of military activities is open to the public and held between the hours of 10.00 am and 5.00 pm.

Permitted Activities — Blasting

9.16.4 The following limits shall apply to blasting:

- 9.16.4.1 Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any dwelling, rest home, hospital or educational facility classroom.
- 9.16.4.2 Airblast overpressure from blasting on any land or in water shall not exceed a peak sound pressure level of 115 dBA at the notional boundary of any dwelling, rest home, hospital or educational facility classroom.

Permitted Activities — Watercraft

9.16.5 The following limits shall apply to powered watercraft:

- 9.16.5.1 Powered watercraft shall be fitted with effective mufflers during all movement under power on water and shall not exceed the following noise limits assessed at any point within the notional boundary of any dwelling on any day:
 - 7.00 am to 9.00 pm Sound Exposure Level (SEL) 85 dBA
 - 9.00 pm to 7.00 am the following day Sound Exposure Level (SEL) 78 dBA
- 9.16.5.2 No moving craft shall emit noise in excess of a Sound Exposure Level of 90 dBA in any single drive-by measured at any stationary point more than 25m from the line of travel of the craft.
- 9.16.5.3 On four occasions in any 12 month period, the noise limit may be unrestricted for any portion of waterbody for the purposes of an approved special event.

Permitted Activities — Other Exemptions

9.16.6 Rule 9.16.1 does not apply to the following activities:

- 9.16.6.1 Noise from any motor vehicle or any mobile machinery (including farm machinery and stationary equipment not fixed to the ground).
- 9.16.6.2 Audible bird scaring devices.
- 9.16.6.3 Any temporary activity which operates between the hours 7.00am and 9.00pm excluding seasonal harvesting activities.
- 9.16.6.4 Hail cannons.
- 9.16.6.5 The use of sirens associated with emergency services.

9.17 ACTIVITIES AND BLASTING AND VIBRATION

Permitted Activities —Activities and Blasting and Vibration

- 9.17.1 Any activity which involves blasting and/or vibration shall be a permitted activity if all of the following conditions are met:
- 9.17.1.1 Any activity which involves noise vibration from blasting complies with AS 2187.2-1993 Explosives – Storage, Transport and Use, Part 2 Use of Explosives, and ANZECC guidelines;
 - 9.17.1.2 Except for blasting, any activity which involves vibration from any other source complies with New Zealand Standard 2631:1985-89 Parts 1-3.

Discretionary Activities — Activities and Blasting and Vibration

- 9.17.2 Any activity which does not comply with Rule 9.17.1 shall be a discretionary activity.

9.18 ACTIVITIES AND GLARE

Permitted Activities — Activities and Glare

- 9.18.1 Except in the area shown on the Planning Maps as the West Melton Observatory Lighting Area, any activity which involves lighting shall be a permitted activity provided that the activity has a maximum light spill not exceeding:
- 9.18.1.1 10-lux spill on to any part of any adjoining property which is located in a Business zone and which does not contain a dwelling; and
 - 9.18.1.2 3-lux spill on to any part of any other adjoining property or any road reserve.
- 9.18.2 In the area shown on the Planning Maps as the West Melton Observatory Lighting Area:
- 9.18.2.1 Any outdoor lighting is shielded so that any light spill is directed at an angle below 90° from the vertical; or alternatively, the activity for which outdoor night lighting is required shall not operate between the hours of 10.00 pm and 6.00 am, except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm.
 - 9.18.2.2 There is no light spill from any activity on to any adjoining property or the road reserve; or alternatively, the illumination of the activity complies with Rule 9.18.1.2 and the activity for which outdoor night lighting is required shall operate only between the hours of 10.00 pm and 6.00 am except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm.

Notes:

Rule 9.18. does not apply to:

- *Lights on any motor vehicle or any machinery used to undertake harvesting or any other seasonal outdoor activity;*
- *Any outdoor lighting associated with a temporary activity; or*
- *Any outdoor lighting which cannot meet these requirements but complies with other legislation.*

Discretionary Activities — Activities and Glare

9.18.3 Any activity which does not comply with Rule 9.18.1 or 9.18.2 shall be a discretionary activity.

9.19 ACTIVITIES AND DUST**Permitted Activities — Activities and Dust**

9.19.1 Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:

9.19.1.1 Covered; or

9.19.1.2 Consolidated; or

9.19.1.3 Otherwise secured to mitigate windblown dust on to adjoining properties.

Discretionary Activities — Activities and Dust

9.19.2 Any stockpiling of material which does not comply with Rule 9.19.1 shall be a discretionary activity.

9.20 ACTIVITIES AND TEMPORARY MILITARY TRAINING**Permitted Activities — Activities and Temporary Military Training**

9.20.1 Temporary Military Training Activities shall be permitted activities provided that the following conditions are met:

9.20.1.1 No permanent structures shall be constructed;

9.20.1.2 No mechanical excavation shall be carried out, unless provided for in this Plan;

9.20.1.3 The activity shall not exceed a period of 31 days;

9.20.1.4 All ground disturbed by any military activity shall be restored to its previous state;

9.20.1.5 No Temporary Military Training Activities shall occur in any areas identified on the Planning Maps as Wāhi Taonga, Silent File Areas, or Mahinga Kai Sites;

9.20.1.6 Noise emissions occurring as a result of any Temporary Military Training Activity, when measured at the property boundary shall not exceed-

Time on (any day)	Limits (dBA)	
	L ₁₀	L _{max}
0630-0730	60	70
0730-1800	75	90
1800-2000	70	85
2000-0630	55	65

Controlled Activities — Activities and Temporary Military Training

9.20.2 Any Temporary Military Training Activity which does not comply with Rule 9.20.1 shall be a controlled activity.

9.20.3 Under Rule 9.20.2 the Council shall restrict the exercise of its discretion to consideration of:

9.20.3.1 Any disturbance caused by structures or earthworks;

9.20.3.2 Any noise effects, with regard to the location and noise sensitivity of nearby activities;

9.20.3.3 Any visual or traffic effects;

9.20.3.4 The effect of activities over an extended period of time, having regard to 9.20.3.1 – 9.20.3.3 above.

9.21 ACTIVITIES AND CLEARANCE OF INDIGENOUS VEGETATION AND INDIGENOUS PLANT SPECIES

Note:

These rules are an interim measure to protect potential areas of significant conservation value until the notification of a variation (or plan change) addressing indigenous vegetation. These interim rules and any appendices, definitions and methods that are specific only to these rules are to be reconsidered as part of the variation process. The Council undertakes to review these rules with a view to notifying a variation (or plan change) by 28 February 2009.

There are rules both for the clearance of areas containing indigenous vegetation which covers plant communities as defined in the Plan and for the clearance of individual threatened indigenous plant species. Rules 9.21.1.1 and 9.21.1.2 apply down to the level of individual plants; Rules 9.21.1.3 to 9.21.1.6 apply to indigenous vegetation communities as defined. The effect of the definition of indigenous vegetation is that it is permitted to clear indigenous species if the area to be cleared does not meet the criteria contained in the definition of indigenous vegetation and as long as none of the individual plants to be destroyed are listed in Appendix 13 or Appendix 14.

Permitted Activities – Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

- 9.21.1 The clearance of indigenous vegetation and indigenous plant species shall be a permitted activity provided that all of the following conditions are met:
- 9.21.1.1 The indigenous plant species are not listed in Appendix 13 (Schedule of Threatened and Uncommon Plants);
 - 9.21.1.2 For clearance of indigenous plant species on the Canterbury Plains, the species is not contained in Appendix 14 (Schedule of Regionally Significant Plants on the Canterbury Plains);
 - 9.21.1.3 The indigenous vegetation is not located above 900m above mean sea level;
 - 9.21.1.4 The indigenous vegetation is not located in a naturally occurring wetland;
 - 9.21.1.5 The indigenous vegetation clearance does not exceed 100m² per hectare in any continuous 3 year period within a distance of 20m of any lake, any naturally occurring wetland or any river or stream; and
 - 9.21.1.6 No clearance of indigenous vegetation shall exceed:
 - (a) 5,000m² in area on any site in any continuous period of three years, except where the vegetation clearance is carried out within an area of improved pasture; or
 - (b) 500m² in area in any continuous period of three years, where the indigenous vegetation has a closed canopy over that area and the average height of that canopy is greater than or equal to 3m; or
 - (c) 500m² in area of matagouri (in one continuous block of indigenous vegetation), in any continuous period of three years, where the average height of the canopy of the matagouri is greater than or equal to 1.5m; or;
 - (d) 1,000m² of Chionochloa spp (tall tussock) in any continuous period of three years, except where this occurs as a secondary component within an area of improved pasture.

For the purposes of this standard:

Improved pasture shall mean an area of pasture where species composition and growth has clearly been modified and enhanced for livestock grazing by cultivation or top-dressing and over-sowing, or direct drilling, and where exotic pasture species are obvious;

The canopy height is to be determined over each area of 1 hectare, where the vegetation is greater than 1 hectare in area or over the lesser area where the area of vegetation is less than 1 hectare.

- 9.21.2 Rule 9.21.1 does not apply to the following:
- 9.21.2.1 Vegetation which was planted for harvesting, shelter belt or amenity purposes;

- 9.21.2.2 Indigenous vegetation which is an understorey within a plantation forest, or indigenous vegetation which is an area within a plantation forest where, during the previous or current rotation, either seedlings did not strike or trees were wind thrown; or indigenous vegetation which is to be cleared to re-establish access tracks previously used for planting, maintenance or harvesting of a plantation forest.
- 9.21.2.3 Re-establishment of access tracks previously used for planting, maintenance or harvesting of a forestry activity;
- 9.21.2.4 Maintenance of existing utilities (including irrigation infrastructure), tracks, pathways,^{PC12} drains, structures, roads, fire breaks and fence lines but not their extension;
- 9.21.2.5 Clearance of land planted in exotic species but containing sparsely distributed wetland plants.
- 9.21.2.6 Clearance of indigenous vegetation within the Porters Ski and Recreation Area, excluding the Areas of Protection as shown in the Outline Development Plan for Porters Ski and Recreation Area in Appendix 25. Clearance of indigenous vegetation within the Ski and Recreation Area shall comply with Appendix 25.

Discretionary Activities – Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

- 9.21.3 Any activity which does not comply with Rule 9.21.1.4, 9.21.1.5 or 9.21.1.6 shall be a discretionary activity.

Non-Complying Activities – Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

- 9.21.4 Any activity which does not comply with Rule 9.21.1.1, 9.21.1.2, 9.21.1.3 or 9.21.1.4 shall be a non-complying activity.

Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
9.2	Listed Activities	1.1, 1.3, 2.1, 2.3, 3.4	1.1.1 and 1.1.2, 1.3.1, 2.1.1, 2.3.2, 3.4.1 and 3.4.2	1.1.1, 1.3.4, 2.1.1 to 2.1.7, 2.1.5 to 2.1.8, 3.4.1 to 3.4.4, 3.4.18 to 3.4.20
9.3	Activities in the Port Hills, Malvern Hills and High Country	3.4	3.4.1 and 3.4.2	3.4.2 and 3.4.3
9.4	Scale of Non-residential and Non-rural Activities	3.4	3.4.1 and 3.4.2	3.4.2 to 3.4.4
9.5	Rural Based Industrial Activities	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.4
9.6	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.1 to 1.1.3
9.7	Activities on the Surface of Waterbodies	1.3, 2.3, 3.4	1.3.2, 2.3.2, 3.4.1	1.3.12, 2.3.4, 3.4.3
9.8, 9.9, 9.10	Animals (Keeping of Animals, Boarding of Animals and Intensive Livestock Farming)	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.8, 3.4.1 to 3.4.3, 3.4.11, 3.4.12, 3.4.14, 3.4.18 to 3.4.20
9.12	Carparking, Vehicle Crossings, Access and Egress		See Part C - Rule 4 - Roading	
9.13	Vehicle Movements	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.3, 3.4.1, 3.4.3, 3.4.18 to 3.4.20
9.14	Aircraft Movement	2.1, 3.4	2.1.1 and 2.1.2, 3.4.1 and 3.4.2	2.1.17, 3.4.1, 3.4.3, 3.4.9, 3.4.11, 3.4.13
9.15	Audible Bird Scaring Devices	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11, 3.4.12
9.16	Noise	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11
9.17	Blasting and Vibration	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.13

Rule Numbers	Topic	Part B, Section	Objectives	Policies
9.18	Glare	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.9, 3.4.10
9.19	Dust	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.4

Reasons for Rules

Rule 9 manages effects of activities on the environment, where those activities are not addressed by more specific rules in Rules 1 to 8, or Rule 10. District Plan rules are needed to manage potential effects of activities on adjoining properties or other parts of the environment, which are not direct costs to the person undertaking the activity.

Rule 9.2.1 lists activities which are discretionary activities, whether they comply with the rules for permitted activities or not. These activities are usually appropriate in the Rural Zone, but have the potential for effects on surrounding properties or the environment, which therefore need to be managed through a resource consent process so that effects on surrounding properties and amenity values can be considered and affected parties identified.

Rule 9.2.2 lists activities which are non-complying activities, whether they comply with the rules for permitted activities or not. The effects associated with other types of industrial activities (i.e. those that are not defined as “rural based” industrial activities) are considered to be generally inappropriate in all parts of the Rural zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills and High Country and those operating as a home based occupation given their size and operational constraints. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry may result in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided.

Rule 9.3 manages the type of activities which can occur on the Port Hills and Malvern Hills and High Country and provides for temporary military training activities throughout the Rural Zone. Generally, both the Township and Rural Volumes of the Plan manage the effects of activities, rather than the activities themselves. This rule is an exception. The reason is that the Port Hills, the Malvern Hills and High Country have special recreational and amenity values, including a sense of remoteness and isolation from townships. These values are derived from the sparseness of settlement and the absence of commercial and industrial activities typical of townships. To help retain these special values, the Plan requires activities on the Port Hills and the Malvern Hills and in the High Country to be activities associated with the use, protection or enjoyment of the natural resources in the area. Permitted activity status is appropriate for temporary military training activities undertaken by the NZ Defence Force because they are not able to be designated due to their temporary nature and variable location. Potential effects associated with temporary activities include use of hazardous substances, noise and discharges and soil disturbances. These are controlled by permitted activity rules, other than noise (temporary military training activity are exempt from the noise rules).

Rule 9.4 manages the effects of non-rural and non-residential activities in the rural area, including business and community activities but excluding rural based industrial activities and other industrial activities (which are covered under Rules 9.5.1 and 9.2.2 respectively. The rule allows for small scale business and community activities to establish as a permitted activity in the Rural Zone, however resource consent will be required (as a discretionary activity) where the scale exceeds the permitted standards. The Plan recognises that the rural area accommodates a variety of activities, however the scale, nature and intensity of some business and community activities may not maintain rural character or the quality of the environment. Activities that do not

comply with the permitted activity rules may still be able establish in rural areas, if any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided remedied or mitigated.

Rule 9.5 manages the effects of rural-based industrial activities. The effects associated with small scale rural-based industrial activities are considered to be appropriate in all rural areas, however where these activities are of medium to large scale there is a potential for their effects to impact on visual amenity, rural outlook, spaciousness and quietness. However, the potential adverse effects of medium to large scale rural-based industrial activities may be avoided by locating in a Business 2 zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that medium to large scale industrial activities may not be able to locate in this area without generating significant adverse amenity effects.

Rule 9.6 manages effects of activities on contaminated land where there is a likelihood that people may come into contact with the land directly or absorb contaminants through food or drinking water. Consequently, the rule applies to residential, education and outdoor recreational activities, and to the growing or rearing of food crops or livestock. There are corresponding rules for erecting buildings associated with these activities. The rules do not prevent these activities from occurring on contaminated sites, provided that: there is no risk of adverse effects on people; the activity and site are designed so that people do not come into contact with the contaminated land; any mitigation measures do not impact on the wider environment; or the contaminated soil is removed. Contaminated land is defined in Part D of the Plan. Please note- the Council records, on LIMs, those sites which it recommends be tested for contaminated land due to past land uses. This recommendation does not mean that the site is contaminated (see Part B, Section 1.1).

Rule 9.7 manages effects of activities on the surface of water. The lakes listed in Rule 9.7.1 are small and isolated. Due to their isolation in the High Country, they have high ecological values and high amenity values because they (and their margins) are relatively undisturbed by people, and unmodified by structures. Due to their small size, these lakes may not be able to absorb the wake from motorised craft travelling at high speeds, without effects on the lake margins, amenity values and sense of tranquillity. The Plan encourages the small lakes in the District to be managed so that recreational activities maintain their ecological and amenity values. The recreational use of motorised craft is encouraged to locate on larger lakes in the District.

Moana Rua/Lake Pearson

The use of Moana Rua/Lake Pearson for jet-skiing, water-skiing and jet-boating has been an issue in the District for several years. In October 1999 the Department of Conservation called for public submissions on a proposal to make Moana Rua/Lake Pearson a wildlife refuge. As a result of this process, the Department of Conservation decided there was insufficient information to conclude that motorised craft were adversely affecting wildlife, particularly Crested Grebe nesting on the lake. The Department therefore introduced a research programme and management plan for Moana Rua/Lake Pearson, including a voluntary ban on motorised craft on the lake between October and November. The Council is satisfied that the Department of Conservation has undertaken a thorough assessment of the issue and will continue to support and assist the Department in this matter.

Rules 9.8, 9.9 and 9.10 manage activities involving the keeping of animals. The boarding of animals and intensive livestock farming are not permitted activities because of potential nuisance effects on surrounding properties. These activities are appropriate activities in the Rural Zone, however, resource consent is required to ensure any potential nuisance effects are adequately mitigated. The Council has adopted this option rather than specifying minimum setback distances for intensive livestock farms from property boundaries. The reason is that the recommended setbacks for pigs and poultry are so large that many operations will not comply. In many cases, such large setbacks are not needed, as nuisance effects from intensive livestock farming may

relate to how the activity is managed rather than its size. Large setback distances may result in an inefficient use of land if they are not necessary.

Rule 9.12 and Rule 9.13 address effects of traffic generation on the safety and efficiency of the road network and the amenity values of residents. Rule 9.12.1, through cross referencing to Rule 4, requires all carparking from any activity to be on-site or on land adjoining the site, rather than on the road reserve. Rule 9.13 manages the volume of traffic an activity may generate as a permitted activity. The reason for the rule is not to prevent activities which generate higher volumes of traffic from occurring in the Rural Zone. Rather, it is to ensure that the road is of sufficient standard to accommodate the additional traffic volume safely. Therefore, the rules apply on unformed, unsealed and sealed Local Roads. Roads formed to a higher standard should be able to accommodate additional vehicle numbers from a single activity without requiring specific upgrades.

The rule also allows the Council to consider effects of additional traffic on nearby residents and other road users. Residents and other road users on Local Roads may not be used to large volumes of traffic. Other activities such as stock driving may occur quite frequently and may not be managed by Council bylaws. On Collector and Arterial roads and State Highways, residents and other road users should expect, and be used to, higher volumes of traffic.

Rule 9.14 manages potential effects on surrounding residents from noise and vibration from the take-off or landing of aircraft. The occasional take-off or landing of aircraft for activities such as topdressing, spraying, and recreational flying are part of the rural environment. The Rural zone is also an appropriate area to establish airports and helipads for more frequent flying, due to the large land areas and low residential density compared with townships. Consequently, the rule allows for 'one off' or irregular and infrequent take-off and landing of aircraft as a permitted activity. The rule also allows for more regular and small-scale use of properties for taking-off and landing as a permitted activity, subject to conditions relating to hours of operation and distance from Living zones. More frequent movements requires a resource consent for a discretionary activity, so that potential effects on surrounding properties can be assessed and managed. The operation of military aircraft are also exempted from the controls on taking off and landing of aircraft. Such aircraft are used for emergency and law enforcement work, but also for training purposes.

Emergency services may be located in rural areas close to the communities they serve. In these situations it may be impractical from an operational sense for emergency sirens to comply with noise standards and still achieve their function in alerting the community of an emergency and they have therefore been given an exemption. The fact that such sirens operate on an infrequent rather than continuous basis in part mitigates potential noise effects. In all other aspects of the emergency service operation must still comply with Rule 9.14.

Rule 9.15 manages potential noise and disturbance from the use of audible bird-scaring devices on surrounding residents and other activities. The use of audible bird-scaring devices has increased in the District in the last few years. Often these areas are also areas where residential density is relatively high for the Rural Zone. The Council has received complaints about noise and disturbance from these devices. The Council established a working party with a variety of interest groups, including residents and users. The Working Party established rules which allow for effective use of audible bird-scaring devices, while mitigating noise and disturbance effects on surrounding residents. The conditions in these rules are derived from the Working Party's recommendations.

Rules 9.16 and 9.17 provide general rules for the effects of noise and vibration on surrounding residents and other activities.

Rule 9.18 manages glare from outdoor lighting. Rule 9.18.1 is a general rule applying to the rural area. Rule 9.18.2 is a specific rule applying to activities within the area shown on the Planning Maps as the Observatory Lighting Area. This area is where nightglow from outdoor lighting at

night will significantly affect the operation of the West Melton Observatory. The Observatory is a valuable community asset and the Council considers the rules are reasonable as they do not impose any more significant cost on landowners than standard forms of night lighting. The rule is intended to allow for effective night lighting in this area, while reducing potential nightglow. This is achieved by requiring night lighting to be shielded to direct any light spill downwards on to the surface being illuminated. The rule contains exceptions for temporary activities and activities where lighting may not be able to be shielded for safety or other legal requirements.

Rule 9.19 manages potential dust nuisance caused by stockpiling of unconsolidated material outdoors. Dust is generated by many natural sources in the rural area which cannot be avoided. River beds and cultivated land are examples. However, the stockpiling of unconsolidated material in close proximity to dwellings is a dust source which can be mitigated.

Rule 9.20 provides for temporary military training activities. Such activities have some potential to create adverse environmental effects, but the nature of the activity is unique in terms of other land uses and is temporary in nature. The accompanying restrictions on duration, building, excavation, sensitive sites and noise are expected to mitigate any significant adverse effects on the environment.

Rules 9.5.2.2 to 9.5.2.4 recognise the existence of specific established rural based industrial activities (an existing poultry processing plant and feedmill) that have been part of the local rural environment for a number of years. Effects associated with these established rural based industrial activities, such as noise, odour, dust and traffic, are an anticipated and generally accepted part of this local rural environment. However, there are a number of smaller land parcels in close proximity to these existing rural based industrial activities that may be adversely affected by expansion or additions to current operations, building or activity on site. Where expansion of activities and/or operations can be confined to an area where adverse effects can be readily and expediently internalised to that area, it is appropriate for that expansion to be subject to a resource consent application to ensure that any potential for adverse effects on the environment are avoided, remedied or mitigated. Where this can not be demonstrated, the Council has the ability to decline any such expansion.

10 RURAL RULES - SUBDIVISION

Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the headings 'Matters over which the Council has reserved control' or 'Matters subject to the Council's Discretion'.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the RMA.
4. Rule 10 applies to the subdivision of land, within the meaning of Section 218 of the RMA.
5. The design of any road, vehicle accessway, or vehicle crossing must comply with Rule 4: Roads and Transport.^{PC12}
6. Any earthworks associated with subdivision of land must comply with Rule 1: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 3: Buildings, or Rule 4: Roads and Transport; or Rule 9: Activities.^{PC12}
8. Irrespective of any rules in this Plan, the transitional regional plan contains rules for minimum allotment sizes needed to treat and dispose of effluent on-site without a discharge permit. Therefore, Environment Canterbury should be contacted.
9. Underlined words are defined in Part D of the Plan.
10. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from the New Zealand Transport Agency (NZTA). This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
11. Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Part B, Section 3.3,) "Archaeological Sites").
12. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.
13. Attention is drawn to the provisions of any relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those rules, then application for consent will also need to be made in respect to those rules.^{PC12}

10.1 SUBDIVISION GENERAL

Controlled Activities – Subdivision General

- 10.1.1 Any subdivision of land shall be a controlled activity if all of the following standards and terms are met:
 - 10.1.1.1 Any allotment created is not located within any of the following areas:
 - (a) Any areas shown on the Planning Maps as the Waimakariri Flood Category A area;

- (b) Any area shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas;
 - (c) Seaward of the Coastal Hazard Line, as shown on the Planning Maps; and
 - (d) Between any waterbody and any stopbank designed to contain floodwater from that waterbody;
- 10.1.1.2 Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;
- 10.1.1.3 Any allotment created does not contain any of the following features:
- (a) Any site listed as a heritage site in Appendix 3;
 - (b) Any tree listed as a protected tree in Appendix 4;
 - (c) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wāhi Taonga site, a Wāhi Taonga Management Area, or a Mahinga Kai site;
 - (d) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection;
- 10.1.1.4 Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restriction shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.
- The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the Plan (or a resource consent) to the nearest boundary of any proposed allotment.
- 10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater.^{PC12}
- 10.1.1.6 Any road, right of way or other vehicle accessway is designed and formed to comply with Rules 4.4 and 4.5 for permitted activities (for State Highway they have to comply with the design criteria in Appendix 10);^{PC12}
- 10.1.1.7 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:
- (a) 6m x 6m for local roads
 - (b) 10m x 10m for collector roads
 - (c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy then arterial, collector and local roads)

are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10m x 10m. ^{PC12}

Note: Any vehicle crossing formed on any allotment must comply with Rules 4.5.1.4 and 4.5.1.5.

Note: Limited Access Roads (LAR). The objective of Limited Access Roads is to protect the safety and high level of traffic service on these important routes which may otherwise be adversely affected by traffic generation of property alongside. The LAR registration includes controls relating to subdivision and access to and from land adjoining the LAR. The effect is to prevent the proliferation of new access points and to reduce the number of accesses and volumes of traffic using them.

10.1.1.8 Any allotment is for the purpose of establishing utility buildings or utility structures by a network utility operator.

10.1.1.9 Any subdivision is not within a corridor measured 20 metres from the centreline of a transmission line as indicated on the Planning Maps.

10.1.1.10 Any allotment created adjoining a river or lake listed in Appendix 17 provides an esplanade reserve or strip as specified in Appendix 17 if it applies.

Note: Appendix 17 may or may not apply depending on the area of allotments created.

10.1.1.11 Any allotment created does not adjoin any other river with a bed of average width of 3 metres or more or lake with an area of 8 hectares or more other than those listed in Appendix 17.

Note: Rule 10.1.1.11 applies to all subdivisions creating allotments adjoining lakes and rivers not specified in Appendix 17.

10.1.1.12 Any allotment created complies with the minimum allotment areas set out in Table C10.1. The minimum allotment sizes set out in Table C10.1 do not apply to any allotment used solely for access, utilities, as a reserve or to house a community facility(ies).

10.1.1.13 If any land is subject to any Consent Notice, Covenant, Memorandum of Encumbrance or other legal mechanism restricting the number of dwellings which may be erected on the allotment, then any allotment created is:

- (a) Of sufficient size to comply with the minimum area set out in Table C10.1, excluding any area which cannot be used to erect a dwelling; and
- (b) Capable of having at least one dwelling erected on it as a permitted activity, taking into account any legal mechanisms restricting the number of dwellings or houses, on the Certificate of Title.

Standard and Term 10.1.1.13 does not apply to any lot which is to be used solely for access, utilities or as a reserve.

10.1.1.14 Subdivision within the Porter Ski and Recreation Area which complies with all of the subdivision standards in Appendix 25.

Note: *The Porters Ski and Recreation Area is exempt from Rule 10.3.*

Table C10.1 – Minimum Allotment Size

Area (on Planning Maps)	Legal Description	Allotment Size
Existing Development Areas		
1. Edendale	Lots 7, 8, 10 and 11 DP 309872	0.5ha minimum and 0.6ha average. Maximum of 10 <u>dwellings</u> within this total land area.
	Lots 1-6 and 9 DP 309872	1ha minimum
	Lot 1 DP 78394	
	Lots 25-27 DP 60236	
	Lots 33-39 DP 60236	
	Lots 28 and 32 DP 60237	
	Lots 6-11 DP 56677	
	Lots 1 and 2 DP 79016	
	Lots 1-3 and 12-34 DP 56676	
2. Yorktown	RS 6469	1ha minimum
3. Greendale	Lots 1-12 DP 83022	1ha minimum
4. Johnsons Road	Lots 1-2 DP 67896	0.5ha minimum and 0.8ha minimum average
	Lots 26-27 DP 35999	
	Lots 1-2 DP 76478	
	Lots 1-2 DP 68662	
	Lots 1-2 DP 71918	
	Lots 2-21 DP 51844	
	Lot 2 DP 69647	
5. Jowers Road	Lots 1-18 DP 47759	0.5ha minimum and 0.8ha minimum average
6. Kingcraft Drive	Lot 12 DP 68384	1ha minimum
	Lots 1-2 DP 65969	
	Lots 1-3 DP 62576	
	Lots 8-11 DP 56097	
7. Raven Drive	Lots 1-13 DP 68384	1.3ha minimum and 1.9ha minimum average

Area (on Planning Maps)	Legal Description	Allotment Size
8. Rocklands	Lots 4, 7, 8, 14-18 and 24 DP 62101 Lot 1 DP 76238 Lot 26 DP 78490 Lots 1-2 DP 68312 Lots 6, 9-13 and 19 DP 78490 Lot 1 DP 79666	1ha minimum and 1.8ha minimum average
9. Devine Acres	Part RS 3646 and RS 8133	0.5ha minimum
10. Railway Corner	Lots 40-44 DP 336 Lot 1 and Pt Lot 2 DP 16210 RS 7260X and Sec 1 SO 20279	2000m ² minimum. Maximum number of <u>allotments</u> is 6.
In Other Areas		
Port Hills	Lower Slopes	40ha minimum
Port Hills	Upper Slopes	100ha minimum
Inner Plains	-	4ha minimum
Outer Plains	-	20ha minimum
Malvern Hills	-	20ha minimum
High Country	-	120ha minimum

Notes:

1. The minimum average allotment sizes for the Existing Development Areas at Johnsons Road, Raven Drive, and Rocklands are applied as a mean average allotment size.
2. Rule 10.1.1.12 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
3. There is no further subdivision potential within the Existing Development Area for Bealey Spur. Refer to Rule 3.10 for the provisions for erecting dwellings on the remaining vacant lots at Bealey Spur.

10.1.2 Under Rule 10.1.1, the Council shall reserve control over all of the following matters:

Allotment Shape

- 10.1.2.1 The shape of the allotment, including (but not limited to) whether it has sufficient breadth and depth to: contain the zones of influence from water abstraction or effluent disposal; and reduce potential 'reverse sensitivity' effects with surrounding land uses, if applicable;
- 10.1.2.2 The boundaries of the allotment, including (but not limited to) whether they follow natural or physical features where practical;

Utilities

- 10.1.2.3 Whether any connections to telephone, electricity, water supplies or other utilities are made to the allotment;
- 10.1.2.4 The mechanism to be used to alert any prospective purchaser of an allotment, if connections to telephone, electricity or a potable water supply are not provided to the boundary of the allotment;
- 10.1.2.5 The design, siting, layout and construction of any road, reserve or other utility which will be owned or managed by, or otherwise vested in, Selwyn District Council;
- 10.1.2.6 Whether any allotment created has sufficient road frontage to enable any vehicle crossing to be formed in compliance with Rules 4.5.1.4 and 4.5.1.5, and to ensure an appropriate distance between vehicle crossings and appropriate sight distances to intersections.

Point Strips

- 10.1.2.7 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the point strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Note: Point Strips may also be required to prevent access to any road. See. Rule 10.1.2.8.^{PC12}

Works

- 10.1.2.8 The method(s) used to avoid, remedy or mitigate any potential adverse effects on people or other parts of the environment resulting from any works associated with preparing the land for subdivision or installing associated access, utilities or landscaping; including (but not limited to) dust, noise, vibration or sediment run-off into waterbodies.

Easements

- 10.1.2.9 Any easements required to provide legal access over the allotment created.

Taking Land Instead of Cash

- 10.1.2.10 The extent to which the “Criteria for Taking Land Instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTP will meet the needs of present and future generations.
- 10.1.2.11 The creation of any allotment up to 200mm wide (point strip) to prevent access on to any particular road for any other purpose; and

Monitoring

- 10.1.2.12 Any monitoring conditions.

Outline Development Plans and Deferred Living Z Zones

- 10.1.2.13 Whether the layout of any subdivision compromises the ability to achieve the coordinated future intensification of a deferred Living Z Zone which is subject to a specific ODP policy.

10.2 SUBDIVISION IN FLOOD AREAS

Restricted Discretionary Activities – Subdivision in Flood Areas

- 10.2.1 Any subdivision of land which does not comply with Rule 10.1.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
 - 10.2.1.1 Any land subdivided within the areas shown on the Planning Maps as the Waimakariri Flood Category A area or seaward of the Coastal Hazard 1 Line is not used to erect any dwelling or other principal building; and
 - 10.2.1.2 Any land subdivided between any waterbody and any stopbank designed to contain floodwater from that waterbody is not used to erect any dwelling or building.
- 10.2.2 Any resource consent application made under Rule 10.2.1 shall not be notified and shall not require the written approval of affected parties.
- 10.2.3 Under Rule 10.2.1, the Council shall restrict its discretion to consideration of:
 - 10.2.3.1 All the matters listed in Rule 10.1.2;
 - 10.2.3.2 In the areas shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas:
 - (a) Whether any allotment created contains a site or sites where a dwelling or other principal building may be erected in accordance with the requirement of Building Rule 3.1.1.1(d) (for the Lower Plains flood area) or Building Rule 3.1.1.1(e) (for the Lake Ellesmere/Te Waihora flood area) and Earthworks Rule 1.3.

- (b) The potential effects of inundation on pedestrian and vehicular access to the allotment, or to the dwelling or other principal building to be erected on the allotment; and
- (c) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building on the allotment is not a permitted activity under the District Plan, unless it meets the minimum floor levels set out in Rules 3.1.1.1(d) and 3.1.1.1 (e).

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

Non-Complying Activities – Subdivision in Flood Areas

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

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

10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

Restricted Discretionary Activities – Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.
- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:
- 10.3.2.1 All the matters listed in Rule 10.1.2;
 - 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.
 - 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;
 - 10.3.2.4 Any positive effects which may offset any adverse effects; and
 - 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

10.4 SUBDIVISION ON SPECIAL SITES (ECOLOGICAL, HISTORIC HERITAGE AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA)

Restricted Discretionary Activities — Subdivision on Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua)

- 10.4.1 Any subdivision of land which does not comply with Rule 10.1.1.3 shall be a restricted discretionary activity.
- 10.4.2 Under Rule 10.4.1, the Council shall restrict its discretion to consideration of:
- 10.4.2.1 All of the matters listed in Rule 10.1.2.
- 10.4.2.2 Any adverse effects of the proposed subdivision on:
- (a) Any historic heritage or archaeological site; or
 - (b) Any protected tree; or
 - (c) Any Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local rūnanga, and in the case of Wāhi Taonga Management Area C39(a), the New Zealand Historic Places Trust Pouhere Taonga; or
 - (d) Any significant ecological site;
- 10.4.2.3 The effects considered under Rule 10.4.2.2 include (but are not limited to):
- (a) Any effects of the subdivision of land on the site, including separating the site between allotments which may result in separate ownership or management of the site;
 - (b) Effects on access to the site and whether any restrictions on access to the site may detract from or help maintain its values;
 - (c) Alternative boundaries for the new allotments created which may better maintain the site in one allotment or access to the site, if access is desirable;
 - (d) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that activities involving historic heritage or archaeological sites, trees or buildings, or Sites of Significance to Tāngata Whenua listed in Appendix 5, may require a resource consent application under the Plan, or in the case of an archaeological site, an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga; and
 - (e) Any positive effects which may offset any adverse effects.

10.5 SUBDIVISION – INTENSIVE LIVESTOCK PRODUCTION ACTIVITIES

Restricted Discretionary Activities – Subdivision – Intensive Livestock Production Activities

- 10.5.1 Any subdivision of land which does not comply with Rule 10.1.1.4 shall be a restricted discretionary activity.
- 10.5.2 Under Rule 10.5.1 the Council shall restrict its discretion to consideration of:
- 10.5.2.1 All the matters listed in Rule 10.1.2;
 - 10.5.2.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;
 - 10.5.2.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.
 - 10.5.2.4 Any positive effects which may offset any adverse effects; and
 - 10.5.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

10.6 SUBDIVISION AND ROAD ACCESS

Restricted Discretionary Activities – Subdivision and Road Access

- 10.6.1 Any subdivision of land which does not comply with Rule 10.1.1.5 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 10.6.1.1 The allotment has access to a legal road (whether formed or unformed) and
 - 10.6.1.2 that access is not obtained by crossing a railway line.
- 10.6.2 Under Rule 10.6.1, the Council shall restrict its discretion to consideration of:
- 10.6.2.1 All of the matters listed in Rule 10.1.2.
 - 10.6.2.2 For access on to a State Highway or Arterial Road:^{PC12}
 - (a) Whether the access will adversely affect the safe and efficient flow of traffic along the State Highway or Arterial Road, including any cumulative effects of multiple vehicular accessways on to the State Highway or Arterial Road:^{PC12}
 - (b) The number, design and siting of any vehicle accessway(s) or vehicle crossing(s);

- (c) Whether the allotments created can be designed to have legal access on to an alternative legal road of lower classification, and whether this alternative access is appropriate;^{PC12}

10.6.2.3 For access on to an unformed or unmaintained road:

- (a) The standard to which the road, any vehicle accessway, and any vehicle crossing will be formed or maintained to serve the activity;
- (b) Who will be responsible for forming or maintaining the road to the required standard; and

10.6.2.4 Any positive effects which may offset any adverse effects.

Non-Complying Activities – Subdivision and Road Access

10.6.3 Any subdivision of land which does not comply with Rule 10.6.1 shall be a non-complying activity.

10.7 SUBDIVISION – VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS^{PC12}

Discretionary Activities – Subdivision – Vehicle Accessways and Vehicle Crossings^{PC12}

10.7.1 Any subdivision of land which does not comply with Rule 10.1.1.6 shall be a discretionary activity.

10.8 SUBDIVISION AND CORNER SPLAYS

Restricted Discretionary Activities – Subdivision and Corner Splays

10.8.1 Any subdivision of land which does not comply with Rule 10.1.1.7 shall be a restricted discretionary activity.

10.8.2 Any application arising from Rule 10.6.1 shall be non-notified and will not require the written approval of any persons. The exercise of the Council's discretion shall be restricted to the consideration of effects on the efficient functioning of any road, and the safety of road users.^{PC12}

10.9 SUBDIVISION AND TRANSMISSION LINES

Restricted Discretionary Activities – Subdivision and Transmission Lines

10.9.1 Any subdivision of land which does not comply with Rule 10.1.1.9 shall be a restricted discretionary activity.

10.9.2 The Council shall restrict the exercise of its discretion to the following matters:

- 10.9.2.1 Location of building platforms: the extent of separation between building platforms and existing lines, taking into account the requirements of the NZECP:34 (New Zealand Electrical Code of Practice for Electrical Safety Distance) or any subsequent code of practice.
- 10.9.2.2 Within 20 metres of the centreline of a transmission line:
- (a) Subdivision design: the degree to which the subdivision design, including the location of roads and reserves recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
 - (b) Location of proposed vegetation and tree planting: the extent of separation between the location of proposed trees and existing lines, taking into account the likely mature height of the trees, and whether they have a potential to interfere with the lines.
 - (c) Extent and mode of earthworks: whether appropriate safeguards are in place to avoid contact with or flashovers from the lines, and effects on the stability of support structures.

Note: Consultation with Transpower New Zealand Limited is advised when considering construction within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP:34 contains restrictions on the location of structures and activities in relation to the lines.

10.10 SUBDIVISION AND ESPLANADE RESERVES OR STRIPS

Restricted Discretionary Activities — Subdivision and Esplanade Reserves or Strips

- 10.10.1 Any subdivision of land creating allotments of less than 4 hectares which does not comply with Rule 10.1.1.10 in relation to land adjoining rivers and lakes listed in Appendix 17, or any other subdivision of land adjoining a lake with an area of 8 hectares or more, or a river with a bed of average width of 3 metres or more where the lake or river involved is not listed in Appendix 17 shall be a restricted discretionary activity.
- 10.10.2 The Council shall restrict its discretion to the following matters:
- 10.10.2.1 Whether a reserve or strip of lesser width than that set out in Appendix 17 is sufficient to protect the silent file areas or to protect conservation values, to enable public access, or to enable public recreational use.
 - 10.10.2.2 Whether the non-provision of public access to or along an esplanade reserve or strip adjoining a waterbody listed in Appendix 17 is necessary in order to ensure compatibility with conservation values, or whether the non provision of an access strip to an esplanade reserve or strip can be justified because of the availability of alternative access to the esplanade reserve or strip.
 - 10.10.2.3 Whether an esplanade strip is necessary to protect the natural character or silent file areas of land adjoining any river or lake other than those listed in Appendix 17. In such cases, there shall be no public access.

- 10.10.2.4 The extent to which the “Criteria for Taking Land instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTP will meet the needs of present and future generations.

10.11 SUBDIVISION OF LOTS SMALLER THAN THE MINIMUM SIZE

Restricted Discretionary Activities — Subdivision of Lots Smaller than the Minimum Size

Note:

1. Rule 10.11 applies to the subdivision of land where the allotments created may have a dwelling erected on them. Rule 10.11 may also be used for the subdivision of an allotment(s) which contains a dwelling(s). It may be used to provide for alternative subdivision layouts (e.g. clustering) to those provided for under Rule 10.1.1.12.
2. People wishing to subdivide land under Rule 10.11.1 are strongly advised to read the Council's pamphlet on subdividing land and erecting houses in the Rural Zone.

10.11.1 Any subdivision of land which does not comply with Rule 10.1.1.12 shall be a restricted discretionary activity if:

10.11.1.1 Any allotment created is located outside the area shown on the Planning Maps as the Inner Plains;

10.11.1.2 The balance area of land needed to comply with the minimum area in Rule 10.1.1.12, Table C10.1, does not include:

- (a) The bed of any lake or river;
- (b) Any legal road;
- (c) Land which is vested in any form of reserve; or
- (d) Any other land which, due to its legal tenure, could not be used to erect a dwelling;

Note: Rule 10.11.1.2 does not apply to land classified in the District Plan as an area of Outstanding Landscape which (if not for the District Plan provisions) could have had a dwelling erected on it. Nor does it apply to land held in pastoral lease.

10.11.1.3 The balance area of land required to comply with the minimum area under Rule 10.1.1.12, Table C10.1, adjoins the allotment on which a dwelling may be erected, along at least one property boundary;

10.11.1.4 The balance area of land required to comply with the minimum area under Rule 10.1.1.12, Table C10.1, is:

- (a) included within the area of land subject to the subdivision consent application, and is subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land; or
- (b) not included within the area of land subject to the subdivision consent application, and is subject to a Memorandum of Encumbrance or other mechanism to prevent the erection of any dwelling on that land.

10.11.2 Under Rule 10.10.1, the Council shall restrict its discretion to consideration of:

10.11.2.1 All the matters listed in Rule 10.1.2.

10.11.2.2 Whether any allotment on which a dwelling(s) is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;

10.11.2.3 The maximum number of small allotments which may be located together under this rule, having regard to Rule 3.10.3.6;

10.11.2.4 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;

10.11.2.5 The shape and location of the balance land to be kept free of dwellings;

10.11.2.6 Within the area shown on the Planning Maps as the Port Hills, the location of any allotment on which a dwelling may be erected, having regard to Rule 10.3.2.2;

10.11.2.7 For Rule 10.11.1.4, whether the mechanism proposed to ensure that the land is free of any dwelling is appropriate considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;
- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land; and

Note: *In relation to Rule 10.11.2.7, see the Council's Pamphlet for more information on the types of mechanisms available.*

10.11.2.8 Any positive effects which may offset any adverse effects.

Non-Complying Activities – Subdivision of Lots Smaller than the Minimum Size

10.11.3 Any subdivision of land which does not comply with Rule 10.11.1 shall be a non-complying activity, unless it complies with Rule 10.12.

10.12 SUBDIVISION AND BOUNDARY ADJUSTMENTS

Controlled Activities — Subdivision and Boundary Adjustments

10.12.1 The subdivision of land by the altering of boundaries between allotments shall be a controlled activity provided all of the following standards and terms are met:

10.12.1.1 The allotments subject to the boundary adjustment shall adjoin one another.

10.12.1.2 There shall be no increase in the number of allotments created as a result of the boundary adjustment.

10.12.1.3 No allotment shall be created which is smaller than the smallest allotment existing prior to the boundary adjustment.

10.12.1.4 The boundary adjustment shall not result in any increase in the potential number of dwellings which may be erected on any allotment subject to the boundary adjustment, in compliance with Rule 3.10 than the number which could have been erected on that allotment prior to the boundary adjustment.

10.12.1.5 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:

(a) 6m x 6m for local roads

(b) 10m x 10m for collector roads

(c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.

10.12.2 Any boundary adjustment which complies with Rule 10.12.1 shall not be notified and shall not require the written approval of affected parties.

10.12.3 The Consent Authority shall retain its control over all of the following matters:

10.12.3.1 All those matters listed in Rule 10.1.2.

10.12.3.2 The mechanism(s) which shall be used to ensure the boundary adjustment does not increase the potential number dwellings able to be erected on any allotment subject to the boundary adjustment.

Non-Complying Activities — Subdivision and Boundary Adjustments

10.12.4 Any boundary adjustment which does not comply with Rule 10.12.1 shall be a non-complying activity, unless it complies with one of the rules for subdivision under Rules 10.1 to 10.11, in which case the activity shall be assessed under that rule.

Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
10.2	Flood Areas	3.1	3.1.1	3.1.2 to 3.1.4, 3.1.8
10.3	Outstanding Landscape Areas	1.4	1.4.1	1.4.1 to 1.4.3, 1.4.5 to 1.4.32.
10.4	Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua	3.3	3.3.1 and 3.3.2	3.3.2 to 3.3.4, 3.3.7, 3.3.8
10.6	Road Access	2.1	2.1.1	2.1.3, 2.1.4
10.7	Vehicle Access and Vehicle Crossings	2.1	2.1.1	2.1.1, 2.1.2, 2.1.5 to 2.1.7
10.8	Transmission Lines	2.2	2.2.1 and 2.2.2	2.2.1 to 2.1.3
10.9	Esplanade Reserves or Strips	1.3, 2.3	1.3.2, 2.3.2	1.3.11, 2.3.5 and 2.3.6
10.10	Lots Smaller than the Minimum Size	4.1	4.1.1 to 4.1.3	4.1.1 to 4.1.7, 4.1.11 and 4.1.12

Reasons for Rules

Rule 10 manages the subdivision of land. Subdivision has the meaning set out in section 218 of the RMA, and includes unit titles, cross leases and the leasing of any building or part of any building for a period of 35 years or more. District councils may control subdivision under the RMA (section 31(2)) and the subdivision of land requires a resource consent unless the activity is a permitted activity under the Plan (section 11).

Subdivision, per se, has few effects on the environment. However, subdivision is a precursor to other activities, particularly the erecting of dwellings. There is a popular expectation amongst New Zealanders that if they buy an allotment, they should be able to erect a house on it.

Any subdivision of land requires a resource consent under this Plan. The Plan manages subdivision for three reasons:

- To ensure that any allotment created is in an appropriate location, of an appropriate size and shape, and has appropriate legal access and connections to utilities, for its intended purpose;

- To ensure that any subdivision does not result in land uses which are non-complying with the Plan or which will affect adjoining properties due to the size of the allotment on which the activity is taking place being reduced.
- To ensure that where allotments are created that are not of a sufficient size to enable a house to be erected on the allotment, that an appropriate mechanism is used to alert prospective buyers of the allotment.

Rule 10.1 lists standards and terms by which a subdivision is a controlled activity. The minimum allotment size is the same as the minimum allotment size to erect a dwelling as a permitted activity, under Rule 3.10 of the Plan. There are matters that Council have reserved control over such as the need to ensure that any subdivision within any Greenfield area that is subject to a specific ODP policy or for which an approved ODP is contained in the District Plan, does not compromise the ability to achieve the future intensification of that area in accordance with the ODP. The rules provide for subdivisions which cannot comply with Rule 10.1, including subdivision of allotments smaller than the minimum size, as restricted discretionary activities or discretionary activities, where they comply with standards and terms.

Rule 10.1.1.4 The 300 metre buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rules 10.6 and 10.7 address the effects of access and effects of subdivision on the function, safety and efficiency of the road network.^{PC12}

Rule 10.8 addresses the establishment of rural lots and building sites close to high voltage transmission lines. The rule requires subdivision within a 20 metre corridor parallel to such lines to be subject to a restricted discretionary activity application. This enables access to these lines for maintenance to be protected if necessary, and to ensure tree planting, building and earthworks, do not compromise the lines. It also enables matters of public safety and health to be addressed.

Rule 10.11 provides for dwellings on allotments smaller than the minimums stated in Rule 10.1.1.12, provided that the balance area of land needed to comply with the minimum is kept free of dwellings. This may be done using several methods, for example, by placing some form of Covenant over part of the land, or by placing a Consent Notice over the whole allotment, to prevent dwellings being erected. The land subject to these mechanisms may be farmed, forested or otherwise used, and can be bought or sold separately from the allotment on which the dwelling is erected, but it cannot have a dwelling erected on it. The reason for this rule is to allow people to erect houses on small allotments, while still maintaining low residential density in the Rural zone. Large minimum allotment sizes can result in inefficient land uses. For example, where a person has to sell or buy more land than they want in order to reside in the rural area; or where a person buys a farm and requires the land but not the house. Large minimum allotment sizes can also be awkward if people wish to have the dwelling in separate ownership from the rest of the property, for business or family reasons.

The rule does not stipulate the method to be used to keep the balance area of land free of dwellings. Different methods may be appropriate in different cases. The rule does require the method be enforced as a condition on the subdivision or land use consent, if the land to be kept free of dwellings is part of the allotment which is to be subdivided. The Council retains its discretion to determine whether the method nominated by the applicant is appropriate. (For erecting dwellings on existing allotments, see Rule 3.10)

Rule 10.11 also provides for a dwelling on a smaller allotment in the situation where land which is not subject to the subdivision is used to comply with the minimum allotment areas in Rule 10.1.1.12. This may occur where a person owns several allotments, or has purchased the

‘development rights’ from an adjoining property owner, and uses his/her land to provide the additional minimum area needed. In these cases, the application needs to include a Memorandum of Encumbrance or some other mechanism to be registered on the other allotment as part of the resource consent application. It will be a condition of the subdivision or land use consent that the proposal be carried out in accordance with the application which is submitted (including the proposed Memorandum of Encumbrance or other mechanism).

The Council has produced a pamphlet to help explain how these rules work and their advantages and disadvantages. Applicants are strongly advised to refer to it.

Rule 10.11 does not apply to land within the area shown on the Planning Maps as the Inner Plains. The minimum allotment size in the Inner Plains is 4 hectares. Council believes that residential density in this area is sufficiently high to require each dwelling to have 4 hectares. It is considered that 4 hectares allotments will avoid adverse effects of on-site effluent treatment and disposal on groundwater, and potential ‘reverse sensitivity’ effects on rural activities; and maintain a rural character that is distinct from townships (see Part B, Section 4.1).

Rule 10.12 provides for boundary adjustments. The boundary adjustment provisions provide an easier mechanism for the boundaries to be adjusted between existing allotments. Boundary adjustments can be useful for rationalising boundaries or selling properties between neighbours. They can also be useful for rationalising the allotments within one property, for example, to reorganise a property made up of several small allotments into a more rational mix that better suits the management of the property.

Rule 10.1.1.12 which controls the minimum allotment size for subdivision does not apply to boundary adjustments, which provides some flexibility to adjust existing small allotments. It also provides an alternative mechanism to Rule 10.11 for creating smaller allotments for house sites. However, Rule 10.12.1.4 manages residential density, by ensuring the boundary adjustment provisions cannot be used to create additional potential house sites at a higher level than those allowed by the residential density rules set out in Rule 3.10.

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments/ Conditions
CR10	17/18	Waimakariri River Secondary Stopbanks	River Protection and Flood Control	Between the South Bank of the Waimakariri River and Old West Coast Road, between Cooks Road to the West and Thompsons Road to the East.	Rural Outer Plains	<p>Lot 1 DP 306678 (34.53ha); Lot 2 DP 306678 (38.493ha); Lot 3 DP 306678 (34.687ha); Lot 4 DP 306678 (47.406ha); Lots 5, 6, 7, 8 DP 306678 & Lots 5, 6, 7 DP 72342 (346.8157ha); Lot 1 DP 70593 (85.143ha); Reserve 2615 (24.2814) and Lot 1 DP 33106 (7.0895ha)</p> <p>Total Area – 618.4456</p>	
CR11	18	Waimakariri River Secondary Stopbanks	River Protection and Flood Control	Between the South Bank of the Waimakariri River and Old West Coast Road, between Thompsons Road to the West and Chattertons Road to the East.	Rural Inner Plains	<p>Part Reserve 3542 (approx 350ha); Lot 1 DP 26437 (146.901ha); Part Lot 8 DP 24168 & Reserves 2464 & 2467 & Part Reserve 2466 (869.921ha); Lot 1 DP 59937 (277.35ha); Lot 2 DP 59937 (76.315ha); Lot 3 DP 59937 (0.023ha); Lot 4 DP 59937 (0.023ha); Lot 7 DP 59937 (0.023ha); and Lot 1 DP 41754 (0.372ha)</p> <p>Total Area – 1720.974ha (approximately)</p>	
Central Plains Water							
CPW	10, 11, 16, 17, 22, 59, 60	Central Plains Water Scheme	Irrigation	North of Rakaia River, south of Waimakariri River, west of State Highway 1	Rural (Outer Plains and Malvern Hills)	Various – refer planning maps	Various – contact council for conditions

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments/ Conditions
Minister of Defence							
DE1	13	Burnham Military Camp	Defence Purposes – Burnham Military Camp	Main South Road, Burnham Road and Two Chain Road, Burnham	Rural Outer Plains	<p>Pt Res 1160 and 1636, Blocks II and III, Leeston Survey District – NZ Gazette Reserves and Other Lands Disposal and Public Bodies Empowering Act 1932</p> <p>Res 1159, Block II, Leeston Survey District – NZ Gazette 1950, page 755</p> <p>Res 1176, Block II, Leeston Survey District – NZ Gazette 1952, page 1865</p> <p>RS 41213 Block II, Leeston Survey District – NZ Gazette 1980, page 1041</p> <p>Total Area - 441ha (approximately)</p>	
DE2	16	Glentunnel Ammunition Storage Depot	Defence Purposes – Ammunition Storage Depot	Turnballs Road, Glentunnel	Rural Malvern Hills	<p>Pt Lot 3 and Lot 4 DP 9454, RS 18933, RS 2478, Pt RS 19013, Pt RS 19967, Pt RS 20454, and Pt RS 20455. All Certificate of Title Volume 537 folio 154 – NZ Gazette 1989 page 1618</p> <p>Pt Lot 3 DP 4099 – NZ Gazette 1992 page 3277</p> <p>Adjoining or passing through part Lot 3, DP 4099 and Pt Lot 3 DP 9454, RS 40017 and RS 8980 – NZ Gazette 1993 page 2092</p> <p>Total Area - 301.0977ha (approximately)</p>	

APPENDIX 25

E25.1 PORTERS SKI AND RECREATION AREA

Note: Reference should be made to all other rules of the Rural Volume of the District Plan to confirm if compliance is required by activities, works and buildings within the Porters Ski and Recreation Area.

E25.1.1 The Porters Ski and Recreation Area shall be limited to the following activities subject to compliance with Rules E25.2 through to E25.11.

- (a) Recreational facilities
- (b) Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to:
 - avalanche control
 - weather stations
 - pump stations
 - snow-making infrastructure
 - fuel storage
 - snow fences
 - plant nursery
 - storage and maintenance
 - equipment and clothing hire facilities
 - ski school
 - ski member facilities
 - race team and competition facilities
 - sports medicine and rehabilitation
 - first aid, medical care and facilities
 - childcare
 - helicopter access and landing
 - emergency access and emergency services

- (c) Tourist activities – see Note below
- (d) Conference activities
- (e) Commercial activities and services (including retail activities) which are associated with and complementary to recreation, tourist and conference activities
- (f) Visitor Accommodation
- (g) Staff Accommodation
- (h) Dwellings
- (i) Apartments
- (j) Place of Assembly
- (k) Educational activities limited to education related to recreational activities and environmental and cultural values associated with the High Country.
- (l) Vehicle parking (including helicopters) ancillary to recreation, tourist, commercial, conference, visitor accommodation and dwellings.
- (m) Activities associated with the maintenance and repair of existing infrastructure, roads, buildings and structures.
- (n) Utilities required to service the activities within the zone.

For the purpose of these rules the following definitions shall apply:

Recreational facilities – shall be in accordance with Part D Definitions

Tourist activities – shall mean the use of any land, building or structure for the primary purpose of providing entertainment, recreational and cultural experiences for visitors

Visitor Accommodation – shall include all forms of temporary residential accommodation offered for a daily tariff

Dwellings – shall be in accordance with Part D Definitions

Apartments – shall mean self-contained residential accommodation which may be occupied as a permanent or temporary residence but is part of and attached to other apartments contained within the same building.

Place of Assembly – shall be in accordance with Part D Definitions

E25.2 Controlled Activities

Earthworks

E25.2.1 Earthworks (except for earthworks listed as either a restricted discretionary or non-complying activity) located entirely within the boundary of the Porters Ski and Recreation Area and limited to the following purposes shall be a controlled activity:

E25.2.1.1. Within the Porters Basin and the Village Base Sub-Zones as shown on Appendix 25A:

- (a) Establishing ski trails and terrain parks
- (b) Installing support structures for tows, lifts and gondolas
- (c) Establishing trails for recreational activities including mountain bike, luge and walking trails
- (d) The construction of buildings, structures and utilities.
- (e) Forming access tracks.
- (f) Forming roads in the Village Base Sub-Zone, provided that they comply with the Standards for Roads in Rule E25.6.6.1.
- (g) Installing infrastructure for stormwater, wastewater disposal, water supply, electricity and telecommunications.
- (h) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule E25.1.1.
- (i) Ground preparation for planting of indigenous vegetation on areas greater than 5m².

E25.2.1.2 Within the Northern Terrace Sub-Zone, as shown on Appendix 25A:

- (a) Installing infrastructure for wastewater disposal.
- (b) Ground preparation for planting of indigenous vegetation on areas greater than 5m².

E25.2.1.3 Within the Crystal Stream Sub-Zone, as shown on Appendix 25A:

- (a) Forming of the access road/ski out trail on the general alignment shown on Appendix 25A.

E25.2.2 Under Rule E25.2.1, the Council shall reserve its control over the following matters:

E25.2.2.1 Any potential effects on ground and scree stability.

E25.2.2.2 The location, depth and length of cuts and the extent and location of fill or castings.

E25.2.2.3 The effectiveness of erosion and sediment control measures and the degree to which these conform with any Erosion and Sediment Control

Plan that may have been approved by the Canterbury Regional Council for the establishment of infrastructure.

- E25.2.2.4 The setback from the Porter Stream and Crystal Stream.
- E25.2.2.5 Avoidance or setback from any ephemeral streams or naturally occurring seepages or wetlands.
- E25.2.2.6 Terrestrial and aquatic ecological values within the area of disturbance and the potential to minimise or avoid disturbance that will affect the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (For definitions of herbfield, boulderfields and spring flush see Note below).
- E25.2.2.7 The effect on landscape values and visibility from State Highway 73.
- E25.2.2.8 Methodology for completing the works, including the type of machinery and equipment to be used and the measures to be taken to minimise ground disturbance.
- E25.2.2.9 Measures for the control of dust emissions.
- E25.2.2.10 Protocols to minimise the transfer of weed and pest species on machinery.
- E25.2.2.11 Measures proposed for re-contouring and re-vegetation of the land, including the timing for re-vegetation.
- E25.2.2.12 Protocols for Accidental Discovery of archaeological sites.
- E25.2.2.13 Conditions requiring the preparation and implementation of a Ski and Recreation Area Environmental Management Plan that addresses the following matters for construction and operation of the Ski Area:
 - Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski and Recreation Area operations and maintenance;
 - Principles for management of construction activities and restoration of earthworks
 - Pest and weed management
 - Management of habitats and species, including Keas and riparian margins
 - Enhancement of Crystal Stream
 - Storage and removal of solid wastes
 - Storage, management and use of hazardous wastes

Notes:

1. Rule E25.2.2.13 duplicates the requirement for an Environmental Management Plan required by Rule E25.14.2.12 at the time of subdivision application. If an Environmental Management Plan has already been prepared and approved as a condition of subdivision this provision is not applicable.
2. The following definitions are to be applied when identifying sensitive plants and communities:

Herbfield: Vegetation in which the cover of herbs in the canopy is 20-100% and in which herb cover exceeds that of any other growth form or bare ground. Herbs include all herbaceous and low-growing semi-woody plants that are not separated as ferns, tussocks, grasses, sedges, rushes, cushion plants, mosses or lichens. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Boulderfield: Land in which the area of unconsolidated bare boulders (>200mm diameter) exceeds the area covered by any one class of plant growth-form. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Spring flush: Areas of sloping wetlands in the mountains, where the underlying groundwater supply by a spring is supplemented by periodic pulses of surface water (e.g. from snow melt). (Adapted from Johnson P and Gerbeaux P. (2004): Wetland Types in New Zealand DOC/MfE).

Buildings

- E25.2.3 All buildings (except for buildings listed as either restricted discretionary or non-complying activities) located within the Porters Ski and Recreation Area shall be a controlled activity in respect of design and appearance, relationship between buildings (physical layout on the ground) and landscape treatment, provided that they comply with the Standards for Buildings in Rules 25.3.1.1 to 25.3.1.10, except that buildings which are utilities shall comply with the Standards for Utilities in Rule 25.4.
- E25.2.4 Under Rule E25.2.3, the Council shall reserve its control over the following matters:
- E25.2.4.1 The extent to which the building reflects an architectural style that is consistent with and complementary to the landscape values of the Porters Ski and Recreation Area, having regard to the design principles in Appendix E25.17.
- E25.2.4.2 The suitability of proposed materials having regard to the list of materials in Appendix E25.17.
- E25.2.4.3 The appropriateness of the colour finish of the exterior of the building, having regard to the recommended colour palette in Appendix E25.17.
- E25.2.4.4 The architectural design and profile of the roof and its visual impact. Within the Village Base Area, the design and profile of the roof should be assessed both singularly and in combination with other roofs, including the visual effects of the rooflines when viewed across the Village Base Area.
- E25.2.4.5 The avoidance of excessive repetition of building forms.

- E25.2.4.6 The use of architectural articulation to create a building of visual interest. Such articulation may include the use of projecting and recessed balconies, porches, sheltering colonnades, verandahs at ground level and window awnings.
- E25.2.4.7 The avoidance of building facades and elevations which are visually bland or blank including the use of architectural articulation or techniques such as steps-in-plan to avoid long continuous walls.
- E25.2.4.8 The reflectivity of materials to be used on the exterior of the building when viewed from beyond the zone boundary.
- E25.2.4.9 The potential for the building or structure to be visible from the State Highway.
- E25.2.4.10 The provision for pedestrian linkages between buildings, carpark, visitor accommodation, dwellings and the trails to Porters Ski Area and the Crystal Basin Ski Area.
- E25.2.4.11 In addition to the above, within the Village Base Area 2 (Slopeside Visitor Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation) regard should also be given to the more specific guidance in Appendix E25.17:
- (a) Orientation and positioning of buildings close to the road frontage and/or public spaces.
 - (b) Location and design of main entrances adjacent to pedestrian routes and public spaces.
 - (c) The creation of legible, comfortable and useable spaces for circulation and gathering within a compact Village Centre.
 - (d) Maintenance of prominent vistas along the village roads.
 - (e) Maintenance of open space and views between buildings.
 - (f) Layout of buildings and pedestrian routes should ensure the safe and efficient movement of people, incorporating the principles of Crime Prevention Through Environmental Design (CPTED).
 - (g) Screening of service areas.
 - (h) External accessways, mechanical, electrical and communications equipment should be integrated within the building.
 - (i) Avoidance of excessive light spill.
- E25.2.4.12 Within Porters Basin and Crystal Basin Sub-Zones as shown on Appendix 25A:
- (a) Avoidance of locating buildings and structures on ridges, except where necessary to support chairlifts, tows and gondolas or for avalanche control equipment and weather stations.
 - (b) Avoidance of visibility against the skyline.

- (c) Minimise visibility from the state highway through location, design and colour.
- (d) The use of colour for buildings and structures that will complement the landscape.
- (e) The avoidance of materials and colours to finish buildings and structures with high reflectivity when viewed from beyond the Sub-Zone.

Landscape Treatment

- E25.2.5 All planting for the purpose of amenity and enhancement shall be a controlled activity, provided it complies with Rules 25.10.1 and 25.10.2 for Tree Planting and Landscape Treatment. A landscape plan detailing the species, density, planting programme as well as maintenance regime shall be provided as part of this application.
- E25.2.6 Under Rule E25.2.5 the Council shall reserve its control over the following matters:
- E25.2.6.1 The effectiveness and quality of any landscape treatment proposed.
 - E25.2.6.2 The planting patterns of shrubs, tussocks and trees in areas outside the Village Centre and the extent to which this pattern of planting has a natural appearance and arrangement.
 - E25.2.6.3 The planting patterns of trees in the wastewater disposal area and the ridge between Village Base Areas 2 and 5 and the extent to which these reflect and harmonise with the landform.
 - E25.2.6.4 The extent to which the proposed landscape planting connects and is compatible with other planting and naturally occurring indigenous vegetation across the Ski and Recreation Area and at the boundary of the Ski and Recreation Area.

E25.3 Standards for Buildings

- E25.3.1 The following standards shall be met for the erection of any building or any additions or alterations to, or modification of any building that is to be considered as a controlled activity.

These standards shall not apply to Utilities which shall comply with Rule E25.4 Standards for Utilities:

- E25.3.1.1 All buildings shall be located in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.
- E25.3.1.2 The total number of dwellings in the Porters Ski and Recreation Area shall not exceed 45 and there shall be no more than one dwelling located on a residential allotment. There shall be no family flats.
- E25.3.1.3 The number of dwellings and buildings permitted in each of the identified Village Base Areas shown in the Porters Ski and Recreation Area Outline Development Plan (Appendix 25 B) shall not exceed:

- (a) Village Base Area 1 (Porters Chalets)

12

(b)	Village Base Area 2 (Slopeside Visitors Accommodation)	10
(c)	Village Base Area 3 (Village Centre)	18
(d)	Village Base Area 4 (Hotel and Visitor Accommodation)	8
(e)	Village Base Area 5 (Crystal Chalets)	33

Except that:

- (a) No buildings or structures (including lifts and tows) shall be erected until:
 - (i) A covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.
 - (ii) An Emergency Management and Response Plan for the Ski and Recreation Area has been prepared.
 - (iii) A Hazard Risk Assessment is completed to the Council's satisfaction. This shall include an avalanche control programme and proposed measures to reduce rock fall.
- (b) Only half of the buildings numbered in Village Base Areas 1, 2, 3 and 4 (excluding the Crystal Chalets in Village Base Area 5 which must comply with (c) below) may be constructed and occupied until such time as the following infrastructure is established within the Crystal Basin Ski Area:
 - (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
 - (ii) Construction and commissioning of a snowmaking reservoir; and
 - (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
 - (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
 - (v) A Day Lodge; and
 - (vi) Ski trails with a daily capacity for up to 1,500 skiers.
- (c) The Crystal Chalets in Village Base Area 5 may only be constructed and occupied once:
 - (i) The three T-bar lifts existing in Porters Ski Area as at 19 October 2012 have been upgraded; and
 - (ii) The ski access road between the Village and Porters Ski Area has been decommissioned for private vehicle use; and

- (iii) A minimum of four buildings in the Village Base Area 3 (Village Centre) have been erected.

E25.3.1.4 There shall be no provision for buildings associated with accommodation for visitors or residents within the Crystal Basin, Crystal Stream, Porters Basin, Porters Slopes and Northern Terrace Sub-Zones as shown in the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

E25.3.1.5 The maximum building footprint shall not exceed:

Village Base Area 1 (Porters Chalets)	300m ² excluding decks
Village Base Area 2 (Slopeside Visitors Accommodation)	1 building up to 1320m ² 1 building up to 990m ² 3 buildings up to 880m ² All other buildings up to 440m ²
Village Base Area 3 (Village Centre)	2 buildings up to 925m ² 5 buildings up to 730m ² 4 buildings up to 600m ² 3 buildings up to 530m ² All other buildings up to 330m ²
Village Base Area 4 (Hotel and Visitor Accommodation)	1 building up to 2475m ² 1 building up to 1320m ² 3 buildings up to 660m ² All other buildings up to 350m ²
Village Base Area 5 (Crystal Chalets)	200m ² excluding decks
Crystal Basin Ski Area and Porters Ski Area	1000m ² excluding decks

E25.3.1.6 The maximum height of buildings (excluding carpark buildings, support structures and terminals for gondolas, lifts and tows) shall not exceed:

Village Base Area 1 (Porters Chalets)	13m
Village Base Area 2 (Slopeside Visitors Accommodation)	1 building of 26.5m 2 buildings at 22m 4 buildings at 16m 3 buildings up to 13m

Village Base Area 3 (Village Centre)	6 buildings at 24m 5 buildings at 19m 6 buildings up to a maximum of 13m (to be measured from the finished level of the carpark base where buildings are to be erected over a carpark building)
Village Base Area 4 (Hotel and Visitor Accommodation)	1 building up to 19m with 7 buildings a maximum of 13m
Village Base Area 5 (Crystal Chalets)	8m
Crystal Basin Ski Area	16m
Porters Ski Area	16m

E25.3.1.7 Fences in Village Base Areas 1 to 5 shall be limited to:

- (a) Fences constructed in greywacke boulders
- (b) Temporary fences required for construction purposes
- (c) Fences for the protection of indigenous vegetation. Where permanent, these shall be constructed in greywacke boulders.

E25.3.1.8 All buildings (excluding bridges) within the Village Base Sub-Zone shall be limited to a minimum setback of 5m from the banks of the Porter Stream.

Note: This setback is to be measured in accordance with the definition in section 2 of the Act as "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

(See Rule E25.5.4 for setback for activities from the Porter Stream).

E25.3.1.9 No buildings or hardstand areas shall be located within the Red Tussock Gully as shown on the Porters Ski and Recreation Area Outline Development Plan Appendix 25 B.

E25.3.1.10 All roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.

E25.4 Standards for Utilities

E25.4.1 Utilities located within, and required to service the Ski and Recreation Sub-Zone (Porters), excluding telecommunications towers, shall not exceed:

- | | | |
|-----|----------------------------|------------------|
| (a) | Maximum Height | 12m |
| (b) | Maximum building footprint | 50m ² |
| (c) | Reflectance value | 37% |

E25.4.2 Utilities shall not be located on a ridge or break the ridgeline when viewed from State Highway 73.

E25.5 Standards for Activities - General

E25.5.1 Activities in the Porters Ski and Recreation Area shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

E25.5.2 Construction or earthwork activities in the Crystal Basin or Village Base Sub-Zones shall only commence on:

- (a) Completion of works which achieve the NZTA standard for sight-lines at the intersection of State Highway 73 and the Ski Area Access Road as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and provides at the same intersection seal widening sufficient for a right turn lane and left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 Section 3 (March 2011) and the left turn deceleration lane is to be marked.
- (b) The requirements of rule E25.3.1.3(a)(i) have been fulfilled.

E25.5.3 No recreational activities shall be commenced in the Crystal Basin Sub-Zone unless the requirements of Rule E25.3.1.3 (a) (i) to (iii) inclusive have been met in full.

E25.5.4 All Ski Area and Recreation activities, buildings and earthworks located within the Porters Lower Slopes Sub-Zone (as shown on Appendix 25 A) shall be setback 15m from the banks of the Porter Stream. (See Rule E25.3.1.8 for definition of setback measurement).

E25.5.5 All earthworks and buildings within Village Base Area 2 shown on Appendix 25 A shall be setback 5m from the banks of that portion of the Porter Stream identified as "Porter Stream setback" on Appendix 25A. (See Rule E25.3.1.8 for definition of setback measurement.)

E25.6 Standards for Activities - Scale

E25.6.1 The total number of beds for visitor accommodation within the Village Base Sub-Zone shall be limited as follows. For the purpose of this Rule visitor beds shall exclude beds in dwellings and one bed unit shall equal 1 person:

Village Base Area 2 (Slopeside Visitors Accommodation)	1100
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Village Base Area 3
(Village Centre) 1600

Village Base Area 4
(Hotel and Visitor Accommodation) 500

E25.6.2 The floor area occupied by commercial activities within the Village Base Sub-Zone shall be limited as follows:

Village Base Area 2
(Slopeside Visitors Accommodation) 1610m²

Village Base Area 3
(Village Centre) 7624m²

Village Base Area 4
(Hotel and Visitor Accommodation) 575m²

E25.7 Outdoor Lighting in the Village Base Sub-Zone

E25.7.1 All outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) shall comply with the following standards:

E25.7.1.1 All outdoor lighting shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source.

E25.7.1.2 All outdoor lighting shall have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 440nm. This includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.

E25.7.1.3 No street or road lighting shall be produced by high-pressure sodium, metal halide, mercury vapour lighting or fluorescent lighting.

E25.7.1.4 There shall be no searchlights or floodlights, including floodlights used for illumination of buildings for aesthetic purposes.

E25.7.1.5 All fixed lighting shall be directed inwards away from the Ski and Recreation Area boundary.

E25.8 Standards for Roading

E25.8.1 The following standard shall be met for the formation and establishment of any road that involves earthworks as a Controlled Activity:

E25.8.1.1 In the Ski and Recreation Area the formation of any road or road bridge shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

E25.9 Standards for Vehicle Parking

E25.9.1 Any activity in the Ski and Recreation Area which provides car parking in accordance with the following standards shall be a permitted activity.

E25.9.1.1 Dwellings, and apartments occupied on a permanent basis - one on-site carparking space.

- E25.9.1.2 Visitor Accommodation Hotels – one space per three guest rooms up to 60 rooms, thereafter one space per five guest rooms. In addition, one coach park per 50 guest rooms and one staff space per 20 beds. The parks need not be located on the same site as the activity.
- E25.9.1.3 Visitor Accommodation Backpackers and Lodges – one space per five guest beds. In addition one coach park per 50 guest rooms and one staff space per 20 beds. The parks need not be located on the same site as the activity.
- E25.9.1.4 Apartments managed and occupied as part of visitor accommodation – one space per 15 apartments, thereafter one per two apartments. In addition, one coach park per 50 apartments and one staff space per 20 beds.
- E25.9.1.5 All car parking is to be formed to the relevant standards set out in Appendix 13 of the Townships Section of the District Plan.

E25.10 Standards for Tree Planting and Landscape Treatment

- E25.10.1 All tree planting and planting for the purpose of re-vegetation, amenity or enhancement purposes shall be limited to the species listed in Appendix E25.17
- E25.10.2 All planting shall generally comply with the Outline Planting Concept in Appendix E25.17. The planting provides for six plant mixes and the relative proportions of the dominant species in each planting mix shall conform with the requirements of Porters Ski and Recreation Area Outline Development Plan in Appendix 25 C.

E25.11 Aircraft Movements

- E25.11.1 Aircraft movements for the purpose of the following activities shall be permitted without limitation:
- (a) Ski and Recreation Area operations, including avalanche management and control.
 - (b) Emergency rescues and landings.
 - (c) Construction and earthworks activities within the boundaries of the Ski and Recreation Area.
 - (d) Firefighting.
 - (e) Pest control.
 - (f) The activities of the New Zealand Defence Force or Civil Defence.
- E25.11.2 Aircraft movement for all other purposes shall not exceed 10 excursions on any one day from 1 June to 31 October and five excursions on any one day from 1 November to 31 May in any calendar year. For the purposes of this standard an excursion shall be defined to mean a take-off and landing within the boundaries of the Ski and Recreation Area.

E25.12 Restricted Discretionary Activities

Buildings

E25.12.1 All building works associated with constructing a gondola located in the Crystal Stream Sub-Zone shown on Appendix 25 A shall be a restricted discretionary activity. The Council shall restrict its discretion to the matters listed in Rule E25.2.4.

E25.12.2 Any building of Building Importance Category 3 or 4 (as defined below) located within the Village Base Area as shown in Appendix 25A. The Council shall restrict its discretion to consideration of:

- (a) The risk of, and ability of buildings to withstand, fault rupture; and
- (b) The matters listed in Rule E25.2.4.

For the purposes of E25.12.2 a building of Building Importance Category 3 or 4 shall be:

- Emergency medical and other emergency facilities not designated as critical post disaster facilities but excluding first aid facilities.
- Airport terminals, principal railway stations, schools
- Structures accommodating > 5000 people
- Public assembly buildings > 1000m²
- Museums and art galleries > 1000m²
- Municipal Buildings
- Grandstands > 10,000 people
- Chemical storage facilities > 500m²
- Major infrastructure facilities
- Air traffic control installations
- Designated civilian emergency centres, medical emergency facilities, fire and police stations.

Height of Crystal Chalets

E25.12.3 Crystal Chalets which exceed 8m (Rule E25.3.1.6) but are less than 13m in height shall be a restricted discretionary activity.

E25.12.4 Under Rule E25.12.3 the Council shall restrict its discretion to consideration of:

E25.12.4.1 Those matters contained in Rule E25.2.4.

E25.12.4.2 The effect of additional building height on the views from the Village Base Sub-Zone towards Castle Hill and to the Crystal Valley.

E25.12.4.3 The architectural design and profile of the building.

E25.12.4.4 The materials and colour finish of the building.

Roading

E25.12.5 Any activity which does not comply with Rule E25.8.1 shall be a restricted discretionary activity.

E25.12.6 Under Rule E25.12.5 the Council shall restrict its discretion to consideration of:

E25.12.6.1 The effect of changing the network or alignment of roads in terms of accessibility for a range of vehicle types to the different precincts within the Village Base Sub-Zone, having regard to gradient and geometry.

E25.12.6.2 Any consequential effects of changing the road network on the layout of built development, services, infrastructure or the efficiency of inter-connecting pedestrian pathways or access trails to the Porters or Crystal Basin Ski Areas.

E25.12.6.3 The ability to effectively manage the stormwater and discharges from the road both during construction and operation and any consequential effects on land stability or other natural hazards.

E25.12.6.4 The effect of changing the road network on ecological, natural character or landscape values of the Ski and Recreation Area and land immediately adjoining the zone.

E25.12.6.5 The effects of changing the Village Road network on the safety and efficiency of the Village traffic having regard to sight distances at intersections, conflicts between vehicles which may be queuing or crossing the road and potential conflicts with pedestrians.

E25.12.6.6 The degree of difficulty for vehicles entering/exiting a site or carpark and the potential for increased on-street parking with resulting effects on traffic safety and residential amenity.

Vehicle Parking

E25.12.7 Any activity which does not comply with Rule E25.9.1 shall be a restricted discretionary activity.

E25.12.8 Under Rule E25.12.7 the Council shall restrict its discretion to consideration of:

E25.12.8.1 The extent to which car parking numbers can be reduced having regard to alternative methods of transportation that may be available within the Village Base Sub-Zone e.g., shuttles, inclinator.

E25.12.8.2 The extent to which public transport or group passenger transportation services may reduce the need for on-site carparking. This may include consideration of timetabling to coincide with Ski Area operating hours.

E25.12.8.3 Any effects on pedestrian amenity or safety from reduced car parking.

E25.12.8.4 The extent to which visitor accommodation or other activities within the Village Base Sub-Zone can demonstrate a lesser parking demand.

E25.12.8.5 Whether a reduction in carparking within the Ski and Recreation Area would lead to a parking demand outside that Area and the effects such parking would have on the efficient use of roads and traffic safety.

Night-Lighting for Recreational Activities and Outdoor Lighting in the Village Base Sub-Zone

E25.12.9 The lighting of the Ski and Recreation Area for the purpose of facilitating night recreational activities shall be a restricted discretionary activity.

E25.12.10 Any outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) which does not comply with Rule E25.7 shall be a restricted discretionary activity.

E25.12.11 Under Rules E25.12.9 and E25.12.10 the Council shall restrict its discretion to consideration of:

E25.12.11.1 The proposed lighting plan having regard to the number, location and spill of light.

E25.12.11.2 The effect of night lighting on ecological values.

E25.12.11.3 The effect of night lighting on rural amenity values from beyond the boundary of the Ski and Recreation Area and its visibility from State Highway 73.

Earthworks

E25.12.12 Any earthworks in the Crystal Basin and Porters Lower Slopes Sub-Zones as shown on Appendix 25 A not listed as a Non-Complying Activity, limited to the purposes of:

- (a) Establishing ski trails and terrain parks.
- (b) Installing support structures for tows, lifts and gondolas.
- (c) Establishing trails for recreational activities including mountain biking, luge and walking trails.
- (d) The construction of buildings, structures and utilities.
- (e) Forming access tracks.
- (f) The construction of snow making reservoirs.
- (g) Installing infrastructure for stormwater, wastewater disposal, water supply, electricity and telecommunications.
- (h) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule E25.1.1.

E25.12.13 Under Rule E25.12.12 the Council shall restrict its discretion to consideration of:

E25.12.13.1 those matters contained in Rule E25.2.2; and

E25.12.13.2 the effectiveness of any proposed mitigation measures or environmental offset/compensation.

E25.12.14 Any earthworks associated with the construction of a gondola in the Crystal Stream Sub-Zone as shown on Appendix 25 A.

- E25.12.15 Under Rule E25.12.14 the Council shall restrict its discretion to consideration of those matters contained in Rule E25.2.2.
- E25.12.16 Any earthworks which do not comply with the standards in Rule E25.5.4 or Rule E25.5.5.
- E25.12.17 Under Rule E25.12.16 the Council shall restrict its discretion to consideration of:
- E25.12.17.1 those matters contained in Rule E25.2.2; and
 - E25.12.17.2 the need for earthworks to improve public access to and along Porter Stream; and
 - E25.12.17.3 the effects of earthworks on the natural character of Porter Stream and its margins.
- E25.12.18 An application required by Rule E25.12.12, E25.12.14 or E25.12.16 shall not be notified and the written approval of any other party will not be required.

Utilities

- E25.12.19 Any utility which does not comply with Rule E25.4 shall be a restricted discretionary activity.
- E25.12.20 Telecommunication towers located within the Ski and Recreation Area shall be a restricted discretionary activity.
- E25.12.21 Under Rules E25.12.19 and E25.12.20 the Council shall restrict its discretion to consideration of:
- E25.12.21.1 The function of the utility and its importance to the health, safety and wellbeing of residents and visitors to Porters Ski and Recreation Area:
 - E25.12.21.2 The scale of the utility and any effects on ecological or landscape values.
 - E25.12.21.3 The visibility of the utility beyond the boundary of the Porters Ski and Recreation Area.
 - E25.12.21.4 Proposed methods of construction and the measures to avoid, remedy or mitigate construction effects on ecological, cultural and landscape values.
 - E25.12.21.5 The location of any telecommunication tower and its impact on the values of the Outstanding Natural Landscape.
 - E25.12.21.6 Alternative locations having regard to the operational requirements of the telecommunication tower and effects on landscape values.
- E25.12.22 An application required by Rules E25.12.19 or E25.12.20 shall not be notified and the written approval of any other party will not be required.

Aircraft Movements

- E25.12.23 Any aircraft movement which does not comply with Rule E25.11 shall be a restricted discretionary activity.
- E25.12.24 Under Rule E25.12.23 the Council shall restrict its discretion to consideration of:

E25.12.24.1 Effects of aircraft movements on the wellbeing and safety of users and occupiers of the surrounding rural zoned land.

E25.12.24.2 The anticipated frequency of movements.

E25.12.24.3 The hours of the day within which the movements will occur.

Tree Planting and Landscape Treatment

E25.12.25 Any planting which does not comply with rule E25.10.2 shall be a restricted discretionary activity.

E25.12.26 Under Rule E25.12.25 the Council shall restrict its discretion to consideration of:

E25.12.26.1 The appropriateness of the proposed mix of plants having regard to altitude and aspect which may achieve a more optimum and robust pattern of planting relative to the existing vegetation in the locality.

E25.12.26.2 The aesthetic outcome from the proposed planting mix.

E25.13 Discretionary Activities

E25.13.1 All earthworks not otherwise provided for as a controlled, restricted discretionary or non-complying activity shall be a discretionary activity.

E25.14 Non-Complying Activities

Buildings

E25.14.1 Any building which does not comply with Rules E25.3.1.1 to E25.3.1.10 shall be a non-complying activity, except for buildings in Village Base Area 5, where any building which does not comply with Rule E25.12.3 (restricted discretionary activities) shall be a non-complying activity.

Activities – General and Scale

E25.14.2 Any activity which does not comply with Rules E25.5.1 to E25.5.3 or E25.6.1 or E25.6.2 shall be a non-complying activity.

Tree Planting and Landscape Treatment

E25.14.3 Any activity which does not comply with Rule E25.10.1 shall be a non-complying activity.

Removal of Indigenous Vegetation

E25.14.4 The removal of any indigenous vegetation exceeding an area of 5m² and not approved as part of a controlled activity in accordance with Rule E25.2.1 or restricted discretionary activity in accordance with Rule E25.12.12, Rule E25.12.14 or Rule E25.12.16 shall be a non-complying activity.

Earthworks Affecting Wetlands

E25.14.5 Any earthworks affecting a wetland shall be a non-complying activity.

E25.15 Subdivision

Standards for Controlled Activities

E25.15.1 Subdivision within the Porters Ski and Recreation Area which complies with the following standards shall be a Controlled Activity:

E25.15.1.1 All allotments to be used for residential, accommodation or commercial purposes shall be serviced by a reticulated supply of potable water.

E25.15.1.2 All new allotments to be used for residential, accommodation or commercial purposes shall be able to be connected to a reticulated wastewater treatment and disposal system.

E25.15.1.3 Any new allotment within the Village Base Sub-Zone shall comply with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509—2008.

E25.15.1.4 The layout of roads and allotments shall conform with the Porters Ski Area Outline Development Plan.

E25.15.1.5 The number of fee simple, freehold residential allotments shall be limited to:

Village Base Area 1 (Porters Chalets)	12
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Village Base Area 5 (Crystal Chalets)	33
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Note: There shall be no minimum allotment size in the Porters Ski and Recreation Area. There shall be no limits on the number of fee simple, freehold, unit, strata or cross lease titles within Village Base Area 2 (Slopeside Visitors Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation).

E25.15.1.6 Prior to the grant of resource consent for a subdivision creating any new allotments within the Village Base Sub-Zone a covenant shall be secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area(s) of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan.

E25.15.1.7 Erosion and sediment control measures shall conform with the Erosion and Sediment Control Plan approved by the Canterbury Regional Council for the establishment of infrastructure.

E25.15.1.8 An Emergency Management and Response plan has been prepared. This plan shall be up-dated for each subdivision application made within the Village Base Area.

E25.15.1.9 A Hazard Risk Assessment is completed. This shall include an avalanche control programme and proposed measures to reduce rock fall.

E25.15.1.10 The State Highway 73 and Ski Area Access Road intersection is upgraded to the NZTA standard for sight lines at that intersection as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and seal widening is provided at the same intersection sufficient for a right turn lane and a left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 Section 3 (March 2011) and the left turn deceleration lane is to be marked.

E25.15.1.11 Prior to certification under section 224 of the Resource Management Act for:

- (a) The 7th residential allotment within Village Base Area 1 (Porters Chalets), the following infrastructure must be established within the Crystal Basin Ski Area:
 - (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
 - (ii) Construction and commissioning of a snowmaking reservoir; and
 - (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
 - (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
 - (v) A Day Lodge; and
 - (vi) Ski trails with a daily capacity for up to 1,500 skiers.
- (b) Any allotment within Village Base Area 5 (the Crystal Chalets), the following requirements must be met in full:
 - (i) The replacement and up-grading of the three T-bar lifts existing in Porters Ski Area as at 19 October 2012; and
 - (ii) The decommissioning of the ski access road between the Village and Porters Ski Area for private vehicle use; and
 - (iii) The construction and occupation of four buildings in the Village Base Area 3 (Village Centre).

E25.15.2 Under Rule 25.15.1 the Council shall reserve its control over the following matters:

E25.15.2.1 Those matters contained in Rule E10.1.2.

E25.15.2.2 Any effects on landscape values that may arise from the proposed layout and density of allotments.

E25.15.2.3 Any effects on ecological values that may arise from the proposed layout and density of allotments. This shall include effects on the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and

integrity of plants and habitats assessed. (See Rule E25.2.2 to be applied when identifying these plants and communities.)

E25.15.2.4 The boundaries of the proposed allotments in relation to natural or physical features.

E25.15.2.5 The use of conditions to require all earthworks to be subject to an Accidental Discovery Protocol, requiring contractors to be trained in the recognition of archaeological sites and artefacts.

E25.15.2.6 The use of conditions to require a construction management plan which shall set out the proposed methods and protocols for construction including:

- (a) timing of works;
- (b) cleaning of machinery prior to access to the Porters Ski and Recreation Area to avoid the spread of weed and pest species;
- (c) protection of waterways and wetlands;
- (d) protection or avoidance of areas of ecological sensitivity;
- (e) management of dust emissions;
- (f) management and storage of hazardous substances, including an emergency response protocol for accidental spillages;
- (g) traffic management for all construction related vehicles. This shall include control of access from the state highway and management of traffic, including parking within the construction site to avoid wider ground and vegetation disturbance.

E25.15.2.7 The ability for roads, accessways and building sites to be constructed without any adverse effects on ground stability.

E25.15.2.8 The adequacy of provisions for stormwater management in relation to discharge from roads, accessways and building platforms.

E25.15.2.9 Street or road lighting and the avoidance of lighting produced by high-pressure sodium, metal halide, mercury vapour or fluorescent lighting.

E25.15.2.10 The mechanism for achieving the protection of ecological values within the riparian margin on either side of the Porter Stream from its source to the Porter River in perpetuity.

E25.15.2.11 The use of conditions to require the development and implementation of a restoration plan that shall detail how the ground is to be re-contoured, re-vegetated and maintained post-construction of roads, accessways and building platforms.

E25.15.2.12 The use of conditions to require the development and implementation of an Environmental Management Plan that achieves the following (this rule duplicates Rule E25.2.2.13 which applies to those circumstances where development proceeds without the need for a subdivision consent):

- (a) Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski Area operations and maintenance;
- (b) Principles for management of construction activities and restoration of earthworks
- (c) Pest and weed management
- (d) Management of habitats and species, including Keas and riparian margins
- (e) Management of the Red Tussock Gully as shown on the Porters Ski Area Outline Development Plan in Appendix 25 B
- (f) Enhancement of Crystal Stream
- (g) Protection of any wetland
- (h) Storage and removal of solid wastes
- (i) Storage, management and use of hazardous wastes

Non-Complying Activities

E25.15.3 Any subdivision which does not comply with Rules E25.15.1.1 to E25.15.1.11 shall be a non-complying activity.

E25.16 Reasons for Rules

Buildings

The rules for buildings set the thresholds for built development beyond which further consideration and control is required. The standards require development to be located in accordance with the Outline Development Plan and set maximums for building height, number of buildings and building footprints.

These standards are intended to ensure that building mass is distributed amongst a number of individual buildings and large, monolithic structures are avoided. The separation between buildings will provide light and views with the assessment criteria encouraging greater architectural articulation and higher quality finish as well as providing space for indigenous vegetation that will provide context for the buildings and contribute to the mountain setting. The rules for building mass are further complemented by rules which cap the total number of buildings within the Village Base Sub-Zone. The Village Base Sub-Zone is in turn divided into different sub-areas within which the number and size of buildings is capped. This is to ensure that the scale and intensity of development within different parts of the Village respond to the variable landscape and ecological values across the site. Some parts of the Village Base Sub-Zone are intended to have a greater concentration and density of development while the outer edges of the Village Base Sub-Zone provide for a much reduced development pattern. This variability is in response to the sensitivity of the interface between the zone and the Outstanding Natural Landscape.

A staging plan limits the number of buildings within the Village that can be constructed and occupied until such time as the Crystal Basin has established prescribed infrastructure and is operational. This is to ensure that the Village does not develop as a stand-alone commercial and residential facility without delivering the social, recreational and economic benefits of the expanded Ski and Recreation Area. It does however enable some capital to be released for development of the Crystal Basin Ski Area.

A further limitation is placed on the Crystal Chalets (Village Base Area 5). These are not to be constructed until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road between the Village and Porters Basin is decommissioned in respect of private vehicle use and 25% of the Village Centre buildings are constructed. These chalets are the most visible from the State Highway and staging will ensure that the chalets are not constructed in isolation or without the benefits of the village centre.

There is the potential for active faults to be present in the locality. Accordingly the Council has retained discretion over buildings of high importance for public gathering and emergency purposes to enable a more thorough assessment of the location and design of the buildings relative to the risk of earthquake hazard.

A building setback from the watercourse (Porter Stream) that crosses through the Village Base Sub-Zone is required in order to protect the ecological and natural character values of the riparian margins of the stream. Similarly, a Red Tussock Gully within the Village is to be kept free of buildings and hardstand in order to protect the ecological and hydrological function of this gully.

These rules reflect the outcomes of the masterplanning process which assessed the capacity of the landscape to absorb change. Development beyond these standards therefore has the potential to adversely affect the values of the surrounding environment and the non-complying status for buildings which exceed these levels reflects a clear capping of built development.

In addition to the standards, at a minimum all buildings and structures are to be assessed as controlled activities. This process of consideration reflects the need to respond to and respect the landscape values of the surrounding Outstanding Natural Landscape. The assessment matters trigger consideration of the final form, finish and appearance of buildings as well as the layout

and functioning of built development within the Village Base Sub-Zone. The Village Base Sub-Zone is an area of public congregation and social activity where considerations such as relationship to public spaces, landscape treatment, pedestrian connectivity and safety are relevant considerations.

Fencing is limited within the Village Base Sub-Zone to maintain a sense of spaciousness and views between buildings as well as ensuring that elements of suburbanisation are actively avoided. Exception is made for walls constructed of natural rock and fencing required for protecting vegetation and sediment control.

With respect to the Ski Areas, these are to be free of any accommodation activities and structures, except for essential infrastructure for access and amenity facilities for the safe operation and enjoyment of the mountain for skiing. The considerations for these structures are more focused on appropriate location e.g., avoiding ridges and skylines and ensuring that the final design, finish and colour complement the landscape as far as practicable.

Rule E25.3.1.3(a)(i) does not allow any buildings or structures to be erected in the Crystal Basin Ski Area unless a covenant has been secured for the protection, in perpetuity, of significant indigenous vegetation. It is proposed that these areas are avoided during establishment and operation of the expanded Ski Area into Crystal Basin. This rule complements the same provision which is also applied to subdivision and recreational activity.

In addition, the rules require that prior to the construction of buildings the developer must prepare an Emergency Management and Response Plan and a Hazard Risk Assessment is completed. These measures are necessary to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone has been considered.

Utilities

The standards for utilities are separate from those that apply to buildings. It is anticipated that the majority of the utilities will be located underground. Within the Village, undergrounding of services would ensure that the amenity values of the resort are high, while on the mountain, the harsh climatic conditions and functionality of the ski field would require services to be underground.

Generally, it is anticipated that utilities can be located within the Village without significant adverse effects on landscape values. Utilities are therefore deemed to be permitted activities subject to performance standards which ensure they remain at a scale which is appropriate having regard to the anticipated scale of built development. In addition, the reflectivity of the utility is to be kept to a lower level.

On the mountainside, there will be support structures associated with lifts and ski tows that will be similar in effect to a moderate scaled utility tower. However, due to the potential for a communication tower to be located at altitude it may be highly visible from a wider area. To assess the effects of such towers on landscape values a resource consent is required with Council reserving the ability to assess those impacts along with effects on ecological values during construction.

Location and Scale of Activities

Activities are required to be located in accordance with the Outline Development Plan. The Outline Development Plan generally requires buildings to be located in close proximity, minimising their outward spread. This avoids effects on the surrounding environment beyond the Ski and Recreation Area as well as encouraging a village atmosphere. This rule complements Rule E25.3.1.1 which restricts the location of buildings. It also works in combination with Rule E25.5.6 which limits commercial floorspace and bed numbers in particular parts of the Village Base Sub-Zone. This rule has the effect of requiring further consideration where activities may relocate and

concentrate in an area that was not contemplated in the Outline Development Plan, e.g., the activities of the Village Centre move to occupy buildings in the Hotel and Accommodation Zone. Such a dispersal of activity may have traffic and pedestrian access effects that may compromise the proposed traffic circulation network and efficiency of the Village. Any increase in density of bed numbers or commercial floor area may also have the effect of increasing pressure on water supply and wastewater disposal which have been designed not to exceed a specified capacity.

Rule E25.5.3 requires that prior to any recreational activities taking place in the Crystal Basin Ski Area that a protective covenant is secured over significant indigenous vegetation. This rule complements a similar provision that applies to buildings and subdivision. The provision is applied to recreational activities as there is potential for recreation to occur without the need for a building or subdivision.

In addition, the rules require that prior to recreation activities taking place in Crystal Basin the developer must prepare an Emergency Management and Response Plan and undertake a Hazards Risk Assessment. This is to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone have been considered in advance of activities taking place.

Roading and Vehicle Parking

Rule E25.8.1.1 requires roads to be located in accordance with the Outline Development Plan. The Outline Development Plan reflects the outcome of detailed site investigations which have considered and optimised the alignment and gradient of roads in order to efficiently and safely access the Village and Ski Areas. This has involved consideration of the requirements of coaches, trucks and cars which may all need to access the Village environment carrying residents, visitors, workers or delivering services. Any change to the road alignment shown in the Outline Development Plan must be assessed in terms of accessibility and relationship to the proposed activities and buildings. Similarly, any changes to the road alignment may have consequences for earthworks or effects on ecological or landscape values.

Rule E25.9.1 sets the standard for car parking. Car parking is a significant part of the development of a Ski Area where there is a high number of day visitors anticipated. Car parking must be located and designed to be accessible and convenient and any change to the Outline Development Plan may have consequences in respect of these matters.

Earthworks

Rule E25.2.1 provides for earthworks within parts of the Ski and Recreation Area as a controlled activity. In these sub-zones the effects of earthworks have been assessed with respect to their nature and scale. Council's considerations are therefore limited to the detail of how the earthworks are to be managed.

The matters over which Council has reserved its control are focused on how the earthworks are to be managed and requiring adverse effects on the environment to be avoided or minimised. These considerations include the maintenance of soil and ground cover, the effects on non-vegetated scree slopes, the sensitivity of in-stream values and significance of indigenous vegetation.

In those Sub-Zones where the earthworks are not provided for as controlled activities the nature and scale of the earthworks are assessed to likely be adverse to ecological features. The Council has retained discretion to require appropriate environmental compensation for such effects.

Rule E25.14.5 provides for earthworks within a wetland as a non-complying activity. This is intended to discourage earthworks in relation to these features however it is acknowledged that essential elements of a Ski Area may still require some works to be undertaken in proximate locations. Extra management and care will be required to minimise or mitigate the effects of any works or innovations in design integrated into the final proposal where possible to maintain the function of the wetland.

Tree Planting and Landscape Treatment

Rule E25.10 limits tree and landscape planting to a list of preferred species. This reflects the sensitivity of this mountainous environment and the need to ensure that the Ski and Recreation Area retains integrity in terms of plant species. In this context it is necessary that planting does not introduce uncommon plants to the locality or create any visual and ecological contrasts with the surrounding High Country.

The rule also controls the pattern and mix of plants to ensure that a natural outcome is achieved. This requires a limit to the number of species used within a planting plan to ensure there is visual continuity and consistency with the vegetation patterns in the surrounding locality.

Night and Outdoor Lighting

The night sky in the High Country is valued for its clarity and absence of light pollution, and the opportunity this provides to view the stars and the Milky Way. Light pollution is caused by excess light shining upwards and outwards. To mitigate the effects of the Village lighting on the night sky the rules require all outside lights to be covered to prevent upward spill of light and to direct lighting into the village and away from the surrounding Rural Zone. In addition, the rules require the blue and violet light to be filtered and low-pressure sodium street lighting used. These measures will also subdue or have the effect of mitigating the presence of a Ski Area Village within the setting of the Outstanding Natural Landscape.

Rule E25.12.9 makes the lighting of the Ski and Recreation Area for night-time recreational activities a restricted discretionary activity. As the Ski and Recreation Area represents a node or location where recreation is intended to be enabled it is appropriate that some provision is made for night-time activity. This contributes to efficient use of the Ski Area resources and extends the time available for recreation for visitors and the community. A resource consent process ensures that effects on ecological values and rural amenity values, including views from the State Highway can be considered in relation to a specific lighting plan.

Removal of Indigenous Vegetation

Rule E25.14.4 limits the removal of indigenous vegetation. This rule applies to any activity which may involve the removal of vegetation beyond earthworks for construction of roads, buildings and utilities. It is critical to the ecological and landscape integrity of the Ski and Recreation Area and its relationship to the adjoining High Country that an intact cover of indigenous vegetation is maintained. Removal of indigenous vegetation leaving bare earth also creates the potential for exotic plants to invade the Ski and Recreation Area and facilitate the spread to unmodified areas. Accordingly, removal of indigenous vegetation is enabled only to a very minor scale within the zone to avoid this scenario arising.

State Highway Intersection

Action is required to achieve safe sightlines at the intersection of the Porters Ski Area Access Road with the State Highway. There are potentially a number of technical remedies to the road and/or intersection that could achieve the required sight distance. Rule E25.5.2(a) requires that the sightline distance, seal widening and road marking at the intersection is remedied prior to the commencement of any construction or earthwork activities within the Crystal Basin Ski Area in the event that this work proceeds without a need for subdivision. A similar requirement is imposed on Rule E25.14.1.10 to provide certainty that in the event of subdivision the upgrade of the Porters Ski Area Access Road and State Highway 73 intersection is undertaken by a single land developer prior to the issue of titles and in a timely manner.

Aircraft Movements

The use of helicopters for Ski Area operation and maintenance such as avalanche control is a permitted activity within the zone. Helicopters also positively assist with construction activities by enabling access without access tracks and wider areas of disturbance. It is anticipated that the Area may also provide a helicopter base for emergency services, fire fighting etc.

In addition, it is acknowledged that residents of, and visitors to the Ski and Recreation Area, may wish to access recreational activities in the wider Craigieburn Range such as hiking, heliskiing, hunting and fishing. A cap has been placed on aircraft movements associated with these activities to ensure that any potential effects on the receiving environment are considered.

Subdivision

Subdivision is required to meet a number of standards requiring infrastructure and services to be available for subdivision and for allotments and roading to conform to the Outline Development Plan. The purpose of the Outline Development Plan is to manage the effects of development and it is therefore necessary and appropriate that subdivision be required to conform to this layout. In addition the number of allotments for dwellings is to be capped. This complements the rules that limit building development and activities.

Within the Crystal Basin Sub-Zone there are areas of significant indigenous vegetation that must be protected. It is therefore a pre-requisite of any subdivision within the Village Base Sub-Zone that these areas are subject to a protective covenant.

In addition, the rules require that prior to subdivision a Hazards Risk Assessment is undertaken. This Assessment should be undertaken by an engineer and inform, in greater detail, the appropriateness of particular building sites that may be created through subdivision within the zone having regard to the natural hazard risks relevant to the locality.

The developer must prepare an Emergency Management and Response Plan. This is to ensure that the safety and wellbeing of future residents and visitors to the zone has been considered in advance of activities taking place.

A staging rule is also proposed. This enables some development of Porters Chalets and the Village Centre to proceed parallel with the development of Crystal Basin Ski Area. Section 224 certificates for further subdivision for the Crystal Chalets will not however be issued until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road to Porters Basin is decommissioned for private vehicle use and 25% of the buildings in the Village Centre are built. The purpose of the rule is to avoid a scenario where the Village Base Sub-Zone is developed without any development of the Crystal Basin Ski Area or the up-grading of Porters Ski Area. This provides for some capital to commence works but ensures that the recreational, social and tourism benefits of the expanded Ski and Recreation Area are delivered.

E25.17: LANDSCAPE AND BUILDING DESIGN REQUIREMENTS AND PRINCIPLES

PLANT LIST

Rule E25.10.1 requires all planting to be limited to the following species:

Botanical Name	Common Name
Chionochloa macra	
Chionochloa flavescentis	snow tussock
Chionochloa rubra	red tussock
Festuca novae-zelandiae	short tussock
Poa colensoi	blue tussock
Acena sp	
Anaphalioides bellidioides	
Astelia nervosa	
Blechnum penna marina	
Brachyglottis bellidioides	
Carmichaelia monroi	
Celmisia angustifolia	
Celmisia gracilentia	
Celmisia lyallii	
Celmisia spectabilis	
Muehlenbeckia axillaris	
Parahebe odora	
Pimelea oreophila	
Polystichum richardii	
Raoulia subsericea	
Scleranthus uniflorus	
Discaria toumatou	Matagouri
Dracophyllum acerosum	
Hebe odora	
Kunzea ericoides	
Ozothamnus leptophyllus	
Podocarpus nivalis	
Notofagus solandrii var cliffortioides	mountain beech
Carmichaelia australis	native broom
Coprosma cheesemanii	
Dracophyllum uniflora	
Dracophyllum pronum	
Gaultheria crassa	
Gaultheria depressa var. novae-zelandiae	

Acrothamnus colensoi (prev.Leucopogon colensoi)	
Leptosperma scoparium	Manuka
Melicytus alpinus	
Pimelia traversii	
Olearia avicenniifolia	

OUTLINE PLANTING CONCEPT AND PLANT MIX

Rule E25.10.2 requires that all planting shall generally comply with the Outline Planting Concept. The Outline Planting Concept provides for six plant mixes. The relative proportions of the dominant species in each planting mix shall be as follows:

I. Mountain Beech

Mountain Beech	% by number of plants
Notofagus solandrii var cliffortioides	30%
Dracophyllum acerosum	30%
Chionochloa flavescens	30%
Hebe odora	10%

II. Mountain Beech / Kanuka mix

Mountain Beech / Kanuka mix	% by number of plants
Notofagus solandrii var cliffortioides	30%
Kunzea ericoides	20%
Dracophyllum acerosum	25%
Chionochloa flavescens	20%
Chionochloa macra	5%

III. Kanuka / Mountain Beech mix

Kanuka / Mountain beech mix	% by number of plants
Kunzea ericoides	40%
Notofagus solandrii var cliffortioides	10%
Dracophyllum acerosum	15%
Chionochloa flavescens	15%

Chionochloa macra	5%
From list	15%

IV. Dracophyllum mix

Dracophyllum Mix	% by number of plants
Dracophyllum acerosum	50%
Chionochloa flavescens	30%
Chionochloa macra	10%
From list	10%

V. Red tussock

Red Tussock	% by number of plants
Chionochloa rubra	70%
Chionochloa flavescens	20%
Chionochloa macra	10%

VI. Short tussock / blue tussock mix

Short tussock / Blue tussock mix	% by number of plants
Poa colensoi	60%
Festuca novae-zelandiae	25%
Acena sp	15%

DESIGN PRINCIPLES FOR BUILDINGS

Material and Colours

1. Buildings that are visible from SH73 should be sited and designed to blend in with the colour and textures of the High Country environment.
2. All exterior building materials, colours and reflectances should be appropriate for the High Country environment when viewed in the summer months in the absence of snow.
3. Cladding materials considered appropriate include:
 - Concrete
 - Local stone
 - Stained timber
 - Naturally weathered timber
 - Corten steel
 - Glass
4. Roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.
5. Metal roofs shall be finished in matt, low reflectivity tones and hues.
6. Colours for roofing and cladding materials shall be restricted to a muted colour palette of browns, greens, greys or black.
7. Brighter colours can be used to accent building elements such as doors, window frames, trim and other architectural details.
8. All buildings should be designed by registered architects.
9. Where possible, building proportions should reflect the vertical dimensions rather than flat horizontal dimension.
10. Buildings should be designed to sit comfortably in the natural landscape while making a positive contribution to the overall alpine village character and minimising the need for retaining walls.
11. A variation in the number of floors on each building as well as on adjacent buildings is encouraged.
12. Roofs are generally to be of medium pitch with reference to the angles of the mountain landforms with overhangs designed to hold snow.
13. Upper floors of buildings should be built into roof forms, using dormer windows to reduce building height.
14. Retaining structures should be planted out with indigenous vegetation.

Public Realm

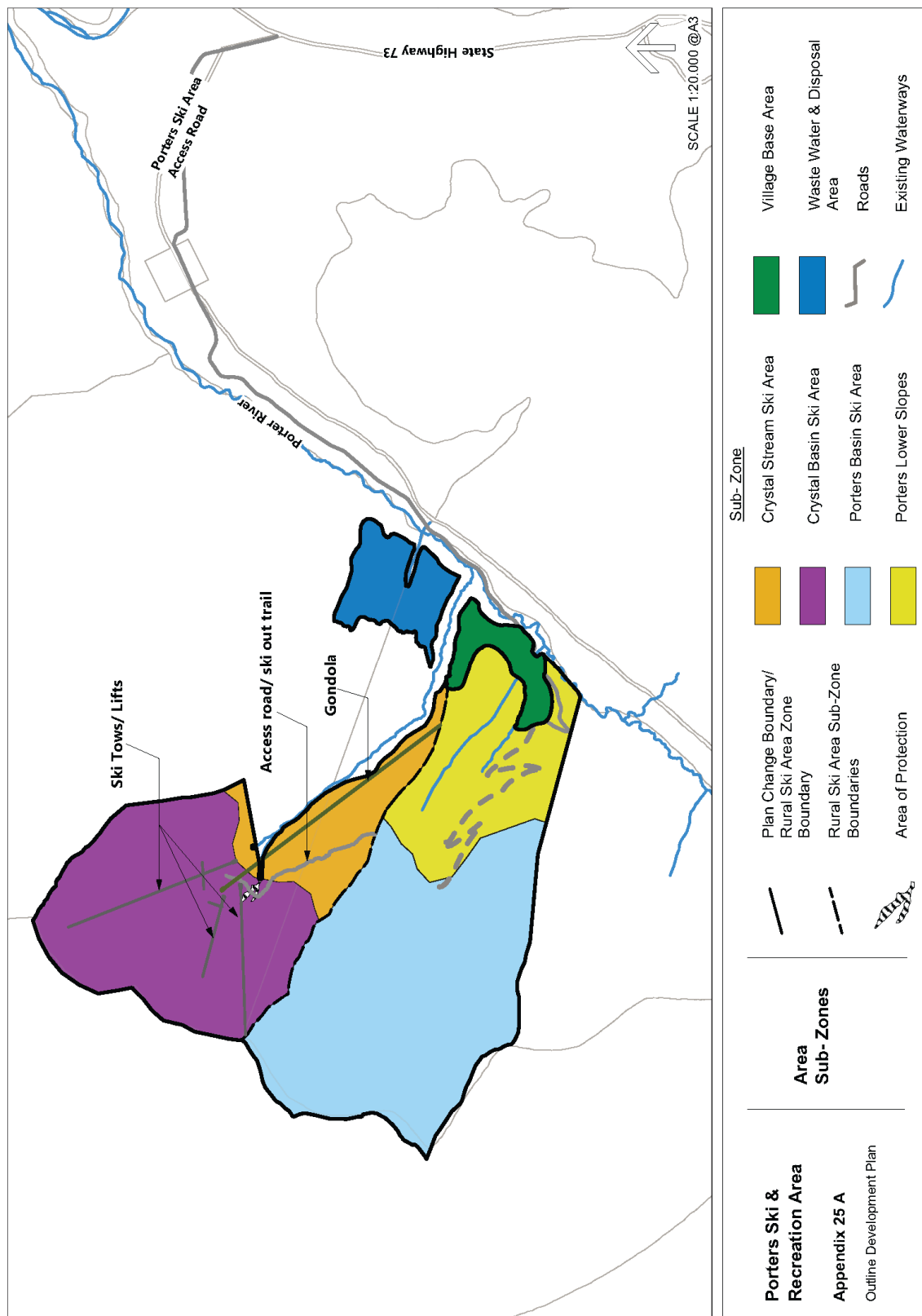
1. The Village Centre should provide one focal building with an active edge which is located to the south of a Village Square.
2. The Village Square should be an attractive space with dimensions of at least 30m x 30m and should have active edges on at least three sides.
3. The height and location of the buildings enclosed in the Village Square should provide for maximising solar access at the south half of the Square in particular.
4. A network of formed “natural looking” paths linked to but not parallel to roads should provide alternative pedestrian routes.

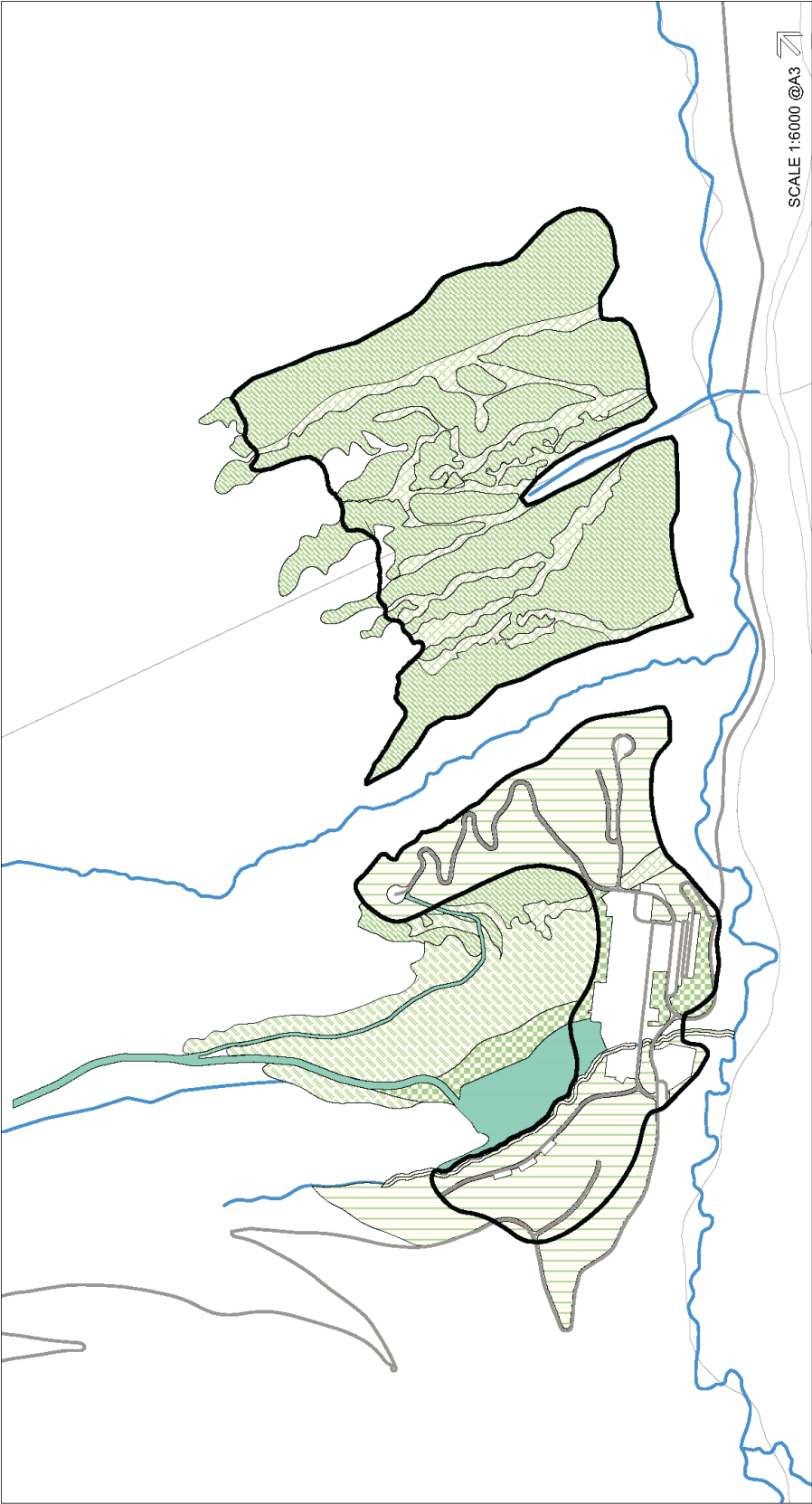
Roading Layout and Car Parking




1. The design of roads in the Village should promote a rural character and avoid an appearance of typical suburban streets.
2. Car parking associated with dwellings should be provided on-site while car parking associated with visitor accommodation and day visitors should be provided in close proximity to the Village Centre.
3. Visitor arrival and drop-off should be conveniently located relative to the Village Centre and accommodation facilities.

Overland Flow Paths

1. There are a number of depressions in the Village area landscape that resemble overland flow paths. Where possible, these features should be retained and enhanced with landscaping.
2. In the event that these features are disturbed by earthworks, roads or buildings, they should be recreated as close as possible to the original feature.





<p>Porters Ski & Recreation Area</p> <p>Appendix 25 C</p> <p>Outline Development Plan</p>	<p>Planting Concept Plan</p>	  	<p>Village Base Area</p> <p>Waste water Disposal Area</p> <p>Mountain Beech/Kanuka Mix</p>	<p>Red Tussock Mix</p> <p>Short Tussock/Blue Tussock Mix</p> <p>Kanuka/Mountain Beech Mix</p>	<p>Dracophyllum Mix</p> <p>Mountain Beech Mix</p> <p>Waterways</p>
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