



## CERTIFICATE OF APPROVAL

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The Council resolved on the 28<sup>th</sup> of May 2008 to approve those parts of the Selwyn Proposed District Plan not affected by submissions or appeals or unresolved designation issues, and deemed that the Selwyn Proposed District Plan would become operative on the 10<sup>th</sup> day of June 2008.

The Council resolved on the 14<sup>th</sup> of October 2009 to approve those parts of the Selwyn District Plan relating to Plan Change 13 (Miscellaneous Changes and Corrections) would be made operative on the 27<sup>th</sup> of October 2009. Provisions which are not yet operative are detailed on the following page.

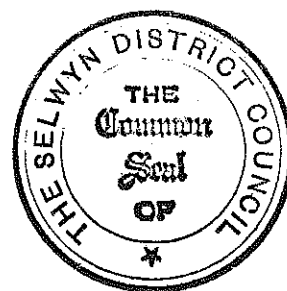
This resolution was made in accordance with Clauses 17(2) and 20 of Schedule 1 of the Resource Management Act 1991.

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', written over a horizontal line.

**Mayor**  
K Coe



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

**Chief Executive**  
P Davey

Dated at Rolleston this 14<sup>th</sup> day of October 2009

**SELWYN DISTRICT PLAN – 27 OCTOBER 2009  
SCHEDULE OF AMENDMENTS**

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

<b>Name</b>	<b>Description</b>
<b>PC13 - Operative</b>	<b>Miscellaneous Changes and Corrections</b>
<b>PC11 - Proposed</b>	<b>Rolleston Living 1B Deferred Zone Structure Plan</b>

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**Please amend your District Plan by updating the following pages:**

**Township Volume**

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**Amendments from 22.06.2009 – 27.10.2009**

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**Replace pages - *Please recycle all pages removed***

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<b>Part C2 – Living Zone Rules Earthworks</b>	<b>C2-001 – C2-004</b>
<b>Part C4 - Living Zone Buildings</b>	<b>C4-001 – C4-018</b>
<b>Part C6 – Living Zone Height and Setbacks</b>	<b>C6-003 – C6-006</b>
<b>Part C12 – Living Zone Rules - Subdivision</b>	<b>C12-001 – C12-002</b>
<b>Part C12 – Living Zone Rules – Subdivision</b>	<b>C12-007 – C12 – 026</b>
<b>Part C14 – Earthworks</b>	<b>C14-001 – C14-002</b>
<b>Part C16 - Buildings and Water Supply</b>	<b>C16-003 – C16-006</b>
<b>Part C16 – Buildings and Water Supply</b>	<b>C16 – 010 – C16 – 012</b>
<b>Part C18 – Height and Setbacks – Utility Buildings</b>	<b>C18 - 003</b>
<b>Part C24 – Business Zone Rules – Subdivision</b>	<b>C24 – 001 – C24 - 0016</b>
<b>Minor Amendments</b>	<b>Various Minor Amendments Included</b>

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**Rural Volume**

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**Amendments from 22.06.2009 – 27.10.2009**

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<b>Part B3 – Policy</b>	<b>B3 – 039 - 040</b>
<b>Part B4 – Residential Density and Subdivision in the Rural Area</b>	<b>B4 – 013 - 014</b>
<b>Part C2</b>	<b>C2-001 – C2-004</b>
<b>Part C3 – Rural Rules – Buildings</b>	<b>C3-001 – C3-008</b>
<b>Part C3 – Rural Rules – Buildings</b>	<b>C3-015 – C3-018</b>
<b>Part C10 – Subdivision in Flood Areas</b>	<b>C10-005 – C10-006</b>
<b>Part D – Definitions</b>	<b>D-001 – D-002</b>
<b>Minor Amendments</b>	<b>Various Minor Amendments Included</b>

## **Map Book**

**Amendments from 22.06.2009 – 18.09.2009**

**Replace pages - *Please recycle all pages removed***

<b>Map 100</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 102</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 103</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 106</b>	<b>Sheet 1 &amp; 2</b>

# 12 LIVING ZONE RULES – SUBDIVISION

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## Notes:

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

## 12.1 SUBDIVISION – GENERAL

### Restricted Discretionary Activities – Subdivision – General

- 12.1.1 A subdivision of land, which is not a subdivision under Rules 12.2 or 12.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 12.1.3.
- 12.1.2 Any subdivision subject to Rule 12.1.1, and which complies with 12.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in Rule 12.1.4 following Table C12.1.

### 12.1.3 Standards and Terms

#### **Access**

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

#### **Water**

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

#### **Effluent Disposal**

- 12.1.3.3 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu or West Melton is supplied with reticulated effluent treatment and disposal facilities; and

#### **Solid Waste Disposal**

- 12.1.3.4 Any allotment created is supplied with a facility or service to dispose of solid waste off the site; and

#### **Size and Shape**

- 12.1.3.5 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m; and
- 12.1.3.6 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1; and

#### **Coalgate**

- 12.1.3.7 In the Living zones at Coalgate, no allotment has vehicular access directly on to Homebush Road; and

#### **Darfield**

- 12.1.3.8 No subdivision of land in any of the areas labelled “Areas 1–5” as shown in Appendix 25, shall take place until:
- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
  - (b) An Outline Development Plan addressing those matters identified in the explanation and reasons to Policy B4.3.22, Darfield Specific Policies has been incorporated into the District Plan for the area as identified in Appendix 25 within which the subdivision is proposed.
- 12.1.3.9 Where a potable water supply is available which is capable of serving the lots within the subdivision, and there is an Outline Development Plan which has been incorporated into the District Plan for the area identified in Appendix 25 within which the subdivision is proposed, the subdivision complies with the layout and contents of the Outline Development Plan for that area.

**Table C12.1 – Allotment Sizes**

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

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 2A	1 ha 2 ha for lots along the northern and eastern boundaries of the zone that abuts a Rural Zone.
Lake Coleridge Village	Living 1	800m <sup>2</sup>
Leeston	Living 1	650m <sup>2</sup>
	Living 1 (Deferred)	4 ha until deferral lifted, then 650m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>
	Living XA	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m <sup>2</sup> )
Lincoln	Living 1	650m <sup>2</sup>
	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.

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	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>
	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>
	<p>Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u>, the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.</p>	
	Living 2	5,000m <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
	<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.</p>	
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m <sup>2</sup> )
	Living X (Deferred)	4 ha

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
		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>
	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> PC11
	Living 2	5,000m <sup>2</sup>
Sheffield	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>

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	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>dwellings</u> 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:
  - (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
  - (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
  - (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

## **Solid Waste Disposal**

- 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 <sup>v30</sup>

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 12.1.4.15.

### 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; and
- 12.1.4.21 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 12.1.4.18 to 12.1.4.22 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 12.1.4.37.

## 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 Except in the Lowes Road Structure Plan Area (Appendix 34) <sup>PC11</sup> 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 For allotments within or adjacent to the Lowes Road Structure Plan area, that the proposed layout is in general accordance with the structure plan map in Appendix 33.

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 structure plan
- f) That the proposal will not involve excessive additional costs for Council in the construction of roads or paths funded by development contributions. <sup>PC11</sup>

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

12.1.4.49 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 Structure plan unless:

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

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.

12.1.4.50 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 this is not feasible, the water race should be crossed by a bridge of similar design, materials and colour to the existing bridges on Waterbridge Way.

12.1.4.51 In Living 1C zoned areas in Fairhurst Place, that the subdivision would not require the removal of street trees in order to provide access. <sup>PC11</sup>

### **Tai Tapu**

12.1.4.52 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>. <sup>PC11</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 Structure Plan area that is not in general accordance with the Structure Plan.

12.1.7.5 Any subdivision in a Living 1C zone with an average lot size below 1,200m<sup>2</sup>.<sup>PC11</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.

# 14 BUSINESS ZONE RULES — EARTHWORKS

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## Notes

1. Rule 14 does not apply to any of the following activities:
  - Landscaping or maintenance of gardens, lawns or public spaces;
  - Sowing, tending or cultivating crops, grazing or planting trees;
  - Digging post holes, soak holes, building foundations and related activities;
  - Maintaining and clearing rivers, water races or drains;
  - Maintaining or repairing existing flood protection works; or
  - Earthworks required to duct cables.
2. Stockpiling of material disturbed by earthworks may be affected by Rule 22.7 – Activities and Outdoor Storage of Materials and Goods.
3. Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.
4. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).

## 14.1 EARTHWORKS

### Permitted Activities — Earthworks

- 14.1.1 Any earthworks shall be a permitted activity if the following conditions are met:
- 14.1.1.1 Any disturbed or stockpiled material is to be kept moist until it has consolidated, and
  - 14.1.1.2 Any stockpiled material is to be kept consolidated or covered to avoid sediment run-off from rainfall, and
  - 14.1.1.3 Any site subject to earthworks is to be:
    - (a) Built upon; and/or
    - (b) Sealed; and/or
    - (c) Landscaped; or
    - (d) The land recontoured and replanted

No more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.
  - 14.1.1.4 Earthworks are not to occur and material from earthworks is not to be deposited within:
    - (a) 20m of any waterbody listed in Appendix 12.
    - (b) 10m of any other waterbody (excluding aquifers).

- 14.1.1.5 Any earthworks has:
- (a) A volume of not more than 5,000m<sup>3</sup> per project; and
  - (b) A vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
- 14.1.1.6 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.
- 14.1.1.7 The earthworks are not part of mining or mineral exploration.

### **Discretionary Activities – Earthworks**

14.1.2 The following shall be discretionary activities:

- 14.1.2.1 Mineral exploration.
- 14.1.2.2 Any activity which does not comply with any of Rules 14.1.1.1 – 14.1.1.7.

### **Non- Complying Activities – Earthworks**

14.1.3 Mining shall be a non-complying activity.

### **Reasons for Rules**

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

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

- A landscaping strip shall be established along the Business 2 Zone side of the common boundary to a depth of 5 metres.
- Landscape planting, an irrigation system and boundary (chain link and stock) fencing shall be undertaken in accordance with the Outline Development Plan at Appendix 32. Irrigation is to be provided for a minimum of 2 years following the establishment of the landscaping.
- The Lemonwood (*Pittosporum eugeniodes*) hedge on the landscaping strip shall achieve, once matured, a minimum height of 3 metres
- 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 11.4.1, 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 in that part of the Business 2 Zone as is shown on the Outline Development Plan at Appendix 33 if the following standards are met:

16.1.5.1 A landscaping strip of at least 3 metres in width be planted along every road frontage of the site in accordance with (a) to (d) below.

- (a) The landscaping shall consist of only those species listed in Appendix 21. Planting for each allotment shall include:
  - A minimum of two trees from Group A for every 10 metres of road frontage.
  - At least 35% of the required area shall be planted in species from List C.
  - At least 10% of the required area shall be planted in species from List D.
- (b) All plants shall be of the following maximum spacings:
  - List B – 1.5 metre centres;
  - List C – 1.5 metre centres;
  - List D – 700mm centres.
- (c) The landscaping planted shall be maintained and if dead, diseased or damaged shall be removed and replaced.
- (d) No fences or structures shall be erected within the 3 metre landscaping strip.

## Discretionary Activities – Buildings and Landscaping

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

## Non-Complying Activities – Buildings and Landscaping

- 16.1.7 Any principal building which does not comply with Rule 16.1.2 or 16.1.3 or 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.

## 16.5 BUILDINGS AND SITE COVERAGE

### Permitted Activities — Buildings and Site Coverage

- 16.5.1 The erection of any building in the Business 1A Zone at Castle Hill shall be a permitted activity if the site coverage does not exceed 50%.
- 16.5.2 In the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place, the following shall be permitted activities:
- 16.5.2.1 The erection of any building, or redevelopment, involving more than 2,500 square metres of gross leaseable floor area where the site coverage does not exceed 35%.
  - 16.5.2.2 The erection of any building or redevelopment involving less than 2,500 square metres of gross leaseable floor area where the site coverage does not exceed 50%.

### Restricted Discretionary Activities — Buildings and Site Coverage

- 16.5.3 Any activity that does not comply with Rule 16.5.2.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of:
- 16.5.3.1 Any adverse effects of the building or redevelopment on the amenity of adjoining or nearby Living areas;
  - 16.5.3.2 Any adverse effects from the visual appearance of the building or redevelopment, the extent and effectiveness of the proposed planting of trees in screening car parking areas and the visual appearance of the building/redevelopment from adjoining or nearby residences.

### Non-Complying Activities — Buildings and Site Coverage

- 16.5.4 Any activity that does not comply with Rule 16.5.1 and 16.5.2.2 shall be a non-complying activity.

## 16.6 BUILDINGS AND BUILDING HEIGHT

### Permitted Activities — Buildings and Building Height

- 16.6.1 Any building or structure which complies with the maximum height standards set out in Table C16.1 shall be a permitted activity.

**Table C16.1 – Maximum Heights of Buildings and Structures**

<b>Zone</b>	<b>Building</b>	<b>Structure</b>
Business 1 Zone	10 metres	25 metres
Business 1 Zone in Prebbleton (except Lots 1 and 2 DP 17591 and Lot 1 DP 13679)	8 metres (plus roof allowance)	25 metres
Lots 1 and 2, DP 17591 and Lot 1 DP 13679 in the Business 1 Zone at Prebbleton	10 metres (plus roof allowance)	25 metres
Business 1A Zone	8 metres	20 metres
Business 2 Zone	15 metres	25 metres
At that part of the Business 2 Zone at Railway Road, Rolleston, as is depicted on the Outline Development Plan at Appendix 22	15 metres	25 metres
Business 3 Zone	30 metres	30 metres

**Notes:**

Height for either a building(s) or structure(s) is measured vertically from the ground surface to the highest point of the building or structure, including any attachments.

The roof allowance permitted in the Business 1 Zone at Prebbleton provides for an additional 2 metres of building height where a pitched roof form is provided (see diagrams in Appendix 30).

**Discretionary Activities – Buildings and Building Height**

16.6.2 Any activity which does not comply with Rule 16.6.1 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 2 Zone located at Railway Road, Rolleston 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) except along the common boundary of the Business

## 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.

## 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.

### **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**

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.

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.

### **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.

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 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.

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.



# 18 BUSINESS ZONE RULES – UTILITIES

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## Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 14 (Earthworks).
2. The rules in this Plan are applicable to activities generally, including utilities. However, the following rules do not apply to utilities:

Land Use Rules for Business Zones:

- Rule 23 (Landscape Management, Alpine Villages)
- Rule 16.1 (Buildings and Landscaping)
- Rule 16.6 (Building Height)
- Rule 16.7 (Building Position)

Rules in respect to the above matters are contained in the following rules on utilities.

3. Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
4. Earthworks affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.<sup>V30</sup>

## 18.1 UTILITIES – ACTIVITIES

### Permitted Activities – Utilities Activities

- 18.1.1 Any utility which meets the following provisions and complies with all other relevant rules shall be a permitted activity:

- 18.1.1.1 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:

- (a) The replacement of support structure cross arms;
- (b) The reconductoring or replacement of lines;
- (c) The resagging of conductors or lines;
- (d) The addition of longer or more efficient insulators or mountings;
- (e) The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;

- (f) The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- (g) Pole replacement;
- (h) Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- (i) 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;
- (j) 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.

18.1.1.2 Any utility which emits electromagnetic radiation that meets the following conditions:

- (a) Exposures comply with NZS2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
- (b) Prior to commencing any radiofrequency emissions, the following is sent to and received by the Selwyn District Council:
  - Written notice of the location of the facility or proposed facility; and
  - A report prepared by a radio engineer/technician or physical scientist containing a prediction of whether the New Zealand standard will be complied with.

**Note:** this requirement shall not apply to the holder of an amateur radio license.

- (c) If the report provided to the Council under condition 18.1.1.2(b) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within three 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.

18.1.1.3 Any power frequency electric and magnetic fields created 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.

18.1.1.4 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.

18.1.1.5 Any new cable or line is laid underground; except for the provision of additional service connections to a maximum of three additional poles within, areas where services are already above ground.

- 18.1.1.6 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs.

**Note:** this rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located.

- 18.1.1.7 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2000 kilopascals, including household connections and compressors.

- 18.1.1.8 Any pipe to convey water, sewage or gas, is laid underground.

### **Restricted Discretionary Activities – Utilities Activities**

- 18.1.2 Any activity which does not comply with Rule 18.1.1.5 shall be a restricted discretionary activity.

- 18.1.3 Under Rule 18.1.2 the Council shall restrict its discretion to:

- 18.1.3.1 Whether surrounding sites have overhead or underground cables;
- 18.1.3.2 If surrounding sites have overhead cables, the time frame with which they are likely to be replaced with underground cables;
- 18.1.3.3 Any physical or technical difficulties with laying cables underground to the site;

### **Discretionary Activities – Utilities Activities**

- 18.1.4 Any activity which does not comply with Rules 18.1.1.4, 18.1.1.7 and 18.1.1.8 shall be a discretionary activity.

### **Non-Complying Activities – Utilities Activities**

- 18.1.5 Any activity which does not comply with Rules 18.1.1.2, 18.1.1.3 and 18.1.1.6 shall be a non-complying activity.

## **18.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS**

### **Permitted Activities – Height and Setbacks – Utility Buildings**

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

- 18.2.1.1 The height of the utility building shall not exceed the following standards:
- (a) Business 1A Zone; 8m
  - (b) Business 1 Zone; 10m
  - (c) Business 2 Zone; 15m
  - (d) Business 3 Zone; 25m

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

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

- (a) Business 1A Zone – 6m from a road boundary, or from the boundary of Lots 1 and 2 DP 22544.
- (b) Business 2 Zone (excluding the areas at Rolleston that are depicted on the Outline Development Plans at Appendices 22 and 33): 2m from a road boundary, or any boundary adjoining a Living Zone.
- (c) Business 2 Zone at Rolleston as is depicted on the Outline Development Plans at Appendices 22 and 33:
  - Road Boundaries: 10m
  - Internal Boundaries: 10m (only along the common boundary of the Business 2 Zone at Rolleston as shown on the Outline Development Plan at Appendix 22 and the Rural Zone).

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

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

## **Restricted Discretionary Activities – Height and Setbacks – Utility Buildings**

18.2.2 Any activity which does not comply with Rule 18.2.1.2 (a)–(d) shall be a restricted discretionary activity.

18.2.3 Under Rule 18.2.2 the Council shall restrict the exercise of its discretion to consideration of:

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

18.2.3.2 Road Boundary

Any adverse effects on:

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

#### 18.2.3.3 Internal Boundary

Any adverse effects on:

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

### **Discretionary Activities – Height and Setbacks – Utility Buildings**

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

## **18.3 HEIGHT – UTILITY STRUCTURES**

**Note:** For the purposes of Rules 18.3.1 and 18.3.2, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from the ground level.

### **Permitted Activities – Height – Utility Structures**

18.3.1 Any utility structure (except dish antenna) which complies with all of the following conditions shall be a permitted activity:

18.3.1.1 The structure does not exceed the following heights:

- (a) Business 1 and 2 Zones: 25m
- (b) Business 1A Zone: 20m
- (c) Business 3 Zone: 30m

18.3.1.2 The structure comprises any pole or mast which does not exceed 500mm in diameter beyond a height of 6m above ground level; or

18.3.1.3 The structure comprises any pole or mast which exceeds 500mm in diameter beyond a height of 6m above ground level, provided it complies with the recession planes in Appendix 11 as if that pole or mast were a building.

**Note:** For the avoidance of doubt, Rules 18.3.1.2 and 18.3.1.3 do not apply to cross arms or antenna.

18.3.2 Any dish antenna which complies with the relevant following condition shall be a permitted activity.

18.3.2.1 A dish antenna of less than 1.2m in diameter shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the point of attachment.

18.3.2.2 A dish antenna of more than 1.2m but less than 4m in diameter, on a site adjoining a Living Zone, shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the

point of attachment. It shall also comply with the recession plane in Appendix 11.

- 18.3.2.3 A dish antenna of more than 1.2m in diameter but less than 4m, on a site not adjoining a Living Zone, shall not exceed a height of 25m; or if attached to a building, it shall not extend more than 2.5m above the point of attachment.

### **Discretionary Activities — Height – Utility Structures**

- 18.3.4 Any utility structure which does not comply with Rule 18.3.1 or 18.3.2 shall be a discretionary activity.

## **18.4 LANDSCAPE MANAGEMENT ALPINE VILLAGES (ARTHUR’S PASS AND CASTLE HILL) – UTILITIES**

### **Permitted Activities — Landscape Management Alpine Villages (Arthur’s Pass and Castle Hill) – Utilities**

- 18.4.1 The following activities shall be permitted activities in the Arthur’s Pass and Castle Hill Alpine Villages:

#### **Utility Structures**

- 18.4.1.1 Any utility pipe or cable laid underground.
- 18.4.1.2 Any dish antenna less than 0.75 metres in diameter, the height of which does not exceed that of the building or structure to which it is attached.

#### **Antennas and Masts**

- 18.4.1.3 Any antenna (other than a dish antenna), mast or utility or other structure that is not a building, no part of which exceeds a height of 15 metres above the ground immediately below.

#### **Building Materials and Colour for Utility Buildings and Utility Structures**

- 18.4.1.4 Any utility building or utility structure which is constructed using one or more of the following materials:
- (a) Timber; or
  - (b) Stone of the same type as that found in the local area, provided that it complies with all other “relevant” rules, and
- 18.4.1.5 The exterior roof and wall colour(s) of any utility building or utility structure, except for trim items, has a reflectivity value between 0 and 37% (inclusive).

## Restricted Discretionary Activities — Landscape Management Alpine Villages (Arthur's Pass and Castle Hill) – Utilities

- 18.4.2 Any activity which is not listed in Rules 18.4.1.1 to 18.4.1.5 shall be a restricted discretionary activity, which shall not be notified and shall not require the written approval of affected parties.
- 18.4.3 Under Rule 18.4.2 the Council shall restrict its discretion to:
- 18.4.3.1 The effects of the activity on the landscape values of the area.
  - 18.4.3.2 Whether the proposed activity reflects the design of any heritage buildings or general heritage values of the area.
  - 18.4.3.3 The cost to the applicant and practicality of modifying the proposed activity to better complement the landscape values of the area.
  - 18.4.3.4 Any compensatory works proposed to enhance the landscape values elsewhere in the village and the appropriateness of this work as a mitigation measure.
  - 18.4.3.5 For principal buildings erected, the appropriateness of the design of the building in relation to the 'chalet or alpine theme' of the village.

## 18.5 LANDSCAPING – UTILITY BUILDINGS

### Permitted Activities — Landscaping Utility Buildings

- 18.5.1 Any utility building shall be a permitted activity if the following conditions are met:
- 18.5.1.1 The area between the road boundary and the utility boundary is:
    - (a) Paved or sealed; or
    - (b) Planted in lawn; or
    - (c) Landscaped with shrubs, bark chips or similar materials
    - (d) For the purpose of screening in the Business 2 and 3 zones, landscaping methods listed in (a)–(c) can be employed.
- 18.5.2 Any principal building in those parts of the Business 2 Zone located at Rolleston as is shown on the Outline Development Plans at Appendices 22 and 33 shall be a permitted activity if the following standards are met:
- 18.5.2.1 The area between the common boundary of the Business 2 Zone and the Rural Zone, as depicted on the Outline Development Plan at Appendices 22 and 33, and the principal building shall be landscaped to the following standards:
    - (a) Landscaping shall be planted along the Business 2 Zone side of the common boundary.
    - (b) The landscaping shall achieve, once matured, a minimum width of 2.5 metres and a minimum height of 6.5 metres.
    - (c) The landscaping planted shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.

- (d) The landscaping shall consist of one or more of the following species:
  - Macrocarpa
  - Leyland cypress
  - Radiata pine

18.5.2.2 A landscaping strip of at least 3 metres width shall be provided along every road frontage in those parts of the Business 2 Zone located at Railway Road, Rolleston and Hoskyns Road, Rolleston including the western side of Hoskyns Road as depicted on the Outline Development Plans at Appendices 22 and 33. The landscaping shall meet the following standards:

- (a) The landscaping shall consist of only those species listed in Appendix 21. Planting for each allotment shall include:
  - A minimum of two trees from Group A for every 10 metres of road frontage.
  - At least 35% of the required area shall be planted in species from Group C.
  - At least 10% of the required area shall be planted in species from Group D.
- (b) All plants shall be of the following maximum spacings:
  - Group B – 1.5 metre centres;
  - Group C – 1.5 metre centres;
  - Group D – 700mm centres.
- (c) The landscaping planted shall be maintained and if dead, diseased or damaged shall be removed and replaced.
- (d) No fences or structures shall be erected within the 3 metre landscaping strip.

## **Discretionary Activities – Landscaping – Utility Buildings**

18.5.3 Any activity which does not comply with Rule 18.5.1 shall be a discretionary activity.

### **Reasons for Rules**

Rule 18 manages effects of establishing, maintaining, upgrading and replacing utilities on the environment.

Many activities involving utilities are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply. However, it is still necessary to have rules in the Plan, because:

- (a) Not all utilities are managed by requiring authorities;
- (b) Often utilities are installed by private developers as part of subdivisions or land uses. Some utilities may vest in the Council. The Plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of utilities which will vest in the Council;
- (c) If the rules in the District Plan allow activities as permitted activities, it may reduce the need for network utility operators to designate land; and

- (d) 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.

The Plan clarifies situations where the upgrading, maintenance and replacement of utilities can occur as of right, to provide legal certainty. The rules for the height and bulk of utility structures and building are specific to those activities, and rules applicable to other buildings do not apply in most cases. This reflects the specialised (and usually minor) scale of buildings and structures such as poles, masts and antenna associated with utilities. However the sensitivity of important landscapes and living environments is recognised in the thresholds rule set in the Plan. Rules 18.1.1.2 and 18.1.1.3 address potential effects from electromagnetic radiation and power frequency electric and magnetic fields. The rules are firmly based on recognised national standards concerning these effects.

Rules 18.1.1.4 and 18.1.1.5 concern cables and lines. The rules encourage undergrounding of such lines where this is a realistic expectation. New high voltage lines will require consent and assessment given their significant visual impacts, with particular regard to siting.

Rule 18.1.1.6 discourages on site energy production or treatment of solid waste (subject to specific exemptions).

Rule 18.1.1.7 provides for reticulated gas supplies of a scale appropriate to a residential or light industrial environment.

Rule 18.2 relates to utility buildings. It allows them to be at the same scale as buildings in Living Zones generally, but also recognising that they do not require as much surrounding space as dwellings. Setback and recession plane requirements are set in place to protect neighbours and any Living zone, from the bulk of utility buildings.

Rule 18.3 relates to utility structures which comprise very small buildings, or poles, masts, pylons and antenna. For operational efficiency these are allowed to be higher than buildings, but also require compliance with recession planes on Living Zone boundaries where a utility support structure has a “thick” profile of more than 500mm. The rules relate to the sensitivity of the receiving zone environment.



## 2 LIVING ZONE RULES — EARTHWORKS

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### 2.1 EARTHWORKS

#### Permitted Activities — Earthworks

- 2.1.1 Any earthworks shall be a permitted activity if the following conditions are met:
- 2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and
  - 2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and
  - 2.1.1.3 Any site subject to earthworks is either:
    - (a) built upon,
    - (b) sealed,
    - (c) landscaped, or
    - (d) the land recontoured and replanted,

no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.
  - 2.1.1.4 Earthworks do not occur and material from earthworks is not deposited within:
    - (a) 20m of any waterbody listed in Appendix 12.
    - (b) 10m of any other waterbody (excluding aquifers).
  - 2.1.1.5 On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.
  - 2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has:
    - (a) a volume of not more than 2,000m<sup>3</sup> per project; and
    - (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
  - 2.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.
  - 2.1.1.8 The earthworks are not part of mining or mineral exploration.

## Restricted Discretionary Activities – Earthworks

- 2.1.2 Any activity which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.
- 2.1.3 Under Rule 2.1.2 the Council shall restrict its discretion to consideration of:
- 2.1.3.1 The nature of any flooding or land instability and whether this makes the site unsuitable to undertake the proposed earthworks.
  - 2.1.3.2 Any effects of earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.
  - 2.1.3.3 Any mitigation measures proposed.

## Discretionary Activities – Earthworks

- 2.1.4 The following shall be discretionary activities:
- 2.1.4.1 Mineral exploration.
  - 2.1.4.2 Any activity which does not comply with any of Rules 2.1.1.1 to 2.1.1.4 and 2.1.1.6 to 2.1.1.8.

## Non- Complying Activities – Earthworks

- 2.1.5 Mining shall be a non-complying activity.

### Notes

1. Rule 2 does not apply to any of the following activities:
  - Landscaping or maintenance of gardens, lawns or public spaces;
  - Sowing, tending or cultivating crops, grazing or planting trees;
  - Digging post holes, soak holes, building foundations and related activities;
  - Maintaining and clearing rivers, water races or drains;
  - Maintaining or repairing existing flood protection works; or
  - Earthworks required to duct cables.
2. Stockpiling of material disturbed by earthworks may be affected by Rule 10.11 – Activities and the Outdoor Storage of Materials and Goods.
3. Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.
4. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.<sup>V30</sup>

## Reasons for Rules

Earthworks may create the following effects: dust nuisance; slope failure or erosion; siltation effecting neighbouring properties; waterbody bank erosion; sedimentation in waterbodies; and unsightliness of the Living Zone if left unoccupied.

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

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

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



# 24 BUSINESS ZONE RULES - SUBDIVISION

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## Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading "Matters over which the Council has restricted the exercise of its discretion".
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the Act.
4. Rule 11 applies to the subdivision of land, within the meaning of section 218 of the Act.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 17: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 14: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 16: Buildings, Rule 18: Utilities or Rule 22: Activities.
8. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B.4 for further information on development contributions.<sup>V30</sup>
11. If a subdivision completed under 12.1 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

## 24.1 SUBDIVISION – GENERAL

### Restricted Discretionary Activities – Subdivision – General

- 24.1.1 A subdivision of land, which is not a subdivision under Rules 24.2 or 24.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 24.1.3.
- 24.1.2 Any subdivision subject to Rule 24.1.1, and which complies with 24.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in Rule 24.1.4 following Table C24.1.

### 24.1.3 Standards and Terms

#### **Access**

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

#### **Water**

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

#### **Effluent Disposal**

- 24.1.3.3 Any allotment created in: Castle Hill, Doyleston, Leeston, Lincoln, Prebbleton, Rolleston or Southbridge is supplied with reticulated effluent treatment and disposal facilities; and

#### **Solid Waste Disposal**

- 24.1.3.4 Any allotment created is supplied with a facility or service to dispose of solid waste off the site; and

#### **Size and Shape**

- 24.1.3.5 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m; and
- 24.1.3.6 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C24.1; and

#### **Prebbleton**

- 24.1.3.7 In the Deferred Business zones at Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and
- 24.1.3.8 Until either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a Deferred Business zone, or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a Deferred Business zone, the rules of the Rural zone (Inner Plains) shall apply to that land; and
- 24.1.3.9 Upon either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a Deferred Business zone, or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/ stormwater from a particular area of land subject to a Deferred Business zone, the Business zone shall cease to be deferred and the rules of the relevant Business zone will apply to that land, and the rules of the Rural zone (Inner Plains) will cease to apply, without further formality.

## **Rolleston**

- 24.1.3.10 In that part of the Business 2 Zone located south of Jones Road, Rolleston, as depicted on the Landscape Development Plan at Appendix 28, no subdivision of land shall take place until all of the landscape planting, irrigation system, and fencing shown on the Landscape Development Plan on that allotment is completed.
- 24.1.3.11 In the Business 2 Zone at Hoskyns Road – North, Rolleston as depicted on the Outline Development Plan at Appendix 33 road connections shall be provided to Hoskyns Road and the land to the west and north and a pedestrian link shall be provided to the adjacent Business 2 Zone to the west generally in accordance with those locations identified on the Outline Development Plan. The roads shall be constructed in general accordance with the road cross section examples also included in Appendix 33 (and where any conflict occurs with rule E13.3.1 these cross sections shall take precedence). Furthermore, lots created which abut Hoskyns Road in the locations shown on the Outline Development Plan at Appendix 33 should be designed in such a way that buildings will likely be encouraged to front onto and access onto Hoskyns Road.
- 24.1.3.12 In the Business 2 Zone at Hoskyns Road – North as is depicted on the Outline Development Plan at Appendix 33 the following street plantings shall be planted in the roads prior to vesting of the roads in the Council.
- (a) Boulevard Road:
- Planting in the median of the road.
  - A planting strip of 2 metres down each side of the road.
  - Planting shall consist of the species listed in Appendix 21 and shall be in accordance with the standards listed at Business Zone Rule 16.1.5.1.
- (b) Secondary roads:
- A planting strip of 2 metres down each side of the road.
  - Planting shall consist of the species listed in Appendix 21 and shall be in accordance with the standards listed at Business Zone Rule 16.1.5.1.
- 24.1.3.13 The area between the common boundary of the Business 2 Zone and the Rural Zone, as depicted on the Outline Development Plan at Appendix 33, and the principal building shall be landscaped to the following standards:
- (a) The landscaping shall be planted along the Business 2 Zone side of the common boundary.
- (b) The landscaping shall achieve, once matured, a minimum width of 2.5 metres and a minimum height of 6.5 metres.
- (c) The landscaping planted shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.
- (d) The landscaping shall consist of one or more of the following species:
- Macrocarpa
- Leyland cypress

Radiata pine

Kahikatea

24.1.3.14 Existing established hedgerows and vegetation located within the area indicated on the Outline Development Plan at Appendix 33 shall be retained until such time as the new planting required by Rule 24.1.3.13 achieves a minimum height of 3 metres.

24.1.3.15 In that part of the Business 2 Zone as depicted on the Outline Development Plan at Appendix 33 at the time subdivision consent is sought for the creation of the 'Boulevard Road' the upgrading of Hoskyns Road as depicted on the 'Hoskyns Road Upgrade Plan' included at Appendix 33, which includes an off-road shared cycleway/pedestrian 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 that part of the Business 2 Zone as depicted on the Outline Development Plan at Appendix 33 at the time that the first subdivision consent is sought that 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 1000m<sup>2</sup> and is to be located generally in accordance with one of the four locations identified on the Outline Development Plan at Appendix 33. 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 that part of the Business 2 Zone as depicted on the Outline Development Plan at Appendix 33 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 24.1.3.15 to the intersection with Maddisons Road as depicted on the 'Hoskyns Road Stage 2 Upgrade Plan' included at Appendix 33 must be provided for.

24.1.3.18 Any subdivision of land within that part of the Business 2 Zone as depicted on the Outline Development Plan at Appendix 33 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 33 prior to any new certificates of title being issued for land within this area.

**Table C24.1 - Allotment Sizes**

<b>Township</b>	<b>Zone</b>	<b>Allotment Size Not Less Than</b>
All <u>Townships</u>	All Business Zones	No average <u>allotment</u> size except that in the Business 1 (Deferred) Zone at Prebbleton, the minimum <u>allotment</u> size shall be 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 business zoning, or following all necessary resource consents having been obtained for a method of treatment and <u>disposal</u> of sewage/stormwater from a particular area of land subject to a deferred business zoning, no average <u>allotment</u> size will apply.
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>
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 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**

- 24.1.4.2 The provision of water for fire fighting; and
- 24.1.4.3 In relation to any new bore to provide a potable water supply:
- 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
  - Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

### **Solid Waste Disposal**

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

### **Utility Cables**

- 24.1.4.5 Whether any utility cables shall be laid underground.

### **Telephone and Power**

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

### **Stormwater Disposal**

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

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

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

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

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

- 24.1.4.11 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 24.1.4.12 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<sup>V30</sup>
- 24.1.4.13 The provision of footpaths, lighting and street furniture; and

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

**Note:** The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rules 24.1.4.11 to 24.1.4.14.

### **Special Sites**

- 24.1.4.15 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).
- 24.1.4.16 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**

- 24.1.4.17 The size and shape of allotments in accordance with Rules 24.1.3.5 and 24.1.3.6; and
- 24.1.4.18 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3.
- 24.1.4.19 Whether subdivision in the Business 2 Zone at Hoskyns Road – North, Rolleston, as depicted on the Outline Development Plan at Appendix 33 creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of the locations shown on the Outline Development Plan.

### **Utilities and Facilities**

- 24.1.4.20 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:
- (a) Vest in Selwyn District Council as owner or manager; or
  - (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and
- 24.1.4.21 For other utilities and facilities:
- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and

- (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

**Note:** *The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 24.1.4.20.*

#### **Construction of any Works**

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

#### **Fencing**

- 24.1.4.23 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**

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

#### **High Voltage Transmission Lines**

- 24.1.4.25 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**

- 24.1.4.26 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 24.1.4.27 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**

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

## **Rolleston**

- 24.1.4.29 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;
- 24.1.4.30 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;
- 24.1.4.31 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;
- 24.1.4.32 The need to provide for pedestrian and cycle movement within the road reserve;
- 24.1.4.33 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;
- 24.1.4.34 The need for local reserves;
- 24.1.4.35 The extent to which failure to provide walkways/cycleways may result in a loss of pedestrian safety and amenity;
- 24.1.4.36 The design guidelines contained in Appendix 23;
- 24.1.4.37 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.
- 24.1.4.38 The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and community facilities.

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

- 24.1.5 The following activities shall be non-complying activities:
  - 24.1.5.1 Any subdivision which is subject to Rule 24.1.1 and does not comply with 24.1.3.

## 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.

**Note:** If the subdivision complies with Rules 24.2.1.1 to 24.2.1.4, 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 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 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

24.2.2.2 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

- 24.2.2.3 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 24.2.2.3(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**

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

### **Special Sites**

- 24.2.2.7 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody (excluding aquifers); or
  - (b) Any site listed in Appendices 2 or 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**

- 24.2.2.8 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 24.2.2.9 Whether any utility cables shall be laid underground; and
- 24.2.2.10 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

- 24.2.2.11 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
- 24.2.2.12 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**

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

#### **High Voltage Transmission Lines**

- 24.2.2.14 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**

- 24.2.2.15 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 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**

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 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**

- 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.

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.



## 4 LIVING ZONE RULES — BUILDINGS

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### 4.1 BUILDINGS AND NATURAL HAZARDS

#### Restricted Discretionary Activities — Buildings and Natural Hazards

- 4.1.1 Erecting any dwelling or other principal building on land located in the Living 1A or 2A zones at Tai Tapu where the minimum floor level is less than 6.93m above mean sea level shall be a restricted discretionary activity.
- 4.1.2 Under Rule 4.1.1 the Council shall restrict the exercise of its discretion to:
- 4.1.2.1 The nature of any flooding or land instability and whether this makes the site unsuitable to erect the proposed building or undertake the proposed earthworks.
  - 4.1.2.2 Any effects of buildings or earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.
  - 4.1.2.3 Any mitigation measures proposed.

#### Non-Complying Activities — Buildings and Natural Hazards

- 4.1.3 Erecting any new dwelling, or part dwelling thereof, or other principal building, on Lots 58 to 108 shown on the Plan attached as Appendix 24 at Rakaia Huts shall be a non-complying activity.

#### Prohibited Activities — Buildings and Natural Hazards

- 4.1.4 Erecting any dwelling or other principal building between any waterbody and any stop bank designed to contain flood water from that waterbody shall be a prohibited activity.

### 4.2 BUILDINGS AND LANDSCAPING

#### Permitted Activities — Buildings and Landscaping

- 4.2.1 Any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and:
- Planted in lawn, and/or
  - Paved or sealed, and/or
  - Dressed with bark chips or similar material.

**Note:** Except that fences on boundaries adjoining reserve areas, cycleways or pedestrian accessways identified in the Outline Development Plan for Lincoln in Appendix 18 shall not exceed 1.2m in height.

## Discretionary Activities – Buildings and Landscaping

4.2.2 Any activity which does not comply with Rule 4.2.1 shall be a discretionary activity.

## 4.3 BUILDINGS AND CONTAMINATED LAND

Refer to Rule 10.1 – Activities and Contaminated Land.

## 4.4 BUILDINGS AND WATER SUPPLY

### Permitted Activities – Buildings and Water Supply

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

### Non-Complying Activities – Buildings and Water Supply

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

## 4.5 BUILDINGS AND SEWAGE TREATMENT AND DISPOSAL

### Permitted Activities – Buildings and Sewage Treatment and Disposal

4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, 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.

4.5.2 In all other Living zones in the district dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.

### Non-Complying Activities – Buildings and Sewage Treatment and Disposal

4.5.3 Any activity which does not comply with Rules 4.5.1 or 4.5.2 shall be a non-complying activity

### 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.

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.

## 4.7 BUILDINGS AND SITE COVERAGE

### Permitted Activities – Buildings and Site Coverage

4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity.

**Table C4.1 Site Coverage Allowances**

Zone		Coverage
Living 1	Including garage	35%
	Excluding garage	35% minus 36m <sup>2</sup>
	<u>Emergency Services</u> only	50%
Living 1A	Castle Hill	35%
Living 1A3	Lincoln	40%
Living 1A4	Lincoln	45%
Living 1A2	Prebbleton	35%
Living 1A5	Prebbleton	35%
		For <u>comprehensive residential development</u> , <u>site</u> coverage shall be applied over the whole Living 1A5 Zone
Living 2 and Living 2A (Blakes Road, Prebbleton)	Including garage	Lesser of 20% or 500m <sup>2</sup>
	Excluding garage	Lesser of 20% minus 36m <sup>2</sup> or 500m <sup>2</sup> minus 36m <sup>2</sup>
	<u>Emergency Services</u> only	40%
Living 2A	Prebbleton and West Melton	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%
Living 2A1	Darfield	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%

**Note:** the Living 2 requirement in Rule 4.7.1 does not apply to Dunsandel Primary School.

### **Temporary Activities**

- 4.7.2 Maximum site coverage rules do not apply to:
- 4.7.2.1 Any building, tent, caravan, trailer or marquee erected for a temporary activity, provided the structure is removed within 2 days after the activity ceases; or
  - 4.7.2.2 Any building erected for temporary accommodation associated with a construction project on the site, provided the building is removed within 12 months or when construction ceases, whichever is the shorter time.

### **Restricted Discretionary Activities – Buildings and Site Coverage**

- 4.7.3 Any activity which does not comply with Rule 4.7.1 shall be a restricted discretionary activity if it complies with all of the following standards and terms:
- 4.7.3.1 The site is located in a Living 1 or Living 1A zone and the maximum area of the site covered by a building (s) is:
    - (a) 40% - including a garage; or
    - (b) 40% minus 36m<sup>2</sup> – excluding a garage; or
  - 4.7.3.2 The site is located in a Living 1A3 or Living 1A4 zone at Lincoln and the maximum area of the site occupied by a building or buildings is:
    - (a) Living 1A3 Zone 45%; or
    - (b) Living 1A4 Zone 40%.
- 4.7.4 Under Rule 4.7.3, any resource consent application shall not be notified and shall not require the written approval of affected parties, and the Council shall restrict the exercise of its discretion to consideration of:
- 4.7.4.1 The number of sites in the street or subdivision where site coverage already exceeds 35%.
  - 4.7.4.2 Any adverse effects, singularly or cumulatively, on the residential density or ‘spaciousness’ of the area.

### **Non-Complying Activities – Buildings and Site Coverage**

- 4.7.5 Any activity which does not comply with Rule 4.7.3 shall be a non-complying activity.

## **4.8 BUILDINGS AND BUILDING HEIGHT**

### **Permitted Activities – Buildings and Building Height**

- 4.8.1 The erection of any building which has a height of not more than 8 metres shall be a permitted activity.

### **Discretionary Activities – Buildings and Building Height**

4.8.2 Any activity which does not comply with Rule 4.8.1 shall be a discretionary activity.

**Note**

1. Any structure erected in the Living zones at Arthur's Pass or Castle Hill is also subject to Rule 11.1.

## 4.9 BUILDINGS AND BUILDING POSITION

### Permitted Activities – Buildings and Building Position

The following shall be permitted activities:

#### Recession Planes

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

#### Setbacks from Boundaries

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

**Table C4.2 - Minimum Setbacks for Buildings**

<b>Building Type</b>	<b>Metres from <u>Boundary</u></b>	
	<b>Internal</b>	<b>Road</b>
Dwelling or principal building	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces <u>road</u>	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces <u>internal boundary</u>	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces <u>road</u>	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces <u>internal boundary</u>	2 m	4 m
<u>Accessory Building</u> with wall length not more than 7m	1 m	2 m
<u>Accessory Building</u> with wall length greater than 7m	2 m	4 m
<u>Utility Structures</u>	0 m	0 m

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

## **Common Wall**

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

## **Castle Hill**

- 4.9.4 Buildings or structures shall be setback not less than 6m from the south eastern boundaries of Lots 1 and 2 DP 22544 in the Living 1A Zone at Castle Hill Village.
- 4.9.5 Buildings or structures shall be setback not less than 1.5 metres from all internal and road boundaries within the Living 1A Zone at Castle Hill, except that:
- 4.9.5.1 Along the Living 1A Zone boundaries the minimum setback shall be 3 metres; and
- 4.9.5.2 Where an internal boundary is also the boundary of a reserve (other than a road reserve) exceeding 1 metre in width or of an access lot or right of way there shall be no minimum setback.

## **Prebbleton**

- 4.9.6 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.
- 4.9.7 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.
- 4.9.8 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.
- 4.9.9 Any dwelling in the Living 2A Zone in Prebbleton shall have:
- 4.9.9.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.
- 4.9.9.2 A setback from the southern zone boundary of not less than 20 metres.
- 4.9.10 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.
- 4.9.11 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Def Zone in Prebbleton, as identified in Appendix 19.

## **West Melton**

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

## Leeston

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

## Temporary Activities

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

## Setback from Lincoln Sewerage Treatment Plant

- 4.9.17 Any dwelling in the Living 1A Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln 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 <u>dBA</u> (Leg 1 hour)	30 <u>dBA</u> (Leg 1 hour)
<b>Within Living Area Rooms</b>	40 <u>dBA</u> (Leg 1 hour)	35 <u>dBA</u> (Leg 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

- 4.9.19 Within the Lowes Road Structure Plan area, any building shall be positioned at least 5m away from the indicated route of any proposed road; or 2m from any proposed walkway/cycleway; routes as shown in Appendix 33.

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

- 4.9.20 In Living 1C zoned areas, buildings shall have a set back from the road boundary of not less than 6m.

4.9.21 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. PC11

## Restricted Discretionary Activities – Buildings and Building Position

4.9.22 Any activity which does not comply with Rule 4.9.1 shall be a restricted discretionary activity.

4.9.23 Under Rule 4.9.22 the Council shall restrict the exercise of its discretion to consideration of:

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

4.9.24 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.

4.9.25 Under Rule 4.9.24 the Council shall restrict the exercise of its discretion to consideration of:

4.9.25.1 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

4.9.25.2 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

4.9.25.3 Any reverse sensitivity issues at the southern zone boundary of the Living 2A zone at Prebbleton.

4.9.26 Any activity which does not comply with 4.9.19 shall be a restricted discretionary activity.

4.9.27 Under rule 4.9.26 the Council shall restrict the use of its discretion to consideration of whether the erection of the building would frustrate the ability for the structure plan connections and reserves in Appendix 34 to be obtained at future subdivision. In assessing this, regard shall be given to:

- a) The location of the building with regard to whether it would obstruct the implementation of the structure plan.
- b) The location of the building and its impact on the amenity of proposed public space
- c) The permanence of the building
- d) Whether structure plan elements could otherwise be provided through the site:
  - i) in such a way that a logical pattern of development for the area as a whole will result.
  - ii) without compromising the ability of adjoining landowners to develop their land whilst providing for the indicated reserves and linkages.
  - iii) whilst resulting in public space of equal or better quality than the structure plan without excessive additional costs in the construction of roads or paths.

4.9.28 Any activity which does not comply with 4.9.20 or 4.9.21 shall be a restricted discretionary activity

4.9.29 Under rule 4.9.28 the Council shall restrict the use of its discretion to consideration of:

- a) the matters listed under rule 4.9.26
- b) the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings<sup>PC11</sup>

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

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

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

4.9.31 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.

## 4.11 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN PREBBLETON

### Discretionary Activities — Comprehensive Residential Development in Prebbleton

- 4.11.1 In the Living 1A5 Zone in Prebbleton, comprehensive residential development shall be a discretionary activity where Council shall take into account, but not be limited to, the following:

- 4.11.1.1 Effects associated with the width, location, form and layout of accesses and roads on the amenity of the area;
- 4.11.1.2 Effects of vehicle parking and garaging on the amenity of the area or the enjoyment of neighbouring properties;
- 4.11.1.3 The ability to provide adequate vehicle parking and manoeuvring on the site;
- 4.11.1.4 Impacts on the road network in traffic generation and traffic safety;
- 4.11.1.5 The extent to which levels of traffic generation or pedestrian activity will result that are incompatible with the character of the surrounding living environment;
- 4.11.1.6 Effects on the sense and spaciousness of the immediate area and wider neighbourhood;
- 4.11.1.7 The extent to which the scale, form, modulation, design, colours and materials of buildings will be compatible with other buildings in the surrounding area and will not result in visual dominance or incongruency;
- 4.11.1.8 The extent to which site layout and buildings have been designed to avoid adverse effects on the privacy, outlook, access to sunlight and daylight and other amenity values of neighbouring properties;
- 4.11.1.9 The amount of variety in design and size of dwellings on the site, in order to provide a choice of living accommodation;
- 4.11.1.10 Whether the dwellings are clustered in larger or smaller groups and the extent to which the grouping or spacing of dwelling units on the site leads to an attractive and varied development rather than a monotonous one;
- 4.11.1.11 The need for a 'step in plan' to be provided at 20 metre intervals along a continuous building wall in order to mitigate adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property;
- 4.11.1.12 The attractiveness of the street frontages of the site;
- 4.11.1.13 The extent to which mature vegetation is retained and the character of the site remains dominated by tree and garden plantings;
- 4.11.1.14 Privacy between habitable rooms of neighbouring dwellings;
- 4.11.1.15 The quality of landscaping and its effectiveness in mitigating adverse effects;
- 4.11.1.16 Impacts on the sense of spaciousness of the immediate area and wider neighbourhood;
- 4.11.1.17 The extent to which outdoor living space remains open and not contained or partitioned by fencing;
- 4.11.1.18 Whether the amount of outdoor living space is accessible to, and adequate for, the occupants of all dwellings and whether it will receive direct sunlight on the shortest day of the year.

## 4.12 SETBACKS FROM WATERBODIES

### Permitted Activities – Setbacks from Waterbodies

4.12.1 The siting of any dwelling or principal building or any other structure shall be a permitted activity if it is setback not less than either:

4.12.1.1 20m from the edge of any waterbody listed in Appendix 12; or

4.12.1.2 10m from the edge of any other waterbody (excluding aquifers).

### Discretionary Activities – Setbacks from Waterbodies

4.12.2 Any activity which does not comply with Rule 4.12.1 shall be a discretionary activity.

#### Notes

1. Rule 4.12 does not apply to walkway facilities; utility structures attached to existing buildings or structures; or signs which are permitted activities under Rule 7.
2. The edge of any waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks”.
3. Rule 4.12 shall not apply on any allotment adjoining an esplanade reserve or strip along a waterbody where the reserve or strip has previously been vested in the Council.

## 4.13 BUILDINGS AND STREETSCENE

### Permitted Activities – Buildings and Streetscene

For all residential development located within the Lowes Road Structure 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 4.9.20 or 4.9.21 shall be a restricted discretionary activity

4.13.4 Under Rule 4.13.1 the Council shall restrict the exercise of its discretion to consideration of:

4.13.3.1 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.

4.13.3.2 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.

4.13.3.3 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.

4.13.4 Under Rule 4.13.2 the Council shall restrict the exercise of its discretion to consideration of:

4.13.4.1 The extent to which the front façade is dominated by habitable rooms and glazing rather than garaging.

4.13.4.2 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. <sup>PC11</sup>

## 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.

## Building Density

The site coverage rules only apply to the proportion of an allotment at ground level, that is covered in building. Site coverage rules therefore are unable to control the effects on amenity values of higher density forms of residential development above ground level. Rule 4.6 is intended to manage the effects of such developments as multi-storey block of flats and apartments.

The District Plan recognises that there may be a demand of higher density forms of residential development in townships of the District, particularly in the form of student accommodation at Lincoln. The Plan provides for this is a permitted activity in Business 1 zones, where higher building density is more compatible with commercial amenity values.

The District Plan is not intended to preclude, in Living 1 zones, the erection of medium density housing developments such as small blocks of flats or townhouses. Rule 4.6 therefore provides for this intensity of development as restricted discretionary or discretionary activities, subject to the relevant assessment matters and objectives and policies of the Plan, and the mitigation of any adverse effects on the environment.

In some Living 1 zones, however, the provision of more than one dwelling on an allotment is a non-complying activity. This is because these zones were created as a result of plan changes to the former District Plan. An outcome of the plan change process in those cases was the decision that residential density should be limited to one dwelling per allotment. The new District Plan carries over these decisions.

Due to the lower density environments of the Living 2 zones, it is generally considered inappropriate for there to be more than one dwelling per allotment.

## Site Coverage

Rule 4.7 is designed to maintain 'spaciousness' in the Living zones of Selwyn District. It does this by controlling the ratio of land to building rules. The rule does not affect the size of an allotment (only the extent of the lot that can be covered in buildings), therefore a variety of allotment sizes may be provided for. An exemption has been made for Dunsandel Primary School from the

maximum building floor space requirement of the Living 2 Zone to bring it into line with other schools which are subject to a percentage of site covered, rather than a maximum floor area figure.

Rule 4.7.3 provides for some allotments to have higher site coverages, as restricted discretionary activities. This enables the Council to meet the demand for small, easy care sections while managing the number of such allotments, so as to maintain overall spaciousness. The rule only applies in Living 1 and 1A zones because Living 2 zones are distinguished from Living 1 zones by their lower residential density.

Higher levels of site coverage have also been provided for emergency services recognising their importance to the community. Their general one-off locations throughout the district's townships will ensure any impact of increased density on the overall character of an area is minimal.

Significant new development in West Melton will adjoin State Highway 73. The volume of traffic using this road, mainly at "open road" speed limits, requires a degree of physical separation which (in combination with noise bunding) is intended to partly mitigate the effects of traffic noise.

## **Building Height**

Rule 4.8 sets maximum height requirements for buildings and structures, to ensure they are in keeping with the visual character of the Living zones.

Part of the amenity values of townships in Selwyn District is relatively low density of buildings and views across the townships to rural areas, the Southern Alps/Kā Tiritiri o te Moana and the Port Hills. Rule 4.8 helps to maintain those values by limiting the height of buildings and structures.

In consultation on the district plan (township surveys and public workshops), residents and ratepayers identified that 'sky scrapers', 'office towers' and other multi-storey buildings are not part of the landscape and amenity values of the District. However it was identified that some tall structures, such as power poles and grain silos, are. To that end, Rule 4.8 differentiates between the height of buildings and the height of other structures.

Buildings or structures that cannot comply with Rule 4.8 may be able to be erected in Living zones under an application for a discretionary activity if potential adverse effects on visual character and amenity values are able to be adequately mitigated, remedied or avoided.

## **Building Position**

Rule 4.9 is intended to give property owners maximum flexibility over the use of space on their properties, while affording neighbours adequate protection in relation to sunlight, privacy and outlook. Setback distances are not used to maintain 'spaciousness'. This is done by site coverage while recession planes control shading, and setback distances control privacy and outlook.

Setbacks do not apply to utility structures because these structures have small bulk and are not occupied by people. However, they do apply to utility buildings which have a larger floor area, as such buildings have the potential to cause shading and loss of outlook. They are more likely to be occupied by people and, therefore, can affect privacy.

If the conditions for permitted activities are unable to be met, the proposed building may be able to proceed by application for a discretionary or restricted discretionary activity. The assessment matters for restricted discretionary activities are listed. A reverse sensitivity issue may arise if the 20 metre setback in Rule 4.9.9 for the Living 2A zone at Prebbleton is not met, due to the nature of adjoining rural land uses at the southern zone boundary. This rule was adopted in the decision on a plan change under the previous District Plan. Similarly, Rules 4.9.6, to 4.9.8 were adopted

as a consequence of plan changes made operative under the previous District Plan, and those provisions have been carried over.

The siting of a dwelling less than 150m from the Lincoln Sewage Treatment Plant is a non-complying activity, and is therefore not generally considered appropriate. This rule was also adopted as a consequence of a plan change made operative under the previous District Plan.

### **Relocated Buildings**

Generally, the district plan does not control the design and standard of buildings, except for in the alpine villages at Arthur's Pass and Castle Hill (refer to Part B, Section 1.4). Buildings which are relocated as a whole, or in parts, on to a site have to be set on a building pad or 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 Living zones.

Rule 4.10 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 large 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.

A controlled activity may not be declined by the Council. It may be approved subject to conditions relating to the matters over which the Council has reserved control.

**Note:** Rule 4.10 does not affect the ability of a subdivider to impose any private covenant on the new Certificate of Titles related to the style and age of buildings able to be established, or the relocation of existing buildings into their subdivision.

### **Setbacks from Waterbodies**

Locating structures close to waterbodies (excluding aquifers) may:

- Cause bank erosion: either on the site; or elsewhere if works have been undertaken on the site to prevent bank erosion;
- Create a potential natural hazard, should the bank be unstable or the waterbody overflow;
- Affect habitat values, and the natural character of the edge of waterbodies; and
- Restrict public access, where public access is provided for.

Rule 4.12 sets the distances for structures from waterbodies (excluding aquifers) as a permitted activity. The distance varies with the type of waterbody, its flood potential and its ecological and recreational values. Structures may be able to locate closer to the waterbody with a resource consent. However, the closer siting (less than 20 metres) of dwellings and principal buildings is generally recognised as inappropriate.

**Note:** An additional consent may need to be obtained from Environment Canterbury.



- 6.1.1.6 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs.
- (This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located).
- 6.1.1.7 The digging of channels or ditches to convey water is limited to maintenance or minor realignment of existing drains and stock water races.
- 6.1.1.8 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2000 kilopascals, including household connections and compressors.
- 6.1.1.9 The utility may involve the maintenance, operation, and improvement of existing coastal protection works, flood protection and river maintenance works, including the planting and harvesting of trees.
- 6.1.1.10 The utility does not involve the treatment of sewage or effluent, apart from the treatment and disposal of effluent on site.
- 6.1.1.11 The utility does not involve the treatment or disposal of solid waste, apart from solid waste permitted in terms of Rule 9.
- 6.1.1.12 Any pipe to convey water, sewerage or gas, is laid underground.

### **Restricted Discretionary Activities – Utilities – Activities**

- 6.1.2 Any activity which does not comply with Rule 6.1.1.5 shall be a restricted discretionary activity.
- 6.1.3 Under Rule 6.1.2 the Council shall restrict its discretion to:
- 6.1.3.1 whether surrounding sites have overhead or underground cables;
  - 6.1.3.2 if surrounding sites have overhead cables, the time frame with which they are likely to be replaced with underground cables;
  - 6.1.3.3 any physical or technical difficulties with laying cables underground to the site.

### **Discretionary Activities – Utilities – Activities**

- 6.1.4 Any activity which does not comply with Rules 6.1.1.4, 6.1.1.7, 6.1.1.8, 6.1.1.9 and 6.1.1.12 shall be a discretionary activity.

### **Non-Complying Activities – Utilities – Activities**

- 6.1.5 Any activity which does not comply with Rules 6.1.1.2, 6.1.1.3, 6.1.1.6, 6.1.1.10 and 6.1.1.11 shall be a non-complying activity.

## 6.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

### Permitted Activities – Height and Setbacks – Utility Buildings

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

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

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

(a) Prebbleton

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

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

(b) Castle Hill

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

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

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

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

### Restricted Discretionary Activities: Height and Setbacks – Utility Buildings

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

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

#### 6.2.3.1 Internal Boundary

Any adverse effects on:

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

#### 6.2.3.2 Road Boundary

Any adverse effects on:

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

### **Discretionary Activities: Height and Setbacks – Utility Buildings**

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

## **6.3 HEIGHT – UTILITY STRUCTURES**

Note: For the purposes of Rules 6.3.1, 6.3.2, 6.3.3 and 6.3.4, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from the ground level.

### **Permitted Activities – Height – Utility Structures**

6.3.1 Any utility structure (except dish antenna) which complies with all of the following conditions shall be a permitted activity:

6.3.1.1 The structure does not exceed a height of 15 metres; or in the case of an aerial or antenna attached to a building, does not extend more than 2.5 metres above the point of attachment on the building to which it is attached.

6.3.1.2 The structure comprises any pole or mast which does not exceed 500mm in diameter beyond a height of 6m above ground level.

6.3.1.3 The structure comprises any pole or mast which exceeds 500mm in diameter beyond a height of 6 m above ground level, provided it complies with the recession planes in Appendix 11 as if that pole or mast were a building.

For the avoidance of doubt, Rules 6.3.1.2 and 6.3.1.3 do not apply to cross arms or antenna.

6.3.2 Any dish antenna which complies with the relevant following condition shall be a permitted activity.

- 6.3.2.1 A dish antenna of not more than 1.2m diameter shall not exceed a height of 8m, or if attached to a building, it shall not extend more than 2.5m above the point of attachment.
- 6.3.2.2 A dish antenna of more than 1.2m but not more than 2m in diameter shall not exceed a height of 8m, or if attached to a building, it shall not extend more than 2.5m above the point of attachment. It shall not be located in the front yard of any dwelling; and shall comply with the recession plane in Appendix 11.

### **Restricted Discretionary Activities – Height – Utility Structures**

- 6.3.3 Any dish antenna which complies with the following condition shall be a restricted discretionary activity:
  - 6.3.3.1 A dish antenna of more than 2m but less than 4m in diameter shall not exceed a height of 8m, shall not be located in the front yard of any dwelling; and shall comply with the recession plane in Appendix 11.
- 6.3.4 Any resource consent application made under Rule 6.3.3 shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of:
  - 6.3.4.1 The colour and reflectivity of the structure; and
  - 6.3.4.2 The type of materials used, taking into account the technical requirements of the dish antenna; and
  - 6.3.4.3 The design and scale of the structure; and
  - 6.3.4.4 The technical suitability of the dish antenna position; and
  - 6.3.4.5 The integration of the dish antenna within the site and with the surrounding environment including, but not limited to, the extent of any landscaping where this is appropriate.

### **Discretionary Activities – Height – Utility Structures**

- 6.3.5 Any utility structure which does not comply with Rule 6.3.1, 6.3.2 or 6.3.3 shall be a discretionary activity.

## **6.4 LANDSCAPE MANAGEMENT ALPINE VILLAGES – UTILITIES**

### **Arthurs Pass and Castle Hill**

#### **Permitted Activities – Landscape Management Alpine Villages – Utilities**

- 6.4.1 The following activities shall be permitted activities in Arthurs Pass and Castle Hill Alpine Villages:

**SELWYN DISTRICT PLAN – 27 OCTOBER 2009  
SCHEDULE OF AMENDMENTS**

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

<b>Name</b>	<b>Description</b>
<b>PC13 - Operative</b>	<b>Miscellaneous Changes and Corrections</b>
<b>PC11 - Proposed</b>	<b>Rolleston Living 1B Deferred Zone Structure Plan</b>

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**Please amend your District Plan by updating the following pages:**

**Township Volume**

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**Amendments from 22.06.2009 – 27.10.2009**

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**Replace pages - *Please recycle all pages removed***

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<b>Part C2 – Living Zone Rules Earthworks</b>	<b>C2-001 – C2-004</b>
<b>Part C4 - Living Zone Buildings</b>	<b>C4-001 – C4-018</b>
<b>Part C6 – Living Zone Height and Setbacks</b>	<b>C6-003 – C6-006</b>
<b>Part C12 – Living Zone Rules - Subdivision</b>	<b>C12-001 – C12-002</b>
<b>Part C12 – Living Zone Rules – Subdivision</b>	<b>C12-007 – C12 – 026</b>
<b>Part C14 – Earthworks</b>	<b>C14-001 – C14-002</b>
<b>Part C16 - Buildings and Water Supply</b>	<b>C16-003 – C16-006</b>
<b>Part C16 – Buildings and Water Supply</b>	<b>C16 – 010 – C16 – 012</b>
<b>Part C18 – Height and Setbacks – Utility Buildings</b>	<b>C18 - 003</b>
<b>Part C24 – Business Zone Rules – Subdivision</b>	<b>C24 – 001 – C24 - 0016</b>
<b>Minor Amendments</b>	<b>Various Minor Amendments Included</b>

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**Rural Volume**

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**Amendments from 22.06.2009 – 27.10.2009**

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**Replace pages - *Please recycle all pages removed***

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<b>Part B3 – Policy</b>	<b>B3 – 039 - 040</b>
<b>Part B4 – Residential Density and Subdivision in the Rural Area</b>	<b>B4 – 013 - 014</b>
<b>Part C2</b>	<b>C2-001 – C2-004</b>
<b>Part C3 – Rural Rules – Buildings</b>	<b>C3-001 – C3-008</b>
<b>Part C3 – Rural Rules – Buildings</b>	<b>C3-015 – C3-018</b>
<b>Part C10 – Subdivision in Flood Areas</b>	<b>C10-005 – C10-006</b>
<b>Part D – Definitions</b>	<b>D-001 – D-002</b>
<b>Minor Amendments</b>	<b>Various Minor Amendments Included</b>

## **Map Book**

**Amendments from 22.06.2009 – 18.09.2009**

**Replace pages - *Please recycle all pages removed***

<b>Map 100</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 102</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 103</b>	<b>Sheet 1 &amp; 2</b>
<b>Map 106</b>	<b>Sheet 1 &amp; 2</b>

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.

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.

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**

**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 B3.4.8**

**Ensure signs and noticeboards are designed and positioned to avoid:**

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

### **Explanation and Reasons**

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

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

### **Methods**

District Plan Rules

- Outdoor signs
- Noticeboards

## **GLARE AND NIGHTGLOW**

### **Policy B3.4.9**

**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.**

## **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 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 (LTCCP). 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.

2. Rule 10.1.1.11 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.

#### **Works**

- 10.1.2.7 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**

- 10.1.2.8 Any easements required to provide legal access over the allotment created.

#### **Taking Land Instead of Cash**

- 10.1.2.9 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 LTCCP will meet the needs of present and future generations.<sup>V30</sup>

- 10.1.2.10 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**

- 10.1.2.11 Any monitoring conditions.

## **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.

## 2 RURAL RULES — TREE PLANTING AND REMOVAL OF HERITAGE TREES

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### 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. 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 any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 2.1.1.10 In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.<sup>PC6</sup>

## **Restricted Discretionary Activities – Shelterbelts & Amenity Planting**

- 2.1.2 Planting any tree species which does not comply with Rule 2.1.1.1 shall be a restricted discretionary activity.
- 2.1.3 Under Rule 2.1.2, the Council shall restrict its discretion to consideration of:
  - 2.1.3.1 The potential for wilding spread from the species planted on that site;
  - 2.1.3.2 The effectiveness of any proposed wilding management plan;

- 2.1.3.3 The design and siting of any amenity plantings, shelterbelts or visual screening in the High Country (outside the area of Outstanding Landscape) to:
- (a) Reflect and complement the landform patterns and shapes of the landscape; and
  - (b) Maintain a landscape where plantations are carefully negotiated with existing land uses, so as to avoid a continuously forested landscape; and
  - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist by ensuring plantations are setback from the road, Midland Railway Line and plantation blocks are spaced to maintain views between them.
- 2.1.3.4 Whether the area contains any “Significant Ecological sites” worthy of protection under the criteria listed in Appendix 12, and if so,
- (a) Whether the plantation may affect the site; and
  - (b) How the site may be protected.
- 2.1.3.5 Any potential adverse effects of planting the area on any rainfed wetland or tarn and how those effects may be mitigated.
- 2.1.3.6 Approval of a fire management plan.
- 2.1.3.7 Any positive effects which may offset any adverse effects.
- 2.1.3.8 Any monitoring or review conditions.

**Note:** *In using its discretion under Rule 2.1.3., the Council will consider the recommendations in N.J. Ledgard & E.R. Langer (1999) “Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced Conifers”, where appropriate.*

- 2.1.4 Planting any tree in a position which does not comply with Rule 2.1.1.4 shall be a restricted discretionary activity.
- 2.1.5 Under Rule 2.1.4 the Council shall restrict its discretion to consideration of the effects of the proposed planting as to shading.
- 2.1.6 Any tree planting which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.
- 2.1.7 Under Rule 2.1.6 the Council shall restrict its discretion to consideration of:
- 2.1.7.1 The effects of the proposed shelterbelt on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to);
    - (a) Whether expansive views either side of the shelterbelt would remain;
    - (b) Whether the shelterbelt will screen the view of any lake, Silent File area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Kai Site, or any area of Outstanding Landscape.
  - 2.1.7.2 The length of the shelterbelt;

- 2.1.7.3 The need to provide effective stock or crop shelter; and
- 2.1.7.4 Any positive effects which may offset any adverse effects.
- 2.1.8 Any activity which does not comply with Rule 2.1.1.8 or 2.1.1.9 shall be a restricted discretionary activity.
- 2.1.9 Under Rule 2.1.8 the Council shall restrict its discretion to all of the following matters:
  - 2.1.9.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
  - 2.1.9.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
  - 2.1.9.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 2.1.9.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 2.1.9.5 Any positive effects which may offset any adverse effects; and
  - 2.1.9.6 Any monitoring or review conditions.

### **Discretionary Activities – Shelterbelts & Amenity Planting**

- 2.1.10 Any shelterbelt or amenity planting that does not comply with Rule 2.1.1.2 shall be a discretionary activity if any one of the following standards and terms is met:
  - 2.1.10.1 The shelterbelt or amenity planting is planted for landscape enhancement or beautification, using indigenous species which are found in that area;
  - 2.1.10.2 The shelterbelt or amenity planting is planted for soil conservation purposes;
  - 2.1.10.3 The shelterbelt or amenity planting is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site;
  - 2.1.10.4 The planting is a shelterbelt and is located within a Forestry Exclusion Area; or
  - 2.1.10.5 The planting is amenity planting and is located within an area of Outstanding Landscape in the High Country.
- 2.1.11 Any activity which does not comply with Rule 2.1.1.3 shall be a discretionary activity.

### **Non-Complying Activities – Shelterbelts & Amenity Planting**

- 2.1.12 Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.10 or 2.1.10 shall be a non-complying activity.<sup>PC6</sup>

# 3 RURAL RULES - BUILDINGS

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## 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. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.<sup>V30</sup>

## 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 25m<sup>2</sup>, 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<sup>-1</sup>) > 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.

## 3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

### Permitted Activities – Buildings and Outstanding Landscape Areas

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

3.2.1.1 In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:

- (a) A maximum gross floor area exceeding 40m<sup>2</sup>;
- (b) A maximum height exceeding 4m; and
- (c) A maximum reflectance exceeding 37%;

#### Notes

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

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

### Restricted Discretionary Activities – Buildings and Outstanding Landscape Areas

3.2.2 Any building which does not comply with Rule 3.2.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

3.2.2.1 The building is within the Lower Slopes of the Port Hills Area (as identified in the Planning Maps) or

3.2.2.2 In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:

- (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and
- (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.

3.2.3 Under Rule 3.2.2, the Council shall restrict its discretion to consideration of:

3.2.3.1 The design of the building including height, size/scale, external finish, colour and reflectance value;

- 3.2.3.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;
- 3.2.3.3 The visibility of the building from public viewing points, having regard to the accessibility of the viewing point;
- 3.2.3.4 The extent to which the building, and if a dwelling, any associated cartilage may:
- (a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
  - (b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;
  - (c) use topography or vegetation to assist in mitigation or containment of visual effects;
  - (d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;
  - (e) be visually prominent in an area characterised by high natural values;
  - (f) affect the amenity values of adjoining properties.
- 3.2.3.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings.
- 3.2.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.
- 3.2.3.7 The design and siting of any access to the building, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks.
- 3.2.3.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.
- 3.2.3.9 Any monitoring or review conditions.<sup>PC6</sup>

### **Non-Complying Activities – Buildings and Outstanding Landscape Areas**

- 3.2.4 Any building which does not comply with Rule 3.2.2. shall be a non-complying activity.

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

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

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

- 3.3.1.1 In the areas shown on the Planning Maps as the High Country, no building on land within a distance of 300m of SH 73 or the Midland Railway has
- (a) A maximum gross floor area exceeding 40m<sup>2</sup>; and
  - (b) A maximum height exceeding 4m; and
  - (c) A maximum reflectance exceeding 37%.

#### Notes

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

*For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the applicant <sup>PC13</sup> shall supply evidence of <sup>PC13</sup> its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint, e.g. stone, brick, unpainted timber etc., the applicant shall supply evidence of the reflectance value of the product used.*

<sup>PC13</sup>

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

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

## 3.4 BUILDINGS AND RURAL CHARACTER

### Permitted Activities – Buildings and Rural Character

- 3.4.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:
- 3.4.1.1 In the areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding

Landscape), the exterior finish of any dwelling or other principal building has a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron;

**Note**

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

### **Discretionary Activities Buildings and Rural Character**

- 3.4.2 Erecting any building or any part of a building which does not comply with Rule 3.4.1 shall be a discretionary activity.

## **3.5 BUILDINGS AND CONTAMINATED LAND**

### **Permitted Activities – Buildings and Contaminated Land**

- 3.5.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:
- 3.5.1.1 No dwelling or building designed for or used as a recreational facility or an educational facility is erected on a site which is contaminated.

### **Restricted Discretionary Activities – Buildings and Contaminated Land**

- 3.5.2 Erecting any dwelling or any building designed for or used as a recreational facility or an education facility on any site which is contaminated shall be a restricted discretionary activity.
- 3.5.3 Under Rule 3.5.2, the Council shall restrict its discretion to consideration of:
- 3.5.3.1 The effectiveness of any proposed mitigation measures that reduce the risk of any adverse effects on people or the environment from contaminated land;
- 3.5.3.2 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;
- 3.5.3.3 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;
- 3.5.3.4 Any positive effects which may offset any adverse effects; and

- 3.5.3.5 Any monitoring or review conditions.

### **3.6 BUILDINGS AND SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS AND MAHINGA KAI SITES**

#### **Permitted Activities — Buildings and Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites**

- 3.6.1 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:
- 3.6.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with the building 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.
  - 3.6.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the building 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.
  - 3.6.1.3 In 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 — Buildings and Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites**

- 3.6.2 Any activity which does not comply with Rule 3.6.1 shall be a restricted discretionary activity.
- 3.6.3 Under Rule 3.6.2, the Council shall restrict its discretion to all of the following matters:
- 3.6.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
  - 3.6.3.2 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
  - 3.6.3.3 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local runanga;
  - 3.6.3.4 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 3.6.3.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 3.6.3.6 Any positive effects which may offset any adverse effects; and

- 3.6.3.7 Any monitoring or review conditions.

### **3.7 BUILDINGS AND WEST MELTON AIRFIELD AND HORORATA DOMAIN – HEIGHT RESTRICTIONS**

#### **Permitted Activities – Buildings and West Melton Airfield and Hororata Domain – Height Restrictions**

- 3.7.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following condition is met:
- 3.7.1.1 The building complies with the maximum height requirements in the approach paths to the runways at West Melton Airfield and Hororata Domain, as shown in Appendix 19.

#### **Note**

*For Rule 3.7.1, the maximum height of any building is measured from ground level at the base of the building, to the highest point on the building. It includes any chimney, aerial, mast, satellite dish or other structure which is attached to and protrudes above the roof height of the building.*

#### **Non-Complying Activities – Buildings and West Melton Airfield and Hororata Domain – Height Restrictions**

- 3.7.2 Erecting any building or any part of any building, which will protrude into the height restricted areas shown in Appendix 19, shall be a non-complying activity.

### **3.8 BUILDINGS AND CHRISTCHURCH INTERNATIONAL AIRPORT – NOISE INSULATION**

#### **Permitted Activities – Buildings and Christchurch International Airport – Noise Insulation**

- 3.8.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following condition is met:
- 3.8.1.1 Any dwelling, any building designed or intended to be used for visitor accommodation, any community facility, any educational facility, or any retail premises or office space which is erected on any site located within the 55 dBA L<sub>dn</sub> Noise Contour is designed to ensure the indoor sound levels listed in Appendix 20 are met.

#### **Non-Complying Activities – Buildings and Christchurch International Airport – Noise Insulation**

- 3.8.2 Any activity which does not comply with Rule 3.8.1 shall be a non-complying activity.

- 3.10.9 Any activity which does not comply with Rule 3.10.7 shall be a non-complying activity.
- 3.10.10 Any activity which does not comply with Rule 3.10.2 shall be a non-complying activity unless it complies with Rule 3.10.5 as a restricted discretionary activity

## 3.11 BUILDINGS AND SITE COVERAGE

### Permitted Activities – Buildings and Site Coverage

- 3.11.1 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:

- 3.11.1.1 The maximum area of any allotment covered by buildings shall be:
- (a) 35% or 500m<sup>2</sup> whichever is the lesser, for allotments less than 1ha in area.
  - (b) 5% for all other allotments.

#### Notes:

Rule 3.11.1 does not apply to any of the following activities:

- The areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs or Grasmere – refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
- Papakainga housing erected in accordance with Appendix 7.
- Tunnel houses, hay barns, stock yards or any other building which does not have a built in floor.
- New buildings or additions to existing buildings which are used for intensive livestock farming, provided the intensive livestock farming operation was established on that site prior to 08 September 2001.
- Any building erected on a site for a temporary activity on the site which is removed from the site within two days of the activity ceasing.
- Any building erected on a site to provide temporary accommodation during the time a construction project is taking place on the site which is removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.
- New buildings or additions to existing buildings on schools.

### Discretionary Activities – Buildings and Site Coverage

- 3.11.2 Any building which does not comply with Rule 3.11.1 shall be a discretionary activity.

## 3.12 BUILDINGS AND BUILDING HEIGHT

### Permitted Activities – Buildings and Building Height

- 3.12.1 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:

- 3.12.1.1 That, except where Rule 3.7.1 specifies a lower height, the maximum height of any building does not exceed:
- (a) 8m for any building designed or used for human occupation; or
  - (b) 12m for any other building, except grain silos, where height shall not exceed 25m.

**Notes:**

1. For Rule 3.12.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building
2. For the height of structures attached to buildings, see Rule 5.3 (Utilities).
3. Rule 3.12.1 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs or Grasmere - refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).

## Discretionary Activities — Buildings and Building Height

- 3.12.2 Any building or part of any building which does not comply with Rule 3.12.1 shall be a discretionary activity.

## 3.13 BUILDINGS AND BUILDING POSITION

### Permitted Activities — Buildings and Building Position

- 3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
- 3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:

**Table C3.2 — Setbacks from Boundaries**

Property Size	Building Type	Setbacks		
		Property Boundary	Arterial Road or Strategic Road	Other Road
Up to 1ha	Garage or <u>Accessory</u>	3m	10m	10m
	<u>Dwelling or Principal Building</u>	3m	20m	10m
Greater than 1ha (>1ha)	Garage or <u>Accessory</u>	5m	10m	10m
	<u>Dwelling or Principal Building</u>	5m	20m	10m
Any Size	Building housing Animals	30m	30m	30m

**Notes:**

1. *The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production.*
2. *Refer to Rule 9 Activities for rules relating to intensive livestock production.*
- 3.13.1.2 No building is positioned so that it encroaches into the line of sight for any railway crossing as shown in Appendix 11.
- 3.13.1.3 Any building is positioned so that it complies, at the property boundaries, with the relevant recession plane angles in Appendix 16;
- 3.13.1.4 Any building is setback a minimum distance of:
  - (a) 100m from the edge of any lake or any wetland which adjoins a lake; and
  - (b) 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
  - (c) 10m from the edge of any other waterbody (excluding aquifers).

**Notes**

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

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

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

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

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

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

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

- 3.13.2 Any sensitive activity which does not comply with Rule 3.13.1.5 shall be a restricted discretionary activity.
- 3.13.3 Under Rule 3.13.2 the Council shall restrict its discretion to consideration of:

- 3.13.3.1 The potential for reverse sensitivity effects on the existing intensive farming activity;
- 3.13.3.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;
- 3.13.3.3 Any positive effects which may offset any adverse effects; and
- 3.13.3.4 Any monitoring or review conditions.

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

- 3.13.4 Any building or part of any building, other than a garage or accessory building, which does not comply with Rule 3.13.1.1 shall be a discretionary activity.
- 3.13.5 Any building which does not comply with Rule 3.13.1.2 or 3.13.1.3 shall be a discretionary activity.
- 3.13.6 Except as provided in Rule 3.13.7, any building other than a dwelling or other principal building which does not comply with Rule 3.13.1.4 shall be a discretionary activity.

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

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

## **3.14 BUILDINGS AND NIGHT LIGHTING**

### **Permitted Activities — Buildings and Night Lighting**

- 3.14.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if any outdoor lighting on any building complies with Rule 9.18.

## **3.15 RELOCATED BUILDINGS**

### **Permitted Activities — Relocated Buildings**

- 3.15.1 Any relocated building which meets any one of the following conditions shall be a permitted activity:
  - 3.15.1.1 The relocated building is a garage or other accessory building; or
  - 3.15.1.2 The relocated building is being shifted from one site to another site within the same property; or
  - 3.15.1.3 The relocated building is for a temporary activity on the site and will be removed from the site within two days of the activity ceasing; or
  - 3.15.1.4 The relocated building is to provide temporary accommodation during the time a construction project is taking place on the site and will be

# DEFINITIONS

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

## A

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

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

**Act:** means the Resource Management Act 1991.

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

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

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

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

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

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

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

## B

**Boarding of Animals:** includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals.

**Boundary:** is any legally defined boundary of a site, allotment or property.

- **Internal boundary:** is any boundary of a site other than a road boundary.
- **Road boundary:** means any boundary with a legal road (formed or unformed) or any boundary which is contiguous to a boundary of a road designation

**Building:** means any structure or part of any structure whether permanent, moveable or immoveable, but does not include any of the following:

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

**Note:**

1. A utility structure is excluded from the definition of 'building' under this District Plan. However, such a structure is subject to the requirements of the Building Act and may require a Building Permit under that Act.
2. A utility building falls under the definition of a building if it does not constitute one of the structures listed under 'Building'.

**Building Node:** includes that area of land which contains the principal dwelling, other principal buildings, and any worker's accommodation or accessory buildings of a high country property, which are contained in a discrete area of the property, delineated by intensive shelter or amenity planting and worked paddocks. A building node does not include any area which contains only holiday homes, baches, cabins, huts or similar buildings which are not permanently occupied and which are not associated with the farming operation on the property.

## C

**Camping Ground facilities:** includes the use of any land, building or structure for the establishment or operation of a camping ground. Camping ground has the meaning set out in the Camping Ground Regulations 1985.

**Clean Fill:** includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) soil, clay, rock, concrete and bricks.