

# SCHEDULE OF AMENDMENTS

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

Name	Description
Plan Change 11	Rolleston Living 1B deferred zone structure plan
Minor Amendments	Various minor amendments included

Please amend your District Plan by updating the following pages:

## Township Volume

Insert Pages	
Front of Township Volume - Supersedes existing Certificate of Approval	Signed Certificate of Approval as of 08.07.2010
Replace pages - Please recycle all pages removed	
Part B4 – Growth of Townships <i>New Policy 4.2.9 pg B4-018</i>	B4-017 – B4-020
Part C4 – Living Zone Rules - Buildings <i>New Restricted discretionary Activity 4.6.4.7 inserted, Pg C4-003</i> <i>Delete 4.9.19 pg C4-009, 4.9.26 and 4.9.27 pg C4-010</i> <i>Insert New Section 4.13 Buildings and Streetscene</i>	C4-003 – C4-004 C4-009 – C4-012 C4-015 – C4-016
Part C12 – Living Zone Rules - Subdivision <i>Amendment to Table C12.1, addition of Rolleston Living 1C, pg C12-010</i> <i>Minor amendment to 12.1.4.45 pg C12-016, 12.1.4.48 pg C12-017</i> <i>Insert New Assessment Matters 12.1.4.49 pg C12-017</i> <i>Insert New Assessment Matters 12.1.4.50, 12.1.4.51, 12.1.4.52 in Special Characters Areas, pg C12-018</i> <i>Add new Non-Complying Activities 12.1.7.4 and 12.1.7.5, pg C12-020</i>	C12-009 – C12-028
Part D – Definitions <i>Add definition for <b>Front Building Façade</b>, pg D-004</i>	D-003 – D-004
Part E34 – Lowes Road ODP	E34-001 – E34-002
Planning Maps 014, 100, 103, 106	

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“Criteria for Taking Land Instead of Cash” policy in the Development Contribution Policy in the 2006 – 2016 LTCCP.

## Methods

### LTCCP

- Development Contribution Policy

### District Plan Rules

- Subdivision (all zones)

## Policy B4.2.8

**In limited circumstances and at the Council’s discretion, to apply the concept of “environmental compensation” where:**

- **land of high landscape or natural value is protected or made available for public use; or**
- **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 B4.2.8 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 (all zones)

## POLICY B4.2.9

To ensure development in the Rolleston Lowes Road Outline Development Plan area is in accordance with the Outline Development Plan (Appendix 34) so that development proceeds in a logical and coherent manner that provides for internal and through connections and a high standard of public amenity by:

- Providing for pedestrian, cycle and vehicle movement within and through the area in accordance with the outline development plan map (Appendix 34), with such land to be vested in Council at the time of subdivision.
- Providing reserves and public amenity within the zone as identified in Appendix 34.
- Ensuring coherent, safe and attractive public areas by implementing an appropriate development pattern and density of development.
- Protecting the special character of Waterbridge Way and Fairhurst Place by ensuring: the retention of a lower density of development; the avoidance of obtrusively positioned buildings; the preservation of existing special features.

## Explanation and Reasons

The Outline Development Plan will promote integrated development by providing a logical road and walkway/cycleway network and providing direct street access for a larger proportion of allotments. Land required for structure plan connections will be obtained at the time of subdivision. New buildings should not be positioned in a way that would frustrate the ability of Council to obtain connections in future.

The road and walkway/cycleway connections in the structure plan have been designed to provide for permeability and for through movement. They serve the wider needs of Rolleston as well as those of the residents of the zone. Without them the area is likely to be a barrier to movement for surrounding residents.

The Outline Development Plan aims to provide for reserves within the area on a logical basis, taking advantage of significant features such as trees and water-races. Council will buy the land required using reserves contributions from development in the area.

Two parts of the area have been identified as having a special character:

- Waterbridge Way, due to its low density of development and unique streetscene (landscaped water-races, narrow bridges and buildings set well back from the street).

- Fairhurst Place, due to the sense of spaciousness on the street, especially for views extending south-east from Lowes Road into the distance, and the established cherry trees and front boundary planting.

A low density area (with increased setbacks) is regarded as the best way to prevent the loss of this character from cramped development. The establishment of more closely spaced (L1B density) houses and accessory buildings in locations where they are noticeable from the street would undermine this. The special character results in part from the absence of any incongruously positioned dwellings in the street scene.

Subdivision proposals which are likely to lead to such development due to the shape and position of lots should be avoided.

## Methods

### District Plan Rules

- Subdivision - General
- Outline Development Plan

### LTCCP

- Development Contributions Policy

### Non-Statutory Guidance

- (Good Solutions Guide for Subdividing Large Rural Style Sections)

## SUBDIVISION OF LAND — ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B4.2:

- Subdivision of land for other purposes than new residential or building development is easier.
- Greater variation in allotment size, shape and layout, while maintaining residential density standards and amenity values in townships.
- Allotments are created with the characteristics and services and facilities appropriate for the intended use of the land.
- On land identified as having significant open space or natural values, the Council has the ability to consider environmental compensation, depending on the circumstances of subdivision and development.

## SUBDIVISION OF LAND — MONITORING

Please refer to Part E, Appendix 1.

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

### **Introduction**

This section specifically addresses issues associated with residential or business growth in townships in the District. Part A, Section 4.5 (Townships & Zones), Table A4.4 describes how townships are identified.

Part B, Sections 1.1 to 4.2 contain objectives and policies that apply to all activities generally and to residential or business growth specifically. This section collates these objectives and policies, and applies them to specific townships (policies B4.3.6 – B4.3.95). Town Form includes policies on the shape and pattern of land rezoned for new residential or business development. Appendix 14 contains a guide on information to be included with plan change requests to rezone land.

The Council has included a separate, specific section in the District Plan addressing this issue because it is a complex and significant resource management issue in the District.

### **RESIDENTIAL AND BUSINESS DEVELOPMENT – ISSUES**

- **Effects on the environment from the location, amount and rate of residential or business growth in the District.**
- **How to provide for new residential and business growth in a way that is consistent, equitable between landowners, and makes an efficient use of resources.**

### **Type of Growth**

Residential or business growth in this section refers to the development or redevelopment of land and erecting buildings and associated infrastructure, to accommodate residential or business activities at a density, and with characteristics, found in an urban area.

Selwyn District has one of the fastest resident population growth rates in New Zealand. Between 1986 and 1996 the population residing in the District grew by 4098 people or 16.2%. From 1996 to 2011, the District's population is projected to grow by another 10,700 people or 36%.

(These figures are taken from New Zealand Census Statistics and projections by Statistics New Zealand. The relevant reports are:

- Barber (1998) Residential Growth Estimates for Selwyn District; and
- Barber (2000) Revised Resident Population Projections 2000.

The source of most of this population growth is people moving into the District to live. The main attraction appears to be larger residential sized sections (more than 600m<sup>2</sup>) or small rural allotments (up to 4 ha). The highest demand for residential and small rural sections occurs in an area within about 30km of Christchurch City. The areas with the highest (percentage) population projections are the Lincoln, Prebbleton, Rolleston and the West Melton areas.

Between 1986 and 1996, 62% of the District's population lived in the rural area, predominately on small allotments close to Christchurch. From 1996 to 2011, the largest demand for new residential development is projected to be in townships. This change is due to demographic factors such as the ageing of New Zealand's population and the trend towards living in smaller households (Barber 1998).

## Notes

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

## 4.6 BUILDINGS AND BUILDING DENSITY

### Permitted Activities – Buildings and Building Density

- 4.6.1 The erection on an  allotment  (other than a  site  at Castle Hill) of not more than either:
- One  dwelling  and one  family flat  up to 70m<sup>2</sup> in floor area; or
  - One  principal building  (other than a  dwelling ) and one  dwelling ,
- shall be a permitted activity.
- 4.6.2 The erection of not more than one  principal building  on any  site  at Castle Hill shall be a permitted activity.

### Restricted Discretionary Activities – Buildings and Building Density

- 4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two  dwellings  on an  allotment  in a Living 1 zone shall be a restricted discretionary activity.
- 4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:
- 4.6.4.1 Whether each  dwelling  has adequate outdoor living space for the exclusive use of that  dwelling  for  residential activities ; and
  - 4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and
  - 4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two  dwellings  erected on the same  allotment ; and
  - 4.6.4.4 The proportion of  allotments  in the street or subdivision where there is more than one  dwelling  or  principal building ; and
  - 4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and
  - 4.6.4.6 The need for a 'step in plan' to be provided at each 20 metre interval along a continuous  building  wall in order to mitigate any adverse effects of continuous ' building  bulk' being close to the  boundary  of a neighbouring property. The Step shall be sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.
  - 4.6.4.7 Within the Lowes Road Outline Development Plan Area, that the siting of the dwelling does not preclude the establishment of any roads or indicative walkways as shown in Appendix 34.

Note: Building density and site coverage rules both apply.

### **Discretionary Activities — Buildings and Building Density**

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

### **Non-Complying Activities — Buildings and Building Density**

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

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



## Temporary Activities

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

## Setback from Lincoln Sewerage Treatment Plant

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

## Rolleston

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

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

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

## Permitted Activities – Buildings and Building Position

### Special Character Low Density Areas (Living 1C zoning)

- 4.9.19 In Living 1C zoned areas, buildings shall have a set back from the road boundary of not less than 6m.
- 4.9.20 Dwellings and family flats shall be positioned at least 6m from any existing dwelling or family flat (or footprint of a planned dwelling or family flat for which a building consent has been granted within the previous 2 years).

An exception is where family flats are attached to the principle dwelling.

## Restricted Discretionary Activities — Buildings and Building Position

- 4.9.21 Any activity which does not comply with Rule 4.9.1 shall be a restricted discretionary activity.
- 4.9.22 Under Rule 4.9.21 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.22.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.
- 4.9.23 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.14 and 4.9.18 shall be a restricted discretionary activity.
- 4.9.24 Under Rule 4.9.23 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.24.1 Internal Boundary
- Any adverse effects on the:
- (a) privacy
  - (b) outlook
  - (c) shading; or
  - (d) amenity values
- of the adjoining property, its occupiers and their activities; and
- 4.9.24.2 Road Boundary
- Any adverse effects on:
- (a) the character of the street
  - (b) safety and visibility of pedestrians, cyclists and motorists, and
  - (c) shading of the road or footpath in winter;
  - (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and
- 4.9.24.3 Any reverse sensitivity issues at the southern zone boundary of the Living 2A zone at Prebbleton.
- 4.9.25 Any activity which does not comply with 4.9.19 or 4.9.20 shall be a restricted discretionary activity
- 4.9.26 Under rule 4.9.25 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.

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

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

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

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

## 4.10 RELOCATED BUILDINGS

**Note:** Any relocated building in the Living zones at Arthur's Pass or Castle Hill is also subject to Rule 11.1.

### Permitted Activities — Relocated Buildings

- 4.10.1 The erection of any relocated building shall be a permitted activity if one or more of the following conditions are met:
- 4.10.1.1 The relocated building is a garage or accessory building; or
  - 4.10.1.2 The building is moved from one position to another within the same site; or
  - 4.10.1.3 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
  - 4.10.1.4 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 of a 12 month period or when the construction work ceases.
  - 4.10.1.5 The building is being relocated within or between schools.

### Controlled Activities — Relocated Buildings

- 4.10.2 Any activity which does not comply with Rule 4.10.1 shall be a controlled activity which shall not be notified and shall not require the written approval of affected parties. The matters the Council has reserved control over are:
- 4.10.2.1 The time period within which the building is to have its new foundations established and covered; and
  - 4.10.2.2 The time period within which any repair work to the exterior of the building is to be repaired; and
  - 4.10.2.3 The standard to which the exterior of the building is to be finished; and
  - 4.10.2.4 Whether any bond is required to cover the cost of reinstatement works in relation to matters listed under Rules 4.10.2.1 to 4.10.2.3, and the type of bond.

## 4.13 BUILDINGS AND STREETSCENE

### Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan Area

- 4.13.1 The maximum height of any fence between the front building façade and the street or a private Right of Way or shared access over which the allotment has legal access, shall be 1m. For allotments with frontage to more than one road, this rule shall only apply to the façade that includes the front entrance to the allotment, with fencing on the other road frontage to be no higher than 1.8m.
- 4.13.2 Garages are to occupy no more than 50% of the width of the building façade facing the road, or a private right of way

### Restricted Discretionary Activities - Buildings and Streetscene

- 4.13.3 Any activity which does not comply with 4.13.1 or 4.13.2 shall be a restricted discretionary activity
- 4.13.4 Under Rule 4.13.3 the Council shall restrict the exercise of its discretion to consideration of:
  - 4.13.4.1 The degree to which an open streetscene is maintained and views between the dwelling and the public space, private Right of Way or shared accesses are retained.
  - 4.13.4.2 The extent to which the visual appearance of the site from the street, or private Right of Way or shared access over which the lot has legal use of any part, is dominated by garden planting and the dwelling, rather than front fencing.
  - 4.13.4.3 The extent to which the proposed fence is constructed out of the same materials as the dwelling and incorporates steps in plan, landscaping, and see-through materials such as railings or trellis.
- 4.13.5 Under Rule 4.13.3 the Council shall restrict the exercise of its discretion to consideration of:
  - 4.13.5.1 The extent to which the front façade is dominated by habitable rooms and glazing rather than garaging.
  - 4.13.5.2 The extent to which the opportunity for passive surveillance and overlooking of the street, private Right of Way, or shared access from the dwelling is provided.

\*Note that this section is also added by Proposed Plan Change 7, which also adds the same rules, but for different zones (Greenfield Living Z). A tidying up exercise (via Clause 16 of the first schedule) is likely to be required to reconcile the numbering of the clauses if both plan changes are approved.

## Reasons for Rules

### Natural Hazards

Rules 4.1.1 and 4.1.2 identify Tai Tapu as a township where there is a significant known risk of damage to people or property from flooding and ponding. Rule 4.1.1 does not necessarily prevent earthworks and building in the township of Tai Tapu; rather, the rule requires a resource consent application for a restricted discretionary activity for larger scale activities, so the nature and level of any risk of hazard, and any mitigation measures proposed, can be assessed.

Rule 4.1.4 prohibits dwellings and principal buildings from being erected between a waterbody and its stopbank. This is due to the high risk in this area of the flooding or ponding of water occurring. Other townships will be affected by this rule if they contain certain land between a waterbody and an associated stopbank.

Rule 4.1.3 restricts dwellings, parts of dwellings and other principal buildings in an area known to be subject to flooding from the Rakaia River.

It is known by the Council that other townships in Selwyn District are likely to be affected by natural hazards. While information is lacking, these include Whitecliffs and Hororata. The objectives and policies section for Natural Hazards (Part B, Section 3.1) identify that the preferred methods to address this issue in such townships is through reliance on the Building Act and section 106 of the Resource Management Act, and by relevant hazard information held by the Council being provided as part of a request for Land Information Memoranda.

### Landscaping

A common feature of residential areas is a tidy area between the house and road frontage. There is a 'market' incentive for home owners to keep this area tidy, as it can add value to the house and property. There is not, however, such a direct market incentive for other activities, such as businesses and community facilities, to retain a tidy 'front yard'. The objective of Rule 4.2 is to ensure non-residential activities locating in Living zones maintain this feature of residential areas.

### Water Supply

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

### Sewage Treatment and Disposal

The townships listed in Rule 4.5.1 either have a reticulated sewerage treatment and disposal system, or need such a system to avoid adverse effects on groundwater. The Council is currently pursuing options for public reticulated sewerage treatment and disposal at Southbridge.

West Melton township does not have reticulated sewerage treatment and disposal, however, it is considered that this is necessary given the position of Environment Canterbury in relation to the rezoning of land at West Melton for residential development.

Rule 4.5 should not be interpreted as an indication that reticulated sewerage will not be needed in other townships in the future, such as Darfield or Kirwee. Environment Canterbury (the Regional Council) is responsible for issuing discharge permits to allow on-site effluent treatment and disposal. If, in the future, permits are no longer issued for a particular township, a reticulated sewerage system may be required.

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
Lincoln	Living 1	650m <sup>2</sup>
	Living 1 (Deferred)	20ha
	For the Living 1 (Liffey Springs) Zone (Deferred) at Lincoln as shown in Appendix 35; upon the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for residential development, the Living 1(Liffey Springs) Zone (Deferred) at Lincoln, as shown in Appendix 35 shall cease to be deferred and the rules of the Living 1 Zone will apply to that land, and the rules of the Rural Zone (Outer Plains) will cease to apply, without further formality.	
	Living 1A	850m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A1	650m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A2	650m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A3	500m <sup>2</sup>
	Living 1A4	1,500m <sup>2</sup>
	Living 2	3,000m <sup>2</sup>
	Living X	2,000m <sup>2</sup>
Prebbleton	Living 1	800m <sup>2</sup>
	Living 1A	2,000m <sup>2</sup>
	Living 1A (Deferred)	4 ha
	Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living 1A Zone will apply.	
	Living 1A1	800m <sup>2</sup>
	Living 1A2	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Living 1A3	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Living 1A4	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 1A5	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup> . For <u>comprehensive residential development</u> , the minimum average area shall be 350m <sup>2</sup> .
	Living 1A5 (Deferred)	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u> , the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.	
	Living 2	5,000m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>  Maximum number of allotments is 32, and on the south side of Trices Road the maximum number of allotments is 8
	Living 2A (Blakes Road)	5,000m <sup>2</sup>  Subdivision shall proceed in substantial accordance with the development plan in Appendix 19
	Living 2A (Deferred)	4 ha
	Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.	
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m <sup>2</sup> )
	Living X (Deferred)	4 ha
	Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living X Zone will apply.	
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Rolleston	Living 1	750m <sup>2</sup>
	Living 1A	Minimum lot area of 300m <sup>2</sup>



<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 1B	1,200m <sup>2</sup> with a minimum lot area 750m <sup>2</sup>
	Living 1B Deferred	5,000m <sup>2</sup> until deferral lifted in January 2010, then 1,200m <sup>2</sup> with a minimum lot area of 750m <sup>2</sup>
	Living 1C	2,000m <sup>2</sup> with a minimum lot area of 1,000m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2A	1 ha
Sheffield	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
	Living 1A	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Southbridge	Living 1	650m <sup>2</sup>
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Springston	Living 1	800m <sup>2</sup>
	Living 1A	800m <sup>2</sup>
Tai Tapu	Living 1A	800m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
West Melton	Living 1	1,000m <sup>2</sup>
	Living 1 Deferred	Refer to Subdivision – General Rules. 800m <sup>2</sup> if criteria met.
	Living 1B	2,800m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2 Deferred	Refer to Subdivision – General Rules. 5,000m <sup>2</sup> if criteria met.
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m <sup>2</sup>

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
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"> <li>- mitigate adverse effects; or</li> <li>- maintain the heritage values of the site</li> </ul>
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area
All Living Zones	Calculating <u>Allotment</u> Sizes	<p>The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u>, reserves or to house <u>utility structures</u>, or which are subject to a designation.</p> <p>Any <u>allotment</u> which is twice or more the size of the average <u>allotment</u> required in the zone, shall be calculated as being:</p> <p>2 x average <u>allotment</u> size for that zone – 10 m<sup>2</sup>; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
All <u>Townships</u>	<u>Allotment</u> sizes for Flats/Townhouses – Living 1	In any Living 1 Zone, where two or more <u>dwelling</u> s have been erected on an <u>allotment</u> the average <u>allotment</u> size per <u>dwelling</u> shall be 0.5 x the average <u>allotment</u> size listed in this table for the Living 1 Zone in that <u>township</u> .

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

##### **Access**

- 12.1.4.1 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 Strategic Road; and
  - The design and location of the vehicular accessway and vehicle crossing; and
  - Whether access to the allotment(s) can be obtained off another road which is not a Strategic Road either directly or by an easement across other land.

##### **Water**

- 12.1.4.2 The provision of water for firefighting; and
- 12.1.4.3 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
  - 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**

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

### **Utility Cables**

- 12.1.4.5 Whether any utility cables shall be laid underground.

### **Telephone and Power**

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

### **Stormwater Disposal**

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

### **On-Site Effluent Disposal**

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

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

### **Roads, Reserves and Walkways/Cycleways**

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

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

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

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

**Note:** The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rules 12.1.4.12 to 12.1.4.14.

### **Special Sites**

12.1.4.15 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).

12.1.4.16 If the land to be subdivided contains any place or item which is listed in Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation:

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

### **Size and Shape**

12.1.4.17 The size and shape of allotments in accordance with Rules 12.1.3.5 and 12.1.3.6; and

12.1.4.18 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3; and.

12.1.4.19 The shape and alignment of allotments with respect to the potential that dwellings erected on them will have to gain orientation to the sun; and

12.1.4.20 If any allotment is to be created which is too small to enable a dwelling to be erected on it as a permitted activity under the district plan rules. The mechanism(s) used to alert any prospective buyer(s) of the allotment.

**Note:** The consent authority shall consider a dwelling as being a minimum of 150m<sup>2</sup> in gross floor area, when using its discretion under Rules 12.1.4.17 to 12.1.4.20 for compliance with District Plan rules.

## **Utilities and Facilities**

12.1.4.22 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

12.1.4.23 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 Engineering Standards (2000) where appropriate, in using its discretion under Rule 12.1.4.23.*

## **Construction of any Works**

12.1.4.24 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**

12.1.4.25 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**

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

## **High Voltage Transmission Lines**

12.1.4.27 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**

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

- 12.1.4.29 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.

#### **Prebbleton**

- 12.1.4.30 In the Living 1A2, 1A3, 1A4 and 2A zones at Prebbleton, the retention of existing trees that are considered "significant" in terms of the Prebbleton Townscape Plan; and
- 12.1.4.31 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.32 In the Living 1A2 Zone at Prebbleton, the achievement of a graduated density of allotment sizes such that average lot size generally increases in a southward direction; and
- 12.1.4.33 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.32, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.34 In the Living 1A3 Zone at Prebbleton, the necessity for larger allotments along the boundary of the zone adjoining Meadow Mushrooms, so as to mitigate minor odour and noise effects; and
- 12.1.4.35 In the Living 1A4 Zone at Prebbleton, the necessity for the Ministry of Education to acquire part of the zone to accommodate the future needs of Prebbleton Primary School.
- 12.1.4.36 In the Living 2A Zone at Prebbleton, the need for an interim walkway/cycleway linkage to Springs Road via the north west corner of the zone until such time as a linkage on the land between the Living 1A2 and Living 2A zones is able to be achieved.

**Note:** The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 12.1.4.36.

#### **Rolleston**

- 12.1.4.37 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;
- 12.1.4.38 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;
- 12.1.4.39 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;
- 12.1.4.40 The need to provide for pedestrian and cycle movement within the road reserve;

- 12.1.4.41 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;
- 12.1.4.42 The need for local reserves;
- 12.1.4.43 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.44 The design guidelines contained in Appendix 23;
- 12.1.4.45 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; and
  - (b) bus routes; and
  - (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.
- 12.1.4.46 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.
- 12.1.4.47 In the Living 1A and 1B zones every allotment shall be served with underground electric power and telephone services in accordance with the standards specified by the relevant network utility operator.
- 12.1.4.48 Except as provided by rule 12.1.4.49, for allotments within or adjacent to the Lowes Road Outline Development Plan area, that the proposed layout is in general accordance with the Outline Development Plan map in Appendix 34.

In assessing whether the layout is in general accordance with the structure plan map the following will be considered:

- a) that the ability for Council to obtain the indicated linkages is not compromised.
- b) that the ability for Council to obtain the indicated reserves is not compromised.
- c) that the layout will result in a logical pattern of development for the area as a whole.
- d) that the ability of adjoining landowners to develop their land whilst providing for the indicated reserves and linkages is not unduly compromised.
- e) That the proposal will result in public space of equal or better quality than the Outline Development Plan

- f) That the proposal will not involve excessive additional costs for Council in the construction of roads or paths funded by development contributions.

12.1.4.49 For Lot 32 DP 76956 BLK III Leeston SD (35 Fairhurst Place), any subdivision need not provide connections shown on the Outline Development Plan provided that the average lot size is above 4000m<sup>2</sup> and the layout plan demonstrates that the connections can be provided in a logical fashion by future re-subdivision. This exception shall not apply to the connection to the adjacent school site (along the southern boundary of 35 Fairhurst Place) and shall not apply to any subsequent re-subdivision of the lots created.

#### Rolleston Special Character Low Density Areas (Living 1C zoning)

12.1.4.50 In the Living 1C zoned area adjacent to Waterbridge Way, that the subdivision would not require the piping of a water-race or its relocation away from the path shown in the Lowes Road Outline Development Plan unless:

- a) an alternative path of equal prominence is provided;
- b) the water-race is landscape to a standard equivalent to surrounding landholdings.

Except that the above shall not apply to any part of the water race which is greater than 12m from the legal road boundary.

In the assessment of this matter, consideration should be given to the likely size, shape and location of any dwellings to be built on the new lots.

12.1.4.51 In the Living 1C zoned area adjacent to Waterbridge Way, that the subdivision design minimizes the need for additional crossings of the water races by sharing accessways where possible.

Where new crossings are required, the assessment shall take into account:

- a) The extent to which the crossing would be of similar design, materials and colour to the existing bridges on Waterbridge Way.
- b) The visibility within the streetscene of the crossing.
- c) The extent to which the design would complement the special character of its surroundings.

12.1.4.52 In Living 1C zoned areas in Fairhurst Place, that the subdivision would not require the removal of street trees in order to provide access.

#### **Tai Tapu**

12.1.4.53 If the land to be subdivided is located in an area which is identified on the planning maps as being in the Living 1A or Living 2A zones at Tai Tapu:



- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and
- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:
  - Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and
  - The filling (with inert hardfill) of any low lying area; and
- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

## **Restricted Discretionary Activities – Subdivision – West Melton**

12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.34.
- 12.1.5.2 The exercise of discretion shall be restricted to the matters listed in 12.1.5.3 to 12.1.5.6 below.
- 12.1.5.3 Whether any amendments to the roading pattern will retain connectivity and avoid piecemeal and uncoordinated subdivision patterns;
- 12.1.5.4 Whether any amendments to the subdivision would still enable efficient and coordinated provision of services;
- 12.1.5.5 Whether any amendments to the subdivision layout will provide adequately for reserves, pedestrian or cycle linkages;
- 12.1.5.6 Whether any amendments to the subdivision will ensure that there are not an excessive number of lots reliant on a single access point to an adjoining road.

## **Discretionary Activities – Subdivision – General**

12.1.6 The following activities shall be discretionary activities:

- 12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or 12.1.3.10.
- 12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13.
- 12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate or Dunsandel with an average allotment size of less than 1 hectare.
- 12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m<sup>2</sup>.
- 12.1.6.5 Any subdivision in a Living 1C zone with an average lot size above 1,200m<sup>2</sup>.

- 12.1.6.6 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m<sup>2</sup>.

### **Non-Complying Activities – Subdivision – General**

- 12.1.7 Except as provided for in Rules 12.1.5 and 12.1.6, the following activities shall be non-complying activities:
- 12.1.7.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.
  - 12.1.7.2 Upon deposit of a Plan of subdivision, any further subdivision (other than by way of boundary adjustment) of any allotment within that Plan of subdivision (other than a balance lot) in the Living 1A Zone at Lincoln.
  - 12.1.7.3 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a non-complying activity where a land use consent for a comprehensive residential development has not been obtained.
  - 12.1.7.4 Any subdivision in the Lowes Road Outline Development Plan area that is not in general accordance with the Outline Development Plan.
  - 12.1.7.5 Any subdivision in a Living 1C zone with an average lot size below 1,200m<sup>2</sup>.

## 12.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

**Note:** If a boundary adjustment completed under 12.2 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

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

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

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

12.2.1.3 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

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

If the subdivision complies with Rules 12.2.1.1 to 12.2.1.4, 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 12.2.2.

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

#### Access

12.2.2.1 If any allotment has access on to a Strategic Road listed in Appendix 7:

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

#### Water

12.2.2.2 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

- 12.2.2.3 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 12.2.2.3(c), the consent authority shall consider a dwelling of 150m<sup>2</sup> in gross floor area for compliance with District Plan rules.

## Stormwater Disposal

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

## On Site Effluent Disposal

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

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

## Special Sites

- 12.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody excluding aquifers; or
  - (b) Any site listed in Appendix 3; or
  - (c) A designation:
    - 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**

- 12.2.2.9 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 12.2.2.10 Whether any utility cables shall be laid underground; and
- 12.2.2.11 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
- 12.2.2.12 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
- 12.2.2.13 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**

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

### **High Voltage Transmission Lines**

- 12.2.2.15 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**

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

### **Tai Tapu**

- 12.2.2.17 If any allotment subject to the boundary adjustment is located in an area which is identified on the planning maps as being in the Living 1A or 2A zones at Tai Tapu:
- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and

- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:
  - Minimum floor heights for dwellings and other principal buildings; and
  - Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and
  - The filling (with inert hardfill) of any low lying area; and
- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

## **Non-Complying Activities – Subdivision – Boundary Adjustments**

12.2.3 The following activities shall be non-complying activities

12.2.3.1 Any subdivision to adjust boundaries which does not comply with Rule 12.2.1

## 12.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

### Controlled Activities — Subdivision – Access, Reserve and Utility Allotments

12.3.1 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 12.3.2.

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 12.3.2.

12.3.2 Matters over which the Council has reserved control:

#### **Access**

12.3.2.1 Whether any allotment(s) created by the subdivision require(s) legal access to a legal, formed road; and

12.3.2.2 If legal access is to be to a Strategic 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 vehicular accessway or vehicle crossing.

#### **Size and Shape**

12.3.2.3 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**

- 12.3.2.4 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).
- 12.3.2.5 If the land to be subdivided contains any place or item which is listed in Appendix 2 or 3 as a Heritage site or ecological site, or designation:
- (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.

### **Utilities**

- 12.3.2.6 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**

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

### **Point Strips**

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

### **High Voltage Transmission Lines**

- 12.3.2.9 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**

- 12.3.2.10 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 12.3.2.11 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.

### **Tai Tapu**

- 12.3.2.12 If the land to be subdivided is located in an area which is identified on the planning maps as being in the Living 1A or Living 2A zones at Tai Tapu:
- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and
  - (b) Any measures proposed to mitigate the effects of a potential natural hazard, including the filling (with inert hardfill) of any low lying area; and
  - (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

## **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 12.1 identifies the facilities and other conditions necessary to ensure allotments in each township are suitable for building on. The Plan recognises, in Rules 12.2 and 12.3 that some allotments are not subdivided to house new buildings. Rule 12.2 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 12.2 and 12.3 are recognised as having less potential effects on the environment than those in Rule 12.1.

Rules 12.1 and 12.2 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.

Where new residential subdivisions are developed adjacent to strategic highways, noise from traffic can have adverse effects on adjoining dwellings, particularly where there are higher speed limits. In these circumstances noise bunding, building setbacks or other measures will be required.

for comprehensive residential development is submitted and approved prior to a subdivision consent being submitted for the same.

## D

**dBA:** means A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Decibel (dB):** is the term used to identify 10 times the logarithm to base 10 of the ratio of two like quantities proportional to intensity, power or energy. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Detention Centre or Prison:** means land or buildings used in whole or in part for the assembly, corrective training, housing or incarceration of persons convicted of offences or on remand and includes (without limitation):

- A prison, corrective training institution or police jail establishment under the Penal Institutions Act 1952
- A “Habitation Centre” as defined in section 2 of the Criminal Justice Act 1985;
- A periodic detention centre established under section 126 (I) of the Criminal Justice Act 1985; or of, any like facility.

**Development:** for the purpose of determining development contributions, development means any subdivision or other development that generates a demand for reserves, network infrastructure, or community infrastructure but does not include the pipes or lines of a network utility operator.

**Development Contribution:** has the same meaning as in section 197 of the Local Government Act 2002. \*

**Disposal:** includes any activity associated with the permanent discarding of material which is spent, worthless or in excess. For the purposes of the land use rules for hazardous substances, disposal does not include the application of hazardous substances in accordance with the manufacturer’s instructions. For the purposes of the land use rules for waste generation, storage and disposal, disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work.

**Domestic pets:** means any domesticated bird or animal bred, reared and/or kept on a site for the purposes of a pet or security; other than any donkey, pig, rooster or peacock.

**Dwelling:** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m<sup>2</sup>, except where the Plan has separate provisions that apply specifically to family flats.

A dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site; unless that building or part of a building is being used for overnight accommodation.

Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as

self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.

## E

**Earthworks:** include any disturbance to, or excavation, removal or deposition of, soil, earth, or any other mineral derived from the ground.

**Educational Facility:** includes any land, building or structure which is/are used for the provision of regular instruction or training of students by suitably qualified instructors and any ancillary activities, and includes any pre-school.

**Elderly Residential Care:** means any facility and associated ancillary services providing care for the elderly. For the purposes of Rule 10.14 (Elderly Residential Care – Living 1A Zone at Lincoln) it does not include hospital care, or similar, in a full nursing care licensed rest home.

**Emergency Services:** means facilities and activities utilised for the protection and safety of people and property in times of an emergency and shall include New Zealand Fire Service, New Zealand Police and St Johns Ambulance.

### **Equivalent Car Movements Per Day:**

1 car to and from the property	= 2 equivalent car movements
1 truck to and from the property	= 6 equivalent car movements
1 truck and trailer to and from the property	= 12 equivalent car movements

**Esplanade Strip:** means a strip of land created by the registration of an instrument in accordance with section 232 of the Act for a purpose or purposes set out in section 229 of the Act.

## F

**Family Flat:** means any dwelling up to 70m<sup>2</sup> in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to either the dwelling or an accessory building, or be free-standing.

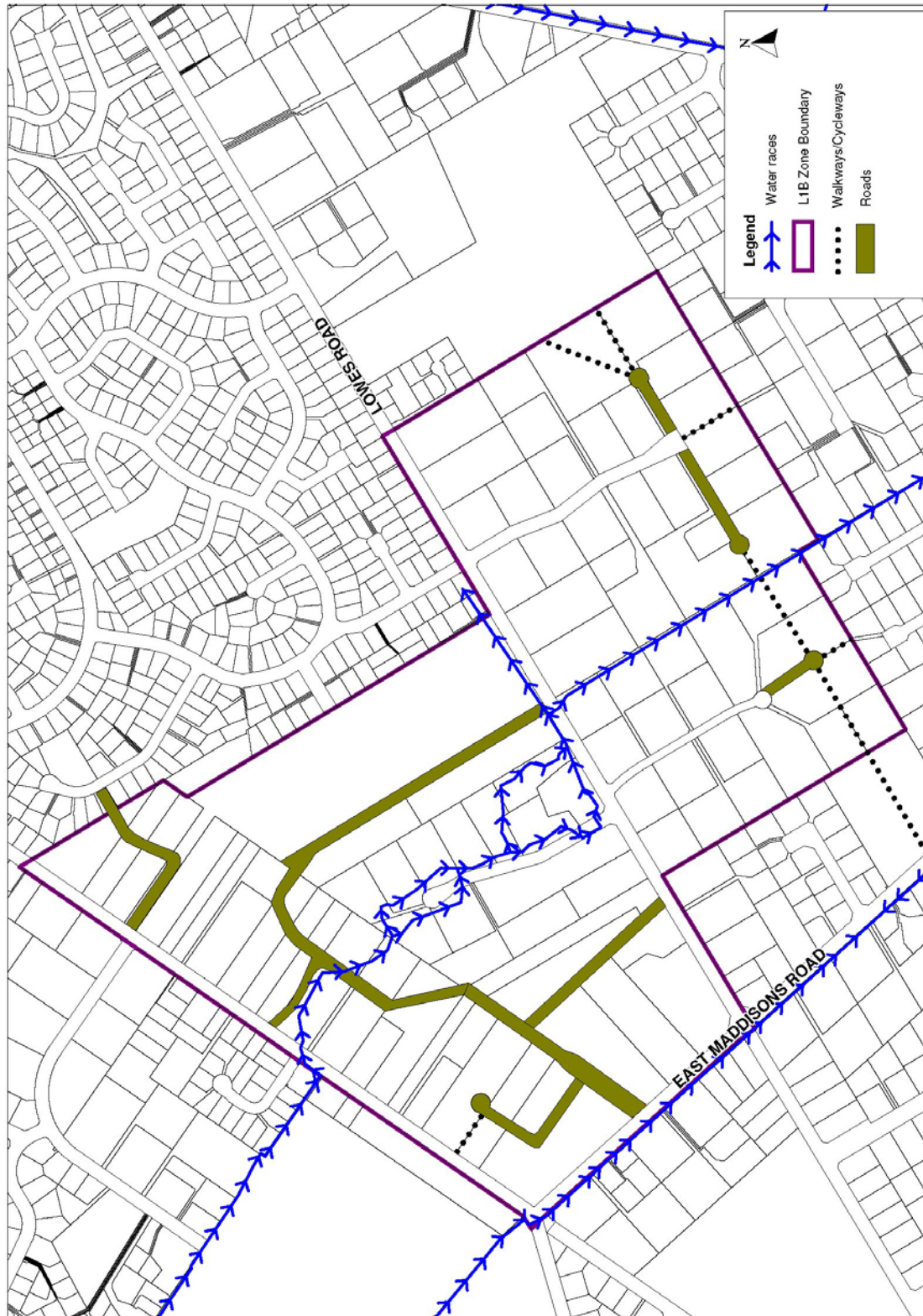
**Freestanding Sign:** includes any sign which stands upright without having to be attached to any building, post or other structure and which can be readily moved.

**Front Building Façade:** applies to a dwelling and refers to the elevation which most directly faces the road or right of way from which the site is accessed.

## G

**Green Waste:** includes any compostable vegetative material, including but not limited to: weeds and garden waste, spoiled crops and tree prunings.

**Gross Floor Area:** means the sum of the total area of all floors of any building. It shall be measured from the exterior faces of the exterior walls or from the centre line of any wall separating adjoining buildings.

**OUTLINE DEVELOPMENT PLAN - LOWES ROAD, ROLLESTON**

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