

# SCHEDULE OF AMENDMENTS

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

Name	Description
Plan Change 26	Rakaia Huts Wāhi Taonga Management Areas and Sites
Minor Amendments	Various minor amendments included (Clause 20A)

Please amend your District Plan by updating the following pages:

## Township Volume

### Amendments from 05 March 2012 to 24 April 2012

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

#### Part A0 – Contents

*Amend Page Numbering for B3*

A0-001 – A0-002

#### Part B3 – Culture and Heritage

*Amend Heading 3.3 Issues, delete existing text under Culture and Heritage - Issue and insert new text.*

B3-019 – B3-064

*Amend Heading 3.3 Strategy and 1<sup>st</sup> bullet point under "General"*

*Amend Heading 3.3 Objectives and make amendments to Objective 3.3.2 and Explanation and Reasons*

#### Part B3 – Culture and Heritage – Policies and Methods

*Amend Heading and B3.3.2 "Policy" and "Methods".*

*Amend Policy B3.3.4, make numerous amendments to "Explanation and Reasons", and amend "Method", District Plan Rules bullet point.*

#### Part B3 – Culture and Heritage – Anticipated Environmental Results

*Amend Heading and 3<sup>rd</sup> and 4<sup>th</sup> bullet points*

#### Part B3 – Culture and Heritage – Monitoring

*Amend heading*

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**Part C2 – LZ – Earthworks**

*Insert new Notes at beginning of chapter*

C2-001 – C2-004

*Add new Rules 2.1.1.9 and 2.1.1.10*

Entire Chapter

*Add new Controlled Activities – Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) Rules 2.1.2 and 2.1.3, renumber subsequent Rules*

*Insert new Restricted Discretionary Activities – Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) and Rules 2.1.6 and Rules 2.1.7, renumber subsequent Rules*

*Delete existing Notes*

*Add new paragraphs 4 and 5, amend existing paragraph 5 (old 4)*

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**Part C4 – LZ – Buildings**

*C120a minor amendment, fix up numbering of Discretionary and Non-complying Activities C4.4.3 and C4.4.4, pg C4-004*

C4-001 – C4-030

Entire Chapter

*Add new Rule 4.14 Buildings and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) and Reasons for Rules*

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**Part C10 – LZ – Activities**

*Add new Notes to beginning of chapter*

C10-001 – C10-018

*Amend headings under 10.4, and insert new Rules 10.4.1.2, 10.4.1.3 and 10.4.1.4, renumber subsequent Rules*

Entire Chapter

*Insert new Rules 10.4.2 and 10.4.3, renumber subsequent rules accordingly*

*Amend 10.4.4, 10.4.5, 10.4.5.1 and 10.4.5.2, renumber subsequent Rules*

*Amend Reasons for Rules – Sites of Significance... heading and body of text.*

*C120a amendment, remove part of first sentence (removed during Proposed Plan Hearings, but not altered at time of last reprint)*

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**Part C12 – LZ – Subdivision**

*Add new Notes 12, 13, 14*

C12-001 – C12-036

*Amend 12.1.4.16, 12.2.2.8 (b) and 12.3.2.5, 12.3.2.5 and 12.3.2.5(e)*

Entire Chapter

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**Part C13 – BZ – Status Activities**

*Amend 13.1.6.2 (e), deleting “processing” as per PC10, but overlooked at the time of updating the plan (Clause 20A)*

C13-003 – C13-004

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**Part C24 – BZ – Subdivision**

*Amend “Note” under C24.1.3.20, altering reference to Rule 24.1.3.20 – should be 24.1.3.19 (Clause 20A)*

C24- 005 – C24-018

*Amend Rule 24.1.4.16*

*Amend Rule 24.2.2.7 (b), delete Rule 24.2.2.7 (c) but retain bullet points*

*Amend Rule 24.3.2.5 and 24.3.2.5 (e)*

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**Part D – Definitions**

*Insert new Definitions for Historic Heritage, Landscaping, Maintenance of Gardens, Lawns or Public Spaces, Silent File Area, Wāhi Taonga Site and Wāhi Taonga Management Area.*

D-005 – D014

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**Part E5 – Sites of Significance to Tāngata Whenua**

E5-001 – E5-002

*Rename Title, delete existing table and insert new*

Entire Chapter

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## Rural Volume

### Amendments from 05 March 2012 to 24 April 2012

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

#### Part A0 - Contents

Amend page numbering under B3

A0-001 – A0-002

#### Part B3 – Historic Heritage

Amend Heading 3.3 Issue, delete existing text under Culture and Heritage – Issue, and insert new text. B3-019 – B3-050

Amend Heading 3.3 Strategy

Amend Heading 3.3 Objectives and make various amendments to Objective 3.3.3.

Delete existing Explanation and Reasons EXCEPT for last paragraph, insert new text, and amend final paragraph.

#### Part B3 – Historic Heritage – Policies and Methods

Amend 3.3.2 Reasons For Rules and Methods, reference to 3.3.3 (a) and (b) are renumbered to 3.3.3 and 3.3.4.

Amend Heading and B3.3.3(a) – delete (a) and renumber B3.3.3(b) as B3.3.4 and amend policy. Renumber subsequent Policies and references to Policy numbers.

Delete all Explanation and Reasons, EXCEPT for last paragraph, and insert new paragraphs, amend last paragraph

Amend Policy B3.3.10

#### Part B3 – Historic Heritage – Anticipated Environmental Results

Amend Heading

#### Part B3 – Historic Heritage – Monitoring

Amend Heading

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**Part C1 – Earthworks**

<i>Amend Note 1 and 4, insert new Note 3 and 5, and renumber Notes</i>	C1-001 – C1-010
<i>Amend Headings for 1.2, insert new Rule 1.2.1.2, amend Rule 1.2.1.3, and renumber subsequent Rules</i>	Entire Chapter
<i>Amend Rule 1.2.3.2, insert new Rule 1.2.3.3, renumber subsequent Rules and amend 1.2.3.5</i>	
<i>Amend reference to Rule 1.2 in Cross-Reference Table, pg C1-008</i>	
<i>Amend Paragraphs 7 and 8 of Reasons for Rules.</i>	

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**Part C2 – Tree Planting and Removal of Protected Trees**

<i>Insert new Rule 2.1.1.9, amend existing 2.1.1.9 (new 2.1.1.10) and renumber subsequent Rules</i>	C2-001 – C2-016
<i>Amend 2.1.8 changing number references</i>	Entire Chapter
<i>Amend 2.1.9.1 and 2.1.9.2, insert new 2.1.9.3 and renumber subsequent rules.</i>	
<i>Amend 2.1.12</i>	
<i>Insert new Rule 2.2.1.3, renumber subsequent rules, amend Rule 2.2.1.4 and 2.2.1.5</i>	
<i>Amend “Note” under 2.2.5, remove reference to Sections 93 and 94 of The Act as they have been repealed (CI 20A)</i>	
<i>Amend 2.2.6</i>	
<i>Amend 2.2.7.1, insert new 2.2.7.2, renumber and amend existing 2.2.7.2 as 2.2.7.3, renumber subsequent rules.</i>	
<i>Amend 2.2.8, 2.2.11, 2.2.12, 2.2.13</i>	
<i>Amend Reasons for Rules paragraph 5</i>	

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**Part C3 – Buildings**

<i>Amend headings for 3.6, insert new 3.6.1.2, renumber subsequent rules and amend 3.6.1.3</i>	C3-007 – C3-026
<i>Amend 3.6.3.1, insert new 3.6.3.2, renumber subsequent rules, and amend 3.6.3.3 and 3.6.3.4</i>	
<i>Amend reference to Sites of Significance in Cross-References Table, pg C3-021</i>	
<i>Amend paragraph 10 and insert new paragraph 11 in Reasons for Rules</i>	

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**Part C4 – Roading**

<i>Amend headings for 4.3, insert new 4.3.1.2, renumber subsequent rules and amend 4.3.1.3</i>	C4-001 – C4-010
<i>Amend 4.3.3.1, insert new 4.3.3.2, renumber subsequent rules and amend 4.3.3.3 and 4.3.3.4</i>	Entire Chapter
<i>Amend Reference to 4.3 in Cross Referencing Table Pg C4-008</i>	

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**Part C5 – Utilities**

*Amend headings for 5.10, insert new 5.10.1.2, renumber subsequent rules, and amend rules 5.10.1.3 and 5.10.1.4* C5-011 – C5-020

*Amend 5.10.2*

*Amend 5.10.3.1, insert new 5.10.3.2, renumber subsequent rules, amend rules 5.10.3.3 and 5.10.3.4*

*Amend headings for 5.11, insert new 5.11.1.2, renumber subsequent rules, and amend rules 5.11.1.3 and 5.11.1.4*

*Amend 5.11.2*

*Insert new rule 5.11.3.2, renumber subsequent rules, and amend 5.11.3.1, 5.11.3.3 and 5.11.3.4*

*Amend Reasons For Rules paragraph 16*

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**Part C6 – Outdoor Signs and Noticeboards**

*Amend headings for 6.6, insert new 6.6.1.2, renumber subsequent rules, and amend rules 6.6.1.3 and 6.6.1.4* C6-005 – C6010

*Amend 6.6.3.1, insert new 6.6.3.2, renumber subsequent rules, and amend rules 6.6.3.3 and 6.6.3.4*

*Amend reference to Rule 6.6 in Cross Referencing Table, pg C6-008*

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**Part C10 – Subdivision**

*Amend headings for 10.4* C10-007 – C10-016

*Amend 10.4.2.2 (c) and 10.4.2.3 (d)*

*Amend reference to rule 10.4 in Cross Referencing Table, pg C10-014*

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**Part D – Definitions**

*Insert new definitions for Historic Heritage, Landscaping,, Maintenance of Lawns or Public Spaces, and Wāhi Taonga Management Area* D-005 – D-014

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**Part E5 – Sites of Significance to Tāngata Whenua**

*Amend Headings and layout to tables* E5-001 – E5-006

*Delete C39 from Wāhi Taonga Sites Table* Entire Chapter

*Insert new C39(a) and C48 to Wāhi Taonga Management Areas Table*

*Delete C48 from Silent File Areas Table*

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## **Planning Maps**

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### **Amendments from 05 March 2012 to 24 April 2012**

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*Map contents page (map numbering altered due to PC7)*

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*Map 139*

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## CERTIFICATE OF APPROVAL

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The Council has resolved to make the provisions of the District Plan that relate to Plan Change 26 operative. All parts of Plan Change 26 that are beyond challenge, will become Operative on the 24<sup>th</sup> of April 2012. Provisions of the District Plan 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 blue ink, appearing to be 'K Coe', written over a horizontal line.

**Mayor**  
K Coe

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

**Chief Executive**  
P Davey



Dated at Rolleston this 19<sup>th</sup> day of April 2012.

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	<p>Township and Rural Volumes</p> <p>All SDC designations are not operative with the exception of :</p> <p>D 411 Rolleston Waste Water Treatment and Disposal  D 412 Rolleston Resource Recovery Park  D413 Rolleston South Reserve  D414 Rolleston Dog Park  D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln  D416 Rolleston Wastewater Disposal Area  D417 Rolleston Recreation Precinct</p>
Telecom	<p>Township and Rural Volumes</p> <p>All Telecom designations are not operative</p>
<p>Plan Change 7</p> <p>Rezoning Land for Urban Purposes</p>	<p>Township and Rural Volumes</p> <p>Part B Growth of Townships, Policy B4.3.8 Second Paragraph “-In Lincoln six Living Z areas...” including explanation and reasons as they relate to Lincoln.</p> <p>Part B Growth of Townships, Policy B4.3.61 Lincoln Outline Development Plan Area 5</p> <p>Part C Introduction to the Rules, Deferred Zones, Paragraph “in the Business 2 Deferred Zone in Lincoln...”</p> <p>Part C 13 Status of Activities - , Paragraph “in the Business 2 Deferred Zone in Lincoln...”</p> <p>Part C 22 Business Zone Rules – 22 Business Zone Rules – Activities, Rule 22.14 Retailing in ODP Neighbourhood and Local Centres within the Business 1 Zone, Rule 22.14.1 &amp; Rule 22.14.2</p> <p>Maps 13 and 121 two zoned areas LZ and B2 Def are noted as being “Not operative, subject to appeal”</p>

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## Methods

### District Plan Rule

- Hazardous Substances

### Trade Waste Bylaws

### Advocacy

- Continue to advocate for a co-ordinated approach to hazardous waste disposal in Canterbury as a signatory to the Canterbury Regional Hazardous Waste Management Strategy

## **HAZARDOUS SUBSTANCES — ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results should occur from implementing Section B3.2 of the District Plan:

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

## **HAZARDOUS SUBSTANCES — MONITORING**

Please refer to Part E, Appendix 1.

### **B3.3 CULTURE AND HISTORIC HERITAGE – ISSUE**

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

#### **Culture and Historic Heritage in Selwyn District**

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

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

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

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

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

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

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

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

(vi) technological;

and includes—

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Māori, including wāhi tapu; and

(iv) surroundings associated with the natural and physical resources

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

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

### **Sites of Wāhi Taonga and Wāhi Tapu**

Areas in Selwyn District have been traversed, occupied or settled by Māori, in particular by the iwi of Waitaha, Ngāti Mamoe and Ngāi Tahu. Part A, Section 4.2 explains the tāngata whenua of Selwyn District and the role of Māori in resource management under the Act.

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

Wāhi tapu and wāhi taonga include but are not limited to:

- tauranga waka (canoe landing sites)
- waiwhakaheketupapaku or urupa (burial sites)
- tuhituhi o nehera (rock drawing sites)
- tuahu (altars)
- pa/kainga (habitations)
- mahinga kai (food/material gathering sites)
- ruakoiwi (burial site)

These areas may have a temporary tapu placed on them or contain resources that are slightly depleted.

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

In addition to wāhi taonga and wāhi tapu sites, there are sites of mahinga kai (food gathering) which are important to local runanga.

Indigenous trees and plants can also have cultural values to Māori. For example, tikouka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga kai trails.

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

## **European Heritage Sites and Buildings**

Selwyn District has been colonised and farmed by European settlers since the 1850's. Coal, lime and clay was mined in the Malvern foothills. Rural towns developed in association with farming and mining activities and the railway to the West Coast that began in the 1870's.

Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with historic heritage values, including:

- Various styles of houses.
- Community buildings such as schools, churches and halls are often the last remains of a once thriving town.
- Early farming or transport infrastructure such as water races, bridges, roads and shelter belts, much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Historic heritage sites or buildings do not have to be 'old' to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium; or sites of more recent yet important events for a community.

## **Damage To Sites With Cultural and Historic Heritage**

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

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



## Protecting Cultural and Historic Heritage Values

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

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

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

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

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

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

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

## Archaeological Sites

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

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

*(a) Either–*

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

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

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

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

Section 10 of the Historic Places Act 1993 directs that an archaeological authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is "reasonable cause" to

suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity.

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

## **Role of District Councils**

Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of District Councils under section 31 of the Act. District Councils are also Heritage Protection Authorities under section 187 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.

## **Heritage Orders**

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

- Certainty for landowners that a site or building is protected under the Plan, rather than having a “surprise” at the time they come to make alterations.
- Certainty for the community that a site or building is protected.
- Preservation of the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.

## **Historic Places Act 1993**

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

# **CULTURE AND HISTORIC HERITAGE – STRATEGY**

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

## **General**

- Foster a partnership for protecting sites and buildings with cultural and historic heritage values between owners; local communities; local rūnanga and the Council.

## **Māori Sites**

- Systems to record any historical information about sites and buildings on property files to keep a public record.
- Assist local runanga to record information on their property files about sites of cultural significance, should local runanga require this.
- Encourage landowners and local runanga to develop voluntary protocols or agreements for the appropriate management of areas containing sites of cultural significance.
- Include provisions in the Plan for managing areas containing sites of cultural significance should local runanga wish to use this method. (A plan change would be needed to include each area into the District Plan. Consultation with both the affected landowner and local runanga is part of the plan change process.)
- Provisions to manage the modification or destruction of buildings or the modification of sites with the most significant heritage and cultural values in the District.

## **European Sites**

- A system to record any historical information about sites and buildings on property files to keep a public record.
- Provisions to manage the modification or destruction of buildings or the modification of sites with the most significant heritage and cultural values in the District.
- The plan recognises ongoing use of sites and buildings as essential to their long-term preservation; and allows for modifications.
- The plan discourages demolition, but also recognises it may be the only practical option in some cases.

## **Protected Trees**

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

## **Costs**

- The consent authority will consider waiving the fee to process the resource consent, if the activity would not otherwise need a resource consent.
- The consent authority has established a discretionary fund to help applicants meet the processing costs for resource consent applications related to the maintenance or restoration of cultural or historic sites or buildings, and for projects involving the maintenance or restoration of cultural or historic sites or buildings.

## **CULTURE AND HISTORIC HERITAGE – OBJECTIVES**

### **Objective B3.3.1**

**A partnership for heritage protection is fostered between landowners, tāngata whenua, community groups and the Council.**

### **Objective B3.3.2**

**Sites of wāhi tapu and other importance to tāngata whenua are protected.**

### **Objective B3.3.3**

**Sites and buildings with heritage values are recognised and, if appropriate, their values protected.**

### **Objective B3.3.4**

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

#### **Explanation and Reasons**

Part of promoting sustainable management of natural and physical resources under the Act involves protecting the cultural or heritage values of sites, areas, places and buildings. Part of promoting sustainable management also involves enabling people and communities to provide for their economic, social and cultural well-being.

Objective B3.3.1 develops a partnership approach to culture and heritage protection as many sites and buildings that have cultural and historic heritage values in Selwyn District are privately owned and are still in use. The co-operation of owners is essential to the successful protection of the cultural or heritage values of these sites and buildings. In the past, the majority of heritage protection has been voluntary by landowners. These efforts should be acknowledged and encouraged.<sup>PC26</sup>

The role of the Council, local rūnanga and community interest groups is to recognise, encourage and assist the work of landowners, not to take control out of their hands.<sup>PC26</sup>

Objective B3.3.2 reflects the duties under section 6 (e) and (f) of the Act. It is achieved through policies and methods which encourage local rūnanga and landowners to develop protocols for activities in areas with such sites. This is the preferred approach indicated by local rūnanga. The District Plan also contains rules to manage earthworks, buildings and other activities in Wāhi Taonga Sites, Wāhi Taonga Management Areas and in Silent File Areas.

Objective B3.3.3 reflects the duty under section 6(f) of the Act to to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The objective recognises that not all sites or buildings with historic heritage values in the District will warrant formal protection under the Act. The objective is achieved by policies and methods to: record the heritage values of any site or building and to protect those with significant heritage values. The places identified to have significant heritage values are listed in Appendix 3.

Objective B3.3.4 seeks to provide for the recognition and protection of trees that display values of significance to the community or environment. These trees contribute to character, ecological or amenity values and/or are of significance to tangata whenua, along with contributing to the quality of the rural and urban environments in the District. Significant trees are generally appreciated by the community and require protection from development and activities that may lead to damage or their destruction.

## **CULTURE AND HISTORIC HERITAGE – POLICIES AND METHODS**

### **SITES OF SIGNIFICANCE TO TANGATA WHENUA**

#### **Policy B3.3.1**

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

##### **Explanation and Reasons**

Recording information about the location and importance of sites with cultural significance to local runanga assists the Council carry out its duties under the RMA and the Historic Places Act 1993, to help protect these sites. Traditionally, local runanga have protected sites, particularly very significant sites by keeping information about their location and importance secret. Legislation such as the RMA and the Historic Places Act 1993 provide other mechanisms to protect these sites, which are legally binding. However, to be effective they require the disclosure of a certain amount of information about these sites.

In some cases, local runanga may prefer not to use statutory provisions to help protect sites of cultural importance to them. Where local runanga do decide to use statutory methods to protect sites, the Council will assist with recording the information on property files and land information memoranda, provisions in District Plans and other appropriate mechanisms.

##### **Methods**

Records

District Plan policies and rules

Property files, land information memoranda, GIS.

#### **Policy B3.3.2**

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

##### **Explanation and Reasons**

Many sites of cultural importance to local runanga are located on land which is owned or managed by other parties. The understanding and cooperation of these parties is vital; to ensure the sites are managed to protect their values for local runanga. It is also vital that the management of these sites is practical and inexpensive for landholders, and allows them to carry

out their day-to-day activities unimpeded. Policy B3.3.2 promotes a dual approach to achieve this. Firstly, the Council will promote discussions between landholders and local runanga about how these sites may be managed, and will encourage the parties to develop a joint protocol or agreement for the management of each site. This method is particularly important for Wāhi Taonga Management Areas, because of the size of these sites and the possibility that landholders may uncover other material beyond the area identified in the District Plan. Secondly, the District Plan contains rules to protect sites which have been identified in the Plan, from disturbance or destruction (see Policy B3.3.3 and B3.3.4).

## Methods

### Advocacy

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

### District Plan Rules

- see Policy B3.3.3 and B3.3.4

## Policy B3.3.3

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

## Policy B3.3.4

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

## Explanation and Reasons

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

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

Wāhi Taonga Sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered.

Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are six Wāhi Taonga Management Areas in the District; at Rakaia Island, along the Coast from the Rakaia River to Fisherman's Point, Taumutu, along the bed of the Waikirikiri/Selwyn River and the area surrounding and including the Rakaia Huts Township, which has two distinct Wāhi Taonga Management Areas, one of which is the culturally and archaeologically significant Rakaia River Mouth Moa Hunter Site. For the purposes of management under the District Plan, the Rakaia River Mouth Moa Hunter Site has been divided into 2 sub Wāhi Taonga Management Areas (C39(a) and C39(b)) with site C39(b) relating directly to the Living 1 Zone of the Rakaia Huts Township itself.

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

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

Policy B3.3.4 relates to Wāhi Taonga Sites, Wāhi Taonga Management areas and Mahinga Kai Sites. These sites are listed in Appendix 5 and shown on the Planning Maps. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.4 is to protect the artefacts and remnants contained in these sites from inappropriate damage or destruction. The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without first obtaining a resource consent.

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

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

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

In deciding whether protecting any Silent File Area, Wāhi Taonga Site, Wāhi Taonga Management Area or Mahinga Kai Site is practical; the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. In relation to Wāhi Taonga Management Area C39(b) at Rakaia Huts, Council shall refer to the New Zealand Historic Places Trust Pouhere Taonga for advice about the effects of the proposed activity on any archaeological values. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.<sup>PC26</sup>

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

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

## Method

District Plan Rules

- Sites of Significance to Tangata Whenua

# OTHER SITES AND BUILDINGS

## Policy B3.3.5

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

## Explanation and Reasons

Many sites and buildings in Selwyn District have heritage values, but formal protection of them is inappropriate for a variety of reasons: For example, the building is gone; is too dilapidated or too modified; the heritage value relates to information rather than a physical feature that needs protecting; or the heritage resource is protected by other mechanisms.

Policy B3.3.5 ensures records of the District's heritage are kept and can be accessed by people, whether a site has any legal protection for its heritage values or not.

## Method

Information

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

## Policy B3.3.6

**Ensure with any subdivision of a site listed in Appendix 3 the allotment is of an appropriate size and shape to:**

- **Contain all the heritage features of the site; and**
- **Maintain access to and maintenance of the site.**



## Explanation and Reasons

Heritage sites and buildings may be subdivided off on smaller allotments than those allowed for other buildings. The reasons are:

- To act as an incentive for landowners to maintain and possibly sell a heritage site or building, rather than demolish it.
- To reduce the cost of purchasing and protecting heritage sites or buildings, by minimising the area of land that needs to be sold with them.

The small number of sites and buildings to which these rules apply means there is unlikely to be a cumulative effect on residential density.

Policy B3.3.6 requires any allotment subdivided to be of sufficient size and shape to maintain the site or building in its heritage context, and ensure appropriate access to and maintenance of the site. These matters are considered by the consent authority when using its discretion regarding the subdivision.

## Policy B3.3.7

**Encourage the retention and on-going use and maintenance of sites and buildings listed in Appendix 3.**

## Policy B3.3.8

**Allow modifications, alterations and additions to the sites and buildings listed in Appendix 3, to facilitate their continued use, provided that any alterations, modifications or additions do not adversely affect their heritage values, wherever practical, considering the heritage values of the site or building and the desirability, feasibility and costs of the proposed activity and alternatives.**

## Explanation and Reasons

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

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

The Council can assist in the conservation of the community's heritage buildings by considering utilising heritage buildings when planning for new community facilities.

Policy B3.3.7 recognises the importance of the continued use of heritage buildings and sites for the on-going conservation and retention of these sites.

Policy B3.3.8 recognises that the modification of heritage buildings and sites may be necessary to ensure the continued use of the places but that these changes should not adversely affect the heritage values of a place. The policy accepts that this may not always be practical. The consent authority should consider the cost and technical feasibility of the proposed alterations, the heritage values of the site or building and any alternatives.

## Methods

District Plan Rules

- Heritage Sites and Structures
- Subdivision

Funding

- Discretionary fund to help people with the additional costs of resource consents for a heritage or cultural site or building.

## Policy B3.3.9

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

- **avoid danger to people or property; or**
- **allow reasonable use of the site;**

**and there are no appropriate options to retain the site or building.**

## Explanation and Reasons

The Plan discourages the demolition of sites and buildings listed in Appendix 3. Policy B3.3.9 recognises that, in some cases, demolition may be the only option. The policy requires the consent authority to consider the appropriateness of other options. This should be done having regard to the feasibility and cost of these options, and the heritage values of the building or site.

## Method

District Plan Rules

- Heritage Sites

General Provisions

## Policy B3.3.10

**Assist landowners where funds are available with costs associated with the maintenance or restoration of heritage resources; and the additional resource consent costs imposed by the provisions to protect heritage or cultural sites or buildings in the District Plan.**

## Explanation and Reasons

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

Policy B3.3.10 enables the Council to reduce some of these costs by waiving fees to process resource consents for activities affecting these sites. Fees are likely to be reimbursed for activities that would not need a resource consent, had the site not had heritage or cultural values.

In addition, the Council has a contestable fund of money for projects which enable it to assist with the maintenance or restoration of sites with cultural and heritage values.

## Methods

### Funding

- The Council has a contestable fund of money for projects involving the maintenance or restoration of sites with cultural and heritage values

### Fees

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

### District Plan Rules

- Subdivision

### LTCCP

- Development Contribution Policy

## Policy B3.3.11

**Periodically review the values of sites listed as having special cultural or heritage values in the District Plan and assess additional places that may be worthy of inclusion.**

## Explanation and Reasons

The cultural or heritage values of sites or buildings may change over time. A site or building may lose its values if it is modified or damaged. A site or building may increase in value if it is restored, or if other, better examples are lost or damaged. The Act requires the Council to recognise and protect buildings, sites and areas with heritage values, and from time to time it will assess additional places not already listed.

## Method

### Monitoring Strategy

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

## PROTECTED TREES

## Policy B3.3.12

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

## Policy B3.3.13

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

- **the long term life of the tree;**
- **the heritage, ecological, biodiversity, botanical or amenity values of the tree;**

- any cultural values of the tree or significance to Tangata Whenua.

### **Policy B3.3.14**

**To enable, where appropriate, some physical works on and around identified protected trees for normal cultivation/maintenance, safety purposes or essential services.**

### **Policy B3.3.15**

**To promote, educate and inform tree owners and the public about the significance of listed protected trees.**

### **Explanation and Reasons**

Many trees around the Selwyn District have values that are significant to the community or the environment. These trees may provide a functional value such as shade from the sun, screening and soil stabilisation. It may be that they are pleasing visually, enhance amenity, and create character for an area. They could also have some historic or cultural significance, or they could be significant in terms of their age, form or species.

The Council considers it has a role to protect those trees that can be identified as providing a benefit or have value to the community in a significant way, whether this is physically or historically, ecologically or of significance to tangata whenua, for future generations and the enhancement of the environment. These trees may be vulnerable to existing or future development and activities around them and thus merit protection to ensure their ongoing health.

Policy B3.3.12 seeks to ensure that significant trees are identified and evaluated according to an established system or criteria. The consistently applied evaluation criteria are intended to ensure that the same system of evaluation is applied to each tree. From this, records of the District's significant trees are to be kept and can be accessed by interested people.

Policy B3.3.13 establishes a system to protect those trees that have been identified as having significance. These trees would be subject to rules within the Plan to ensure that development and activities close to the trees do not affect their health or the values for which they have been identified. Associated Policy B3.3.14 provides for some situations where urgent works may be necessary for public safety or essential services (including roading networks, power and telecommunications networks and infrastructure services such as water supply and wastewater disposal). This too will be incorporated into the rules.

Policy B3.3.15 supports non-statutory processes that the council undertakes to promote, educate and inform the public and tree owners about the values of the protected trees for the community and the environment. This links to the Council's Heritage Fund which provides annual grants for work necessary to maintain and protect listed trees.

### **Methods**

#### **Information**

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

#### **Advocacy**

- Promotion, education and information on the significance of protected trees to the District.

#### District Plan Rules

- Protected Trees
- Earthworks

#### Funding

- Discretionary fund to encourage and assist owners with the work required to maintain and enhance the heritage of the district, with priority given to those sites, buildings and trees that are listed for protection in the Selwyn District Plan.

## **CULTURE AND HISTORIC HERITAGE — ANTICIPATED ENVIRONMENTAL RESULTS**

The following outcomes should result from implementing Section B3.3:

- A growing database of the history of the Selwyn District.
- Development of agreements between landowners and local runanga for conducting activities in 'silent file' areas.
- Wāhi tapu and wāhi taonga sites are protected.
- Sites and buildings with significant historic heritage values are used and maintained.
- Recognition of and protection for trees of significant value to the community and environment.

## **CULTURE AND HISTORIC HERITAGE — MONITORING**

Please refer to Part E, Appendix 1.

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

- **Effects of activities which make townships or areas within townships less pleasant places to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible effects locating too close to one another.**

### **What are the Issues?**

Townships in Selwyn District generally have very pleasant conditions for living or working in. The District Plan seeks to maintain these conditions.

“Environmental Quality” is the character and conditions of people’s surroundings, which influence what people think or feel about a ‘place’.

“Amenity Values” are part of the character of a place. They are defined in the Act (section 2) as:

‘Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes’.

Whether areas are perceived by people as being attractive or pleasant places to live or work in, or not, affects how people feel about being in those areas. It influences people’s social and cultural well-being and their perceptions about their health or safety. Conditions, which influence ‘environmental quality’, include (but are not limited to):

- Levels of dust, litter, odour or discharges that give perceptions of how ‘clean’ a place is.
- Levels of noise, traffic, outdoor signs, lighting and people affect how ‘busy’ a place seems.
- The size of buildings, ratio of buildings to land area, number of ‘green’ areas, access to sunlight, and outlooks affect how ‘built up’ an area seems.
- The ‘type’ of activities or buildings can also affect people’s perceptions of whether an area is a ‘living’ or ‘working’ area or a mix of both. In particular if an area includes activities that are perceived to affect people’s health, safety, outlook or property values, it may be perceived as inappropriate as a “living” area.

This section of the Plan addresses effects of activities on the quality of the environment and amenity values in townships, generally. The effects of residential density, subdivision and town growth on amenity values is addressed specifically in Part B, Section 4.1.

‘Reverse Sensitivity’ is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. The most common examples in Selwyn District arise from houses (residential activities) built next to industrial activities; in the rural area; or near busy roads or railway lines. Examples in other places in New Zealand and overseas include houses being built under approaches to airports and around landfills.

The distinction between ‘reverse sensitivity’ effects and other effects or activities on the environment, is that the effects of the less ‘sensitive’ activity exist, as part of the environment, before the sensitive activity locates there.

## Quality of the Environment, Amenity Values and The Act

Effects of activities on the pleasantness of an area, its environment and amenity values is a matter to be addressed as part of promoting sustainable management.

Promoting ‘sustainable management’ of natural and physical resources includes:

- “Enabling people and communities to provide for their economic, social and cultural well-being and their health and safety”, (section 5(2));
- “Avoiding, remedying or mitigating any adverse effects of activities on the environment” (section 5(2)(c)); and
- Having ‘particular regard’ to:
  - “The maintenance and enhancement of amenity values” (section 7(c)); and
  - “Maintenance and enhancement of the quality of the environment” (section 7(f)).

“Reverse sensitivity” is also a matter to be addressed as part of promoting sustainable management of natural and physical resources. “People” and “natural and physical resources” are part of the definition of “environment” in section 2 of the Act. Potential adverse effects of new activities on existing activities must be “avoided, remedied or mitigated” under section 5(2)(c) of the Act. Potential “reverse sensitivity” effects have been recognised by the Environment Court as an issue under the Act, in many cases.

## QUALITY OF THE ENVIRONMENT – STRATEGY

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

### Quality of the Environment and Amenity Values

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

### Reverse Sensitivity

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

### Zones

- Living zones have a character and amenity values most pleasant for living in (residential activities). The difference between Living 1 and 2 Zones is the residential density (section sizes).
- Business 1 zones are noisier and busier than Living zones. They are still pleasant areas for people to gather, live or work in, with good aesthetic values and few nuisance effects.

- Business 2 and 2A zones have lower standards for aesthetics and nuisance effects, but people's health and safety are protected. Activities in Business 2 and 2A zones are protected from 'reverse sensitivity' effects.
- The Business 3 Zone accommodates effects from research and education activities at Lincoln. These activities have some effects that are characteristic of Business 1 and 2 Zones. They have activities that will create adverse effects, but may also be sensitive to effects of other activities characteristics of Business 2 zones.

Please refer to Part A, Section 4.5 (Townships and Zones) for more information on zones in the District Plan.

## **QUALITY OF THE ENVIRONMENT – OBJECTIVES**

### **Objective B3.4.1**

**The District's townships are pleasant places to live and work in.**

### **Objective B3.4.2**

**A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.**

### **Objective B3.4.3**

**"Reverse sensitivity" effects between activities are avoided.**

### **Objective B3.4.4**

**Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.**

### **Objective B3.4.5**

**Urban growth within and adjoining townships will provide a high level of connectivity both within the development and with adjoining land areas (where these have been or are likely to be developed for urban activities or public reserves) and will provide suitable access to a variety of forms of transport.**

### **Explanation and Reasons**

Townships in the Selwyn District are pleasant places to live and work in with, generally, low levels of pollution or nuisance effects and high aesthetic and amenity values, compared with metropolitan areas. Objective B3.4.1 is to maintain this quality of the environment.

Many townships in the District often have a variety of activities intermixed, rather than separated into residential and business areas. The small scale of many activities means this mixing can occur without creating adverse effects. Objective B3.4.2 recognises and provides for this land use pattern, provided potential, adverse effects are managed.



In the case of rural residential development there is the potential for reverse sensitivity effects to arise from the proximity to rural activities. This issue is addressed through Objective B3.4.3 and B4.1.2.

Some townships in Selwyn District have 'reverse sensitivity' issues. These are usually caused between 'industrial type' and 'residential type' activities, but may also arise when residential development or other noise sensitive activities establish within the 50 dBA Ldn noise contour of Christchurch International Airport. They arise when either:

- The industry or Christchurch International Airport alters its operation and its effects increase; or
- The township grows and residents live closer to the industry or within the 50 dBA Ldn noise contour of the Christchurch International Airport; or
- New residents arrive who object to the industry or operations of the Christchurch International Airport.

Objective B3.4.3 recognises and addresses this effect.

Objective B3.4.4 recognises and provides for greater management of urban development whilst providing for anticipated population growth through a diversity of housing options and living environments, including medium density housing types. A compact urban form restricts the amount of land used for residential activities whilst providing for an increasing population. Medium density developments provide for a greater diversity of living environments catering for a variety of housing choices for residents. Medium density developments are to be developed in accordance with Outline Development Plans to ensure that such areas are appropriately located within a wider development and are located in close proximity to public amenity areas such as open space reserves and/or shops and services.

Residential developments that have strong transport connections with small, easily navigable blocks encourage the use of a variety of forms of transport. Objective B3.4.5 seeks to ensure that new developments are well integrated with the existing urban form.

The objectives are achieved using policies and rules. A regulatory approach is used for three reasons:

- These effects are often not factored in to people's decisions about where to locate activities.
- The effects are adverse enough that they need to be addressed under the Act.
- Regulations to protect the quality of the environment and amenity values in townships, have been successful to date.

## **QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS**

### **ZONES**

#### **Policy B3.4.1**

**To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.**

## **Policy B3.4.2**

**To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.**

### **Explanation and Reasons**

Policies B3.4.1 and B3.4.2 provide for the use of zones to manage the quality of the environment and amenity values in townships. Policy B3.4.1 provides for maintaining the existing character and amenity in existing areas. To achieve a more compact urban form and provide for anticipated population growth, sites in Greenfield areas of existing townships in the Greater Christchurch area have been identified for medium density developments as specified in Outline Development Plans. This policy allows for the character of these areas to differ from the low density character that is typical of the existing townships and will enable development opportunities in association with ODPs to be taken up while maintaining high levels of amenity. Policy B3.4.2 recognises that any activity may locate in a zone, provided that its effects do not detract from the quality of the environment or the amenity values in that zone. For example, small businesses and community facilities such as schools, halls and recreation grounds are part of the environment in Living zones.

Changing the zoning of land to provide new areas for Living or Business zones is addressed in Part B, Section 4.3 – Residential and Business Development.

### **Methods**

District Plan Maps

- Identify zones

District Plan Provisions

- Zone policies
- Policies for quality of environment and amenity values in different zones
- Rules for effects in each zone
- Medium Density Design Guide
- Subdivision Design Guide
- Township Structure Plans

## **Policy B3.4.3**

**To provide Living zones which:**

- **are pleasant places to live in and provide for the health and safety of people and their communities;**
- **are less busy and more spacious than residential areas in metropolitan centres;**
- **have safe and easy access for residents to associated services and facilities;**
- **provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;**
- **ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities and**

- **ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles:**
  - **access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;**
  - **block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;**
  - **streets are aligned to take advantage of views and landscape elements;**
  - **section proportions are designed to allow for private open space and sunlight admission;**
  - **a subdivision layout that minimises the number of rear lots;**
  - **layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;**
  - **a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;**
  - **a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;**
  - **any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.**

### **Explanation and Reasons**

Living zones are the zones which have the character and quality of the environment most compatible with residential activities. Other activities can be located in Living zones, provided their effects do not detract from the amenity values of the zone. All townships in Selwyn District have a Living zone. In most townships, that zone has a variety of residential, business and community activities.

The policy seeks to ensure that the Living zones provide for a variety of high quality living environments that cater for the housing choices and needs of residents. This includes providing for medium density residential areas identified in Outline Development Plans. These medium density developments encourage urban consolidation and provide for greater diversity in housing to respond to a variety of lifestyle choices to accommodate the needs of residents.

The policy seeks to ensure that medium density developments are located within close proximity of open spaces, community facilities, or neighbourhood centres. The co-location of medium density developments with open space seeks to ensure that new developments achieve a balance between the built environment and open space to ensure compatibility with the existing 'spacious' low density amenity values in the townships. Further, locating medium density close to community facilities or neighbourhood centres improves access to services and efficient movement of people, reduces the daily travel distance for residents and encourages more sustainable forms of transport, including a more effective and efficient public transport system.

The policy seeks to provide a healthy and safe living environment that reflects the lifestyle choices and needs of the community. This can be achieved through the design of new developments that respond to the surrounding natural environment, provide public and private open spaces, are easily accessed and navigated, and are positioned to make the most of sunlight.

The integration of new developments with surrounding neighbourhoods can be achieved through the creation of a variety of transport connections. The key design elements to achieve greater connectivity include providing multifunctional thoroughfare streets, a variety of transport linkage options, including access to public transport, walking and cycling routes, and green networks and

neighbourhood blocks that are pedestrian friendly. To provide a high quality medium density environment the design of the development must consider street design and the layout of blocks to take advantage of the natural and physical elements of the site. This can include creating long narrow blocks to ensure that all properties receive sunlight and daylight into living areas and private open space, designing streets to respond to the landscape, and providing a strong interface with open spaces.

It is important that at higher densities new developments deliver high amenity outcomes. Medium density developments shall maintain amenity values through well designed buildings and streets that are compatible with the existing character of the township. Compatibility is to be retained through limiting building heights and scale of medium density houses. Medium density housing shall be designed to be in keeping with the surrounding environment by providing space between houses or blocks of terraces to provide privacy, sunlight and daylight access and to maximise access of private and public open space. Further, quality medium density residential development shall address and engage the street and the public realm through quality urban design at the interface. Housing developments need to be designed with sufficient variety in building form, alignment, materials and colour to achieve an attractive composition as a whole.

Retaining existing natural, historical and other unique features of the area within the development provides a sense of identity and uniqueness to a new development.

Each of these elements when combined contribute to creating opportunities for neighbours to meet, provide opportunities for passive surveillance and contribute to a positive sense of place, community and identity for the area.

## Method

District Plan Rules

- Living zones
- Medium Density Design Guide
- Subdivision Design Guide

## Policy B3.4.4

**To provide Business 1 Zones which enable a range of business activities to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people.**

## Explanation and Reasons

Business 1 Zones are areas which accommodate activities that have noise, traffic, signage, visitors, large scale buildings and similar effects that would detract from the environment in the relatively “quieter” Living zones. They are areas where people gather for work, social occasions or higher density living environments. Therefore, low levels of nuisance effects and good aesthetic standards are required. The larger townships in Selwyn District have Business 1 Zones.

## Method

District Plan Rules

- Business 1 Zones

## **Policy B3.4.5**

- (a) **To provide Business 2 Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people's health and well-being and to avoid pollution of natural resources or potential 'reverse sensitivity' effects.**
- (b) **To provide a Business 2A Zone which can cater for business activities requiring large footprint buildings and/or sites but which have sufficient provisions to safeguard people's health and well-being and avoid pollution of natural resources or potential 'reverse sensitivity' effects.**

### **Explanation and Reasons**

Business 2 Zones are areas where activities may be able to locate that have effects which are incompatible with the character or amenity values of Living, Business 1 or Rural Zones. Activities which may be sensitive to these effects, such as residential activities, are managed in Business 2 and 2A Zones to avoid potential 'reverse sensitivity' issues. Business 2 Zones tend to adjoin or be close to townships, so effects of some activities still need to be managed or may be inappropriate in Business 2 Zones. The Rural (Outer Plains) Zone may be an alternative location for "rural-based" industrial activities. The Business 2A Zone does not adjoin any residential area and as such caters for a larger scale of activities than other Business 2 Zones.

In the case of Rolleston the Business 2A Zone is surrounded by rural zoned land with the nearest Living Zone being located on the southern side of SH1 and the South Island Main Trunk Railway Line. A rural residential enclave (Armack Drive) exists to the west of the Business 2A Zone (beyond Railway Road and the Midland Railway) and this has been recognised in the development controls that apply along the western boundary of the Business 2A Zone.

The Business 2A Zone at Rolleston provides for a range of business activities in particular those requiring larger allotment sizes with good access to State Highway 1 and/or the Main Trunk Railway Line. In this regard this zone has an important role in the economic prosperity of the Greater Christchurch area as well as providing significant employment opportunities for Selwyn District residents.

Business 2 Zones currently exist at: Leeston, Rolleston, Darfield and Coalgate. The Business 2A Zone exists at Rolleston.

### **Method**

District Plan Rules

- Business 2 Zone
- Business 2A Zone

## **Policy B3.4.6**

**To provide a Business 3 Zone to accommodate specialist agricultural research, education and associated business activities in surroundings that maintain the environmental quality needed to undertake these activities; and avoids potential 'reverse sensitivity' effects with other activities.**

## Explanation and Reasons

The effects of some of the research and business activities in Lincoln are unique in the Selwyn District. The activities often have effects that residential or other business activities may be sensitive too. On the other hand, these same activities may also be sensitive to effects from other activities, such as those typical of Business 2 Zones. Therefore, the Plan has created a specialist zone providing the character, quality of the environment and amenity values demanded by these activities.

Some of the rules for the Business 3 Zone list types of activities rather than effects. The reasons are:

- The specialist nature of this zone means that it is more efficient to describe activities than effects.
- Many of the effects being managed are difficult to write as rules.
- Pursuant to section 94 of the Crown Research Institutes Act 1993, all CRI activities in this zone are permitted activities.

## Method

District Plan Rules

- Business zone

## Policy B3.4.7

**To recognise parts of the Rural zone around a township as an alternative area to locate certain activities which cannot locate in Living zones due to adverse effects, and there is no appropriate Business zone.**

## Explanation and Reasons

At present many townships in the Selwyn District do not have Business zones because they do not have areas with this character. This does not preclude future businesses from locating in these townships. As discussed in the 'explanation' to Policy B3.4.3, many small scale businesses can locate in Living zones. Where a business will have effects that are incompatible with the character of a Living zone, that activity may be able to locate in the Rural Zone around the township. The Rural Volume of the Plan, recognises the Rural Zone as a low population density area, providing for activities that need space to operate or to mitigate their effects. There are parts of the Rural Zone that have special landscape, ecological or amenity values, and areas where natural hazards or 'reverse sensitivity' effects may occur. Any particular site within the Rural Zone would need to be appropriate for the proposed activity.

This policy does not apply to "rural-based" industrial activities of a size and scale beyond that permitted by the District Plan within the Rural (Inner Plains) Zone around existing townships, given that the effects of these types of activities may be incompatible with the higher population density and smaller allotment sizes in this area, compared to that of the Rural (Outer Plains) Zone. Similarly, this policy does not apply to that of the Rural (Outer Plains) Zone. Similarly, this policy does not apply to "other" types of industrial activities (being those not directly associated with the rural area). The effects associated with "other" types of industrial activities (being those that are not directly associated with the rural area) may detract from the amenity values of all parts of the Rural Zone and are therefore encouraged to locate within Business 2 Zones only.

This policy does not apply to the establishment of utilities in Rural Zones. For the establishment of such activities, the objectives and policies located in Physical Resources, Section B2.2 – Utilities shall apply.

A similar policy is contained in the Rural Volume of the Plan as Policy B3.4.1.

### Method

District Plan Policies and Rules

- Rural Volume

## Policy B3.4.8

**Where an existing activity, which is not a permitted activity in a zone, applies for a resource consent to alter or expand, consider the effects of the change in the activity on the character, quality of the environment and amenity values of the zone.**

### Explanation and Reasons

Many townships in the Selwyn District have a mix of business and residential activities and community facilities. Policy B3.4.8 recognises that where this mix occurs the effects of established activities are part of the environment. The consent authority should consider this when assessing the effects of any proposed changes to that activity, rather than assessing the effects as if the existing activity was a new activity applying to establish in the zone.

### Method

District Plan Policy

- To assess resource consent applications

## NOISE

## Policy B3.4.9

**Ensure noise in all zones does not adversely affect the health or well-being of people.**

## Policy B3.4.10

**Maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone.**

### Explanation and Reasons

Policies B3.4.9 and B3.4.10 describe the effects from noise which should and should not occur to promote sustainable management. The District Plan rules set noise limits for an activity to be a permitted activity in any zone. In addition some activities are listed as discretionary or non-complying activities in some zones, because of potential adverse effects from noise. Any activity that cannot comply with the noise limits may still be able to occur in the zone, if the noise will not adversely affect people's health or well-being and is appropriate to the character of the

zone or is required for the delivery of emergency services. It is acknowledged that there are some exemptions to the noise standards.

### Method

District Plan Rules

- Noise (all zones)
- Listed discretionary or non-complying activities (all zones)

## GLARE

### Policy B3.4.11

**Avoid night lighting and, where practical, glare from reflections shining directly into adjoining sites, in all zones.**

### Explanation and Reasons

Lighting is an essential part of most activities which operate at night. It is also very valuable for security and the protection of property. Policy B3.4.11 provides maximum flexibility to use night lighting provided any effects of glare on surrounding sites are addressed. Policy B3.4.11 also applies to glare from reflections where it is practical to avoid these effects. This requires potential glare on adjoining properties to be considered when designing and positioning large structures made of glass, metal or other reflective material or painted white or a light colour.

### Method

District Plan Rules

- Maximum light spill (all zones)
- Size of structures (Living zones)

### Policy B3.4.12

**Reduce the potential nightglow from outdoor lighting in the area around the West Melton Observatory.**

### Explanation and Reasons

The West Melton Observatory has been located in Bell's Road since 1968. That site was chosen so that the nightglow from lights in Christchurch City would not reduce the visibility of stars. As subdivision and residential density has increased in the West Melton area, nightglow from house lights and car lights is starting to affect the observatory. Preventing subdivision and residential development in the area or shifting the observatory are both costly solutions to the problem. Much of the potential nightglow can be reduced by:

- Designing subdivisions so that vehicular accessways are not directly opposite the observatory, to reduce the glow from car lights; and
- Using a specific design for outside lights.



## Methods

Lighting Subdivision and Vehicular Accessways

District Plan

- Section 4.3 Policies

Information

- Appropriate types of night lighting

## DUST

### Policy B3.4.13

**Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones.**

#### Explanation and Reasons

Many townships in the Selwyn District are located on the Canterbury Plains where they are exposed to wind, particularly north-westerly winds. Sites in townships will be exposed to dust from natural sources such as riverbeds or land. However, dust nuisance can be exacerbated by material blown from stockpiled material or extensive earthworks associated with subdivision or construction works. Policy B3.4.13 addresses dust nuisance. It is implemented by rules to avoid dust nuisance by covering, consolidating or keeping damp these dust sources.

#### Method

District Plan Rules

- Earthworks (Living and Business 1 zones)
- Outdoor Storage (Living and Business 1 zones)

## VIBRATION

### Policy B3.4.14

**Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration associated with people's activities.**

#### Explanation and Reasons

Vibration can disturb people and damage property. Policy B3.4.14 requires adverse effects from vibration to be addressed. The policy is implemented by a rule requiring a resource consent for vibration effects that exceed the levels specified in the relevant New Zealand Standards.

## Method

District Plan Rules

- Vibration and Blasting (all zones)

## SCALE AND NATURE OF ACTIVITIES

### Policy B3.4.15

**Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.**

#### Explanation and Reasons

Policy B3.4.15 provides that non-residential activities which are located in Living zones do not adversely affect residential properties, particularly at night. The policy is implemented by a rule which applies to non-residential activities in a Living zone. The rule specifies hours of operation for activities. Any activity which cannot comply with the rule may still be able to locate in or adjoining a Living zone if the activities outside the 'hours of operation' are unlikely to disturb surrounding allotments. There are no restrictions on the hours of operation for activities in Business zones. There are however increased building setback standards for sites in Business 2 and 3 Zones adjoining a Living zone and more stringent noise, light spill and recession plane standards for all Business zones adjoining a Living zone.

In the case of the Business 2A Zone there are more stringent controls on noise, light spill, recession planes, setbacks and landscaping where adjoining the Rural zone.

## Method

District Plan Rules

- Hours of Operation (Living zones)
- Scale of Activities (Living zones)

### Policy B3.4.16

**Acknowledge that peoples' concern about health and safety is best addressed through rigorous examination of current scientific understanding and best practice technological responses, while accepting that full certainty as to effects is neither possible nor required under the Resource Management Act 1991.**

#### Explanation and Reasons

The Resource Management Act 1991 is an effects based statute that permits resource users to avoid, remedy or mitigate the effects of their activities. It is not possible to provide full information in respect of outcomes from any proposed activity. It is possible however, to assess the risk of an activity and to make informed decisions on the basis of that risk assessment. If the risk of a proposed activity is unacceptable the resource consent application will be declined. If the risk of the activity is acceptable, then subject to the Act's other requirements, the activity will be sanctioned by the resource consent authority and proceed.

## Method

District Plan Rules

- Discretionary and non-complying activities (Living zones)
- Utilities (all Zones)

## TRAFFIC

### Policy B3.4.17

**Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones.**

### Policy B3.4.18

**Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:**

- **The amenity values of streets;**
- **The privacy of residents; and**
- **Safe and convenient access to sites.**

## Explanation and Reasons

Policy B3.4.17 provides that non-residential activities in Living zones should not generate substantially more numbers of vehicles or people than residential activities. Extra people or vehicles on an infrequent basis, may not adversely affect the quality of the environment in residential areas.

Policy B3.4.18 recognises that car-parking on roadsides can affect the outlook and privacy of residents and the ability to provide parking for their own visitors outside their homes, if cars are parked along the street on a regular or continual basis. Therefore, activities should have adequate car-parking either on-site or in an area off the road, in close proximity to the site. Potential effects of on-street parking on the safety and efficiency of the road network is addressed under Part B, Section 2.1 – Transport Networks.

## Method

District Plan Rules

- Scale of Activities (Living zones)
- Car parking (all Zones)

## OUTDOOR STORAGE

### Policy B3.4.19

**Avoid adverse effects on the amenity or aesthetic values of Living and Business 1 Zones from the outdoor storage of goods on sites.**

## Explanation and Reasons

The storage of goods outdoors on sites can detract from the aesthetic or amenity values of Living and Business 1 Zones. The effect depends on the location of the storage area, the type of goods stored and the surroundings. For example, storing goods in front yards tends to have a greater visual impact than siting them in rear yards. Parking boats, caravans or trailers on residential properties is usually more acceptable than storing rubbish or goods for recycling.

Policy B3.4.19 is implemented by a rule requiring areas used to store goods outside to be screened under certain conditions. There are exemptions for vehicles in all zones and outdoor displays areas in Business 1 Zones.

## Method

- District Plan Rules
- Outdoor Storage of Goods (Living and Business zones)

# OUTDOOR SIGNS AND NOTICEBOARDS

## Policy B3.4.20

**Ensure signs in all zones are designed and positioned to avoid:**

- **Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;**
- **Impeding access to or past sites;**
- **Nuisance effects from sound or motion features on signs or from glare or reflectivity;**
- **Adverse effects on the amenity values of the zone; or**
- **Dominance of the 'skyline' or view, caused by large signs protruding above the roofs of buildings.**

## Explanation and Reasons

Outdoor signs and noticeboards are important vehicles for information, which enables people and communities to provide for their health, safety and social, economic and cultural well-being. Inappropriately-positioned or designed signs can adversely affect people's health or safety or create nuisance effects. For example:

- A sign that looks like a traffic signal may be misinterpreted;
- A sign with sound effects can disturb neighbours;
- Too many freestanding signs outside a block of shops can make it difficult to pass along the footpath;
- A low overhanging sign may impede visibility or knock a passer-by; and
- A very tall sign may dominate the outlook or 'skyline' of an area.

Part B, Section 2.1 Transport Networks addresses effects of signs alongside roads on traffic safety.

## Method

### District Plan Rules

- Outdoor Signs (all Zones)
- Outdoor Noticeboards (all Zones)

## Policy B3.4.21

**Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.**

## Explanation and Reasons

The zone objective for Living zones seeks to maintain an environment which is less busy and more spacious than a metropolitan area. Large areas of signs or advertising hoardings may add to an impression of a 'busier', more metropolitan area. At the same time, some signage is desirable to give people and communities the information they need for their health, safety and daily activities. Policy B3.4.21 and associated rules provide for outdoor advertising in Living zones at a level that maintains the quality of the environment in residential areas.

Signs in Living zones should reflect the products, services or information relative to the site on which they are located. These differ from other temporary signs used to advertise upcoming events of interest to the community. Space or structures in Living zones should not be used as general advertising space or hoardings for any product or service, whether related to the site or community, or not.

Most townships in the Selwyn District have shops and service stations located in Living zones. Policy B3.4.21 recognises that retail premises, by their very nature, will have additional signs advertising products they sell. The policy and rules allow for additional on-site signs for retail premises. Any adverse effects of these additional signs on the quality of the environment are mitigated by the small number of these premises in Living zones.

There are no equivalent policies or rules to restrict the number, design or size of signs in Business zones (other than at Castle Hill) because signage is an integral part of the amenity values of business areas.

## Method

### District Plan Rules

- Outdoor Signs (Living zones)
- Outdoor Noticeboards (Living zones)

## BUILDING DESIGN

## Policy B3.4.22

**Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to:**

- **Avoid adverse effects on adjoining sites; or**

- **Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values.**

### **Explanation and Reasons**

For most places, the District Plan does not have provisions that tell people what colour, shape or materials to use when building structures. The Council thinks this is a matter of personal choice. The Plan does, however have rules for the height, bulk of buildings and recession planes, to avoid adverse effects of shading and loss of privacy or outlook, on adjoining sites. In the case of the Business zones some of these provisions are either relaxed or do not exist where adjoining another business zoned site.

The exception to Policy B3.4.22 is in areas that have been identified in the Plan as having either: outstanding natural features or landscapes values or special heritage or amenity values. In these areas, the Plan has design criteria for erecting a building or structure, including signs, as a permitted activity (no resource consent needed). Buildings or structures that cannot comply with the rules, may be able to be erected through the granting of a resource consent, if the proposed design is appropriate to the area.

The areas subject to building design controls due to the proximity of outstanding natural features or landscapes are identified in Part B, Section 1.4 of the Plan. Such controls affect the expansion of the townships of: Arthur's Pass, Castle Hill and Lake Coleridge, and the expansion of other townships in certain directions. It will also affect parts of the Rural Zone. This matter is addressed in the Rural Volume of the Plan.

The townships of Arthur's Pass and Castle Hill also have building design controls in their existing villages. These controls are to maintain the special building styles and associated character that exist in those villages, at present. This matter is addressed in policies 28 and 29 of this Section.

### **Building Act 2004**

A building consent is still required for the erection, alteration or demolition of any building under the Building Act 2004, whether that building requires a resource consent or not. All buildings must comply with any relevant structural criteria in the New Zealand Building Code.

### **Method**

District Plan Rules

- Height of Buildings (All Zones)
- Size of Buildings (Living zones)
- Recession Planes (All Living Zones and some Business Zones)

### **Policy B3.4.23**

**Support the use of building or landscaping concept plans or ideas developed for townships in Selwyn District where such plans or ideas:**

- **Are appropriate to the proposed activity;**
- **Do not contravene any District Plan policies or rules; and**
- **The builder/developer is interested in using them.**

## Explanation and Reasons

Some townships in Selwyn District, such as Rolleston, Lincoln, Prebbleton and Tai Tapu have town concept plans. These plans include ideas for building, design and landscaping to enhance the quality of the environment and amenity values in the township. Other townships have particular themes which are provided by business or community groups, such as verandas on shops. The Council shall encourage people to consider these ideas provided that they are appropriate, that people are interested, and that they do not conflict with any of the policies or rules in the District Plan. The Council shall not require people to adhere to these concept plans or ideas. They are not statutory documents prepared under any legislation, and are not necessary to address adverse environmental effects.

## Method

Information

- Make people aware of any township concept plans where appropriate

## Policy B3.4.24

**In all zones in townships, ensure buildings:**

- **Do not shade adjoining properties; and**
- **Maintain a predominantly low rise skyline.**

## Explanation and Reasons

Policy B3.4.24 describes effects which all buildings should have, in any zone in a township. Access to sunlight is important to most sites, to make them attractive. Even if activities are predominately indoors, sunlight is a potential source of light or heating.

Townships in Selwyn District have predominately low rise buildings, except for Lincoln University and some business areas. In consultation (township surveys and landscape workshops) many residents considered multi-storey apartment blocks or other high rise buildings will adversely affect the amenity values of townships in Selwyn District because they are characteristic of more 'metropolitan' areas, and because they reduce the outlook on to the rural area.

Within the Business 2A Zone and the Business 3 Zone at Lincoln provision is made for taller buildings to reflect needs of both locations given the importance of both to the District and the Greater Christchurch area.

In the case of the Business 2A Zone at Rolleston whilst it has the same permitted height limit (15m) as the Business 2 Zones, provision is made for buildings between 15m to 20m to be considered as a restricted discretionary activity. In addition, there is no recession plane applicable within the Business 2A Zone recognising the nature and character of this Zone. The location of the Business 2A Zone is well separated from Living zones to ensure that the lack of recession plane will not result in any unacceptable effects.

In the case of the Business 3 Zone at Lincoln provision is made for multi stored buildings which is a distinctive character of the existing development in this area.

## Method

### District Plan Rules

- Recession Planes (all Living Zones and some Business Zones)
- Building Height (all zones)
- Building Setbacks (all zones)

## Policy B3.4.25

**Ensure buildings are setback an appropriate distance from road boundaries to maintain privacy and outlook for residents and to maintain the character of the area in which they are located.**

## Explanation and Reasons

Policy B3.4.25 manages the effects from the location of buildings relative to property boundaries. In residential areas, buildings located too close to road boundaries can affect both the outlook and privacy of neighbouring residents. They can also affect the character of the residential area, particularly if other buildings are setback from road boundaries. In business zones a setback from the road boundary may not be necessary or appropriate. This policy is implemented by rules for the setback of buildings. It should be read in conjunction with Part B, Section 2.1, Transport, Policy B2.1.5(b).

## Method

### District Plan Rules

- Building Setbacks (all zones)

## Policy B3.4.26

**Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.**

## Explanation and Reasons

Policy B3.4.26 and associated rules ensure non-residential activities in Living zones do not detract from the quality of the environment in Living zones. This quality includes the following things:

- Large buildings are set back from the property boundary to protect people's privacy and outlook.
- Buildings do not cover the whole of the section or site and the surrounding area is kept in lawns, gardens, paving or similar features.
- Buildings are of a similar size and height to dwellings.

There is often a market incentive for residential properties to avoid these effects, because they may reduce the value of the property. There is less direct market incentive for non-residential activities to do so. Therefore, the District Plan has a policy and rules to address these effects.



## Method

### District Plan Rules

- Building Setbacks (Living zones and sites adjoining Living zones)
- Site Coverage (Living zones)
- Landscaping (Living zones)
- Building Height (Living zones)
- Building Size (Living zones)

## CASTLE HILL VILLAGE

### Policy B3.4.27

**Ensure that development within Castle Hill Village maintains an ‘alpine chalet’ theme and an ‘alpine village’ character and proceeds in a way that does not affect unduly views from within the village of the surrounding landscape.**

### Explanation and Reasons

Castle Hill Village was developed with an ‘alpine’ village theme or character. Since its creation, building design has been controlled to promote a particular style of building design. That style is an ‘alpine chalet’ style, with the following characteristics:

- wooden or stone buildings
- dark hues and natural finishes
- steep pitched roofs
- absence of fences and formal gardens
- controls on the height of and the provision of space around buildings

Policy B3.4.27 is implemented by a set of rules for erecting buildings as permitted activities (no resource consent needed). The rules are quite specific, but are a change from past planning schemes when all buildings needed a resource consent. Alternatively, a person may apply for a resource consent to erect a building that does not comply with the rules. Any resource consent application will be assessed on whether the proposed building design is in keeping with the ‘alpine chalet’ design and theme.

## Method

### District Plan Rules

- Alpine Villages

# ARTHUR'S PASS VILLAGE

## Policy B3.4.28

**Ensure structures and buildings maintain the mix of 'small, historic workers cottages' and the 'alpine chalet' style of buildings at Arthur's Pass Village.**

### Explanation and Reasons

The character of Arthur's Pass Village has evolved over time. Some buildings in the village were construction houses erected in association with work on the Otira Tunnel and Midland Railway Line. More modern buildings have been built for businesses relying on the tourism and recreation opportunities in the area, and more modern houses for staff involved with transport networks or Arthur's Pass National Park. As a result, Arthur's Pass has a unique mix of building styles:

- the early workers cottages
- the 'alpine chalet' theme adopted by some of the larger, modern buildings

Characteristics of the early, workers cottages, include:

-Wooden or corrugated iron materials

- Small size (one or two rooms) sometimes with a 'lean to'
- Low pitched roof; and
- Outside stone chimney

Characteristics of the 'alpine chalet' style buildings include;

- Wooden or stone materials
- Dark hues or natural finishes; and
- Steep pitched roof

Policy B3.4.28 recognises the unique character of these building designs at Arthur's Pass and seeks to maintain both of them. The policy is implemented by a set of rules for erecting buildings as permitted activities (no resource consent needed). The rules are quite specific but are a change from past planning schemes when all buildings needed a resource consent. Alternatively, a person may apply for a resource consent to erect a building that does not comply with the rules. Any resource consent application will be assessed on whether the proposed building design is 'in keeping' with one of these two design themes in Arthur's Pass Village.

### Method

District Plan Rules

- Alpine Villages

# RELOCATED BUILDINGS

## Policy B3.4.29

**Ensure any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe.**

### Explanation and Reasons

Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the District. Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings; a specific building design may be required; or the building may be relocated to a new site to preserve it.

Some people object to relocated buildings being moved into their neighbourhood because they think it will reduce property values in the area, particularly if the relocated building is old and the other houses, new. Other people are more concerned if the relocated building sits on blocks on the new site for a long time, or is damaged during transit and not repaired.

Policy B3.4.29 and the accompanying rules do not prevent people from relocating buildings into any zone. The provisions enable the Council to require the building be set on to a building pad or foundations and repaired to a certain standard, within a specified time. The Council plan does not prevent people relocating buildings for the following reasons:

- The Plan does not control the design or age of any other building.
- Relocated buildings can be an efficient use of physical resources, which is a matter to be considered in promoting sustainable management under section 7(e) of the Act.
- If a particular developer wishes, he/she can use mechanisms outside the District Plan to prevent relocated buildings within a particular subdivision.

The Plan rules do not apply in the Business 2 and 3 Zones. Incomplete relocated buildings are less likely to affect the aesthetic and amenity values in Business 2 and 3 Zones, than in Business 1 and 3 and Living zones.

Relocated building is defined in Part D of the Plan. It does not include new buildings or parts of new buildings designed specifically for the site, but built off-site and transported to it.

### Method

#### District Plan Rules

- Relocated Buildings (Living, Business 1 and Business 3 Zones)

# LANDSCAPING AND AMENITY PLANTINGS

## Policy B3.4.30

**Encourage sites in Living and Business 1 Zones to maintain a landscaped area along the road frontage of the site.**

## Policy B3.4.31

**Encourage sites in Business 2 and 2A Zones and the Business 3 Zones which adjoin a road to have the road frontage of the site landscaped or screened.**

### Explanation and Reasons

Living and Business 1 Zones are areas where people live and work. Tidy sites with gardens, lawns or sealed grounds help to maintain the aesthetic values of these zones and make them attractive places to live.

In Business 2 and 2A Zones and the Business 3 Zone the Plan places less emphasis on aesthetic values as Living and Business 1 Zones. When sites in these zones are located adjacent to roads, untidy yards can affect the amenity values of the township and peoples appreciation of the place as a 'nice' area to live.

Policies B3.4.30 and B3.4.31 are implemented using two methods. A rule for some landscaping or screening applies to new activities. The rule only relates to the area between the buildings and road frontage of any site. The Council also encourages local business groups and township committees to develop voluntary programmes to 'spruce up' business areas.

When implementing amenity planting adjoining roads, consideration should be given to selecting plants that do not obscure visibility for vehicles entering or leaving the site.

### Methods

District Plan Rule

- Landscaping or Screening (Business zones)

Advocacy

- Encourage township committees and business groups to develop plans or programmes to 'spruce up' business areas.

## Policy B3.4.32

**Encourage people who are developing or redeveloping sites in townships to retain trees, bush or other natural features on the site, as part of the new development.**

### Explanation and Reasons

Policy B3.4.32 recognises that trees, bush and other natural features can add to the amenity values of a township, even when on private land and only able to be admired from across the fence. Policy B3.4.32 encourages landowners to keep such features when developing their sites. The features addressed in Policy B3.4.32 do not include trees, bush or sites which are formally

protected for their heritage, cultural or ecological values in the District Plan. These features are provided for in Part B, Sections 1.3 and Part B, Section 3.3 of the Plan. The LTCCP Development Contribution Policy allows for consideration of retained trees and vegetation as a credit towards development contributions for reserves.

### **Methods**

#### Advocacy

- Suggest to people undertaking activities that they retain existing trees and bush on the site

#### LTCCP

- Development Contribution Policy

## **LAKE COLERIDGE VILLAGE**

### **Policy B3.4.33**

**Encourage the maintenance or enhancement of green areas, plantings and walkways which add to the amenity values of Lake Coleridge Village.**

### **Explanation and Reasons**

Lake Coleridge Village includes extensive grass areas, walkways and a mix of exotic and indigenous trees and bush. These features give the village particularly attractive surroundings, as well as providing shelter from north-westerly winds. New activities in the village are encouraged to both utilise, and help maintain and enhance these features.

### **Methods**

#### Advocacy

- Encourage people to continue to use and develop the walkways, green areas and plantings.

#### LTCCP

- Development Contribution Policy

#### District Plan Rules

- Subdivision – encourage walkways and green spaces in subdivision layouts, provided they are ‘cost effective’ to maintain.

## REVERSE SENSITIVITY EFFECTS

### Policy B3.4.34

**Encourage Business 1 Zones to be consolidated into one area in each township, or into two areas in townships which may grow large enough to support two separate business areas.**

### Policy B3.4.35

**Encourage Business 2 and 2A Zones to be consolidated in one area, in each township.**

#### Explanation and Reasons

If each Business zone in a township is consolidated in one area it:

- Reduces the number of boundaries between residential and business areas and associated potential for 'reverse sensitivity' effects.
- Enables a zone to be created where the quality of the environment and amenity values reflect the requirements of business activities.

Business zones are provided for activities which have effects that will detract from the amenity values of Living zones. If several, small Business 1 or 2 Zones are 'scattered' throughout a township, then there is much greater potential for adverse effects and 'reverse sensitivity' issues than if the activities are clustered into one area.

In the case of the Business 2A Zone this exists in one discrete location at Rolleston, and is well separated from any Living Zones.

Policy B3.4.36 has an exception for larger townships which, may grow large enough to support two, separate Business 1 Zones within the next 20 years.

#### Method

District Plan Zones

- Area identified as Business zones in District Plan
- To assess plan change requests to rezone land for new Business zones

### Policy B3.4.36

**Avoid establishing activities in Business 2 and 2A Zones or the Business 3 Zone at Lincoln, which are likely to be sensitive to the effects of other activities in the zone, unless any potential for 'reverse sensitivity' effects will be minor.**

#### Explanation and Reasons

The activities which are accommodated in Business 2 and 2A Zones and the Business 3 Zone at Lincoln may have effects which are incompatible with other activities. For example, in Business 2 and 2A Zones the visual effects of sites; vibration from heavy vehicles; dust from the stockpiling of materials; or noise from machinery, may be incompatible with residential activities, other forms of accommodation, schools or restaurants. In the Business 3 Zone, odour from livestock or

fertilisers, chemical sprays, noise and heavy vehicles are some of the effects which may be incompatible with residential activities, other forms of accommodation or restaurants.

The Business 2, 2A and 3 Zones are created specifically to accommodate activities which have these effects away from the activities which they can potentially affect.

## Method

District Plan Rules

- Business 2 Zone
- Business 2A Zone
- Business 3 Zone

## Policy B3.4.37

**Where Living zones and Business 2 Zones adjoin, ensure any new activity occurring along the boundary in either zone, includes measures to mitigate any potential ‘reverse sensitivity’ effects on existing activities.**

## Explanation and Reasons

Business 2 Zones are encouraged to be separated from Living zones where possible. Existing land use patterns mean many Business 2 Zones adjoin Living zones along at least one boundary, and some adjoin Living zones on two or three boundaries. Policy B3.4.37 requires new activities which locate on sites along these boundaries, whether they be in the Living zone or the Business 2 Zone, to include measures to reduce potential effects on existing activities on sites along the boundary. This includes potential ‘reverse sensitivity’ effects from new residential activities in the Living zone existing activities on adjoining sites in the Business 2 Zone.

Examples of such measures include, but are not limited to, landscaping and screening of sites to reduce visual effects, greater setback distances for buildings from property boundaries or building line restrictions, the use of larger sections, roads or walkways along the zone boundary to act as ‘buffer zones’, or bunding landscaping.

## Methods

District Plan Policy

- To assess plan changes to rezone land for new Living or Business zones

District Plan Rules

- Subdivision
- Setbacks from boundaries (Business 2 Zones)
- Setbacks from boundaries (Living zones)

## Policy B3.4.38

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

## Explanation and Reasons

Rezoning land for new residential development around townships should not create 'reverse sensitivity' issues with existing activities in any zone. Policy B3.4.38 does not preclude rezoning of land for residential development adjoining Business 2 and 2A Zones or sites in the Rural Zone which have activities with incompatible effects provided appropriate methods are used to address potential 'reverse sensitivity' issues. Appendix 14 suggests information on activities in the surrounding area be included with any plan change request to rezone land.

## Method

District Plan Policy

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

## Policy B3.4.39

**To recognise the special characteristics of the Rakaia Huts settlement based on the existing quality of the environment, character and amenity values.**

## Explanation and Reasons

The majority of the Rakaia Huts have developed in an ad-hoc fashion over a number of years. The area is a historic fishing settlement that has evolved into residential areas with some permanent, semi-permanent and holiday accommodation. The land on which the huts are located is susceptible to flooding from the Rakaia River. The tenure of the land has been an issue in the past, and has been addressed to an extent by the Council and occupants. Rationalisation of land tenure and restrictions on future development options due to flooding has been provided for in this plan.

## Method

District Plan Rule

- Natural Hazards Area (Living zone)
- Subdivision

## QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B3.4:

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.
- Any new residential activities in Business 2 and 2A Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.



- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2 and 2A Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in 'reverse sensitivity' issues in townships.

## **QUALITY OF THE ENVIRONMENT — MONITORING**

Please refer to Part E, Appendix 1.

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## 2 LIVING ZONE RULES — EARTHWORKS

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### 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;
  - Burying pets;
  - Trenching compost;
  - Digging soak holes, building foundations and related activities, except in Wāhi Taonga Management Area C39(b), ;
  - Maintaining and clearing rivers, water races or drains except in Wāhi Taonga Management Area C39(b);
  - Maintaining or repairing existing flood protection works except in Wāhi Taonga Management Area C39(b); or
  - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(b).
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 including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga.
5. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.
6. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Historic Heritage Sites

## 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.
- 2.1.1.9 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b) at Rakaia Huts, any earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.1.1.10 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.

## **Controlled Activities — Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)**

- 2.1.2 Any earthworks which do not comply with Rule 2.1.1.9 or 2.1.1.10 shall be a controlled activity if the written consent of the local rūnanga has been obtained; and in the case of Wāhi Taonga Management Area C39(b), the written consent of the New Zealand Historic Places Trust Pouhere Taonga, has also been obtained. <sup>PC26</sup>

- 2.1.3 In assessing any application made under Rule 2.1.2, Council shall restrict its control to consideration of the following matters: <sup>PC26</sup>
- 2.1.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and <sup>PC26</sup>
- 2.1.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and <sup>PC26</sup>
- 2.1.3.3 Any monitoring or review conditions.

### **Restricted Discretionary Activities – Earthworks**

- 2.1.4 Any activity which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.
- 2.1.5 Under Rule 2.1.4 the Council shall restrict its discretion to consideration of:
- 2.1.5.1 The nature of any flooding or land instability and whether this makes the site unsuitable to undertake the proposed earthworks.
- 2.1.5.2 Any effects of earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.
- 2.1.5.3 Any mitigation measures proposed.

### **Restricted Discretionary Activities – Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)**

- 2.1.6 Any activity which does not comply with Rule 2.1.2 shall be a restricted discretionary activity.
- 2.1.7 Under Rule 2.1.6 the Council shall restrict the exercise of its discretion to all of the following matters:
- 2.1.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
- 2.1.7.2 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 rūnanga and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga;
- 2.1.7.3 Other than in Wāhi Taonga Management Area C39(b), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 2.1.7.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;

- 2.1.7.5 Any positive effects which may offset any adverse effects; and
- 2.1.7.6 Any monitoring or review of conditions.

## **Discretionary Activities — Earthworks**

2.1.8 The following shall be discretionary activities:

2.1.8.1 Mineral exploration.

2.1.8.2 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**

2.1.9 Mining shall be a non-complying activity.

### **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.

Rules 2.1.1.9 and 2.1.1.10 manage earthworks in areas which contain sites of special significance to tāngata whenua or protect archaeological sites. Protecting these sites is part of the duty under section 6(e) of the Act “to provide for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga’ and section 6(f) to recognise and provide for ‘the protection of historic heritage from inappropriate subdivision, use and development.

Wāhi Taonga Management Areas are of considerable cultural and archaeological significance. Earthworks in these areas are appropriate in certain circumstances and to a certain depth, after which resource consent is required (Controlled Activity). In assessing any application for resource consent made under Rule 2.1.2, the Council will consider whether the earthworks will disturb the special site within the Wāhi Taonga Management area C39(b) and whether that disturbance is inappropriate, as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the Historic Places Trust Pouhere Taonga).

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 other than in Wāhi Taonga Management Area C39(b).

## 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 Except for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and:
- Planted in lawn, and/or
  - Paved or sealed, and/or
  - Dressed with bark chips or similar material.

For the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40 the following shall apply:

4.2.2 Any principal building shall be a permitted activity if:

- i. That apart from one vehicle crossing and access not exceeding 100m<sup>2</sup> in area all land within the setback areas from roads as specified in Rule 4.9.26(i), excepting State Highway 1, will be devoted to landscaping; including the provision of at least one specimen tree capable of growing to at least 8m high being planted for every 10 metres of frontage and to be spaced at no less than 5 metres and no greater than 15 metres. The area between all road boundaries (other than with State Highway 1) and a line parallel to and 15m back from the road boundary is landscaped with shrubs and specimen trees covering as a minimum the lesser of 30% of the area or 250m<sup>2</sup>; and
- ii. The number of specimen trees in this area is not less than 1 per 10m of road frontage or part thereof; and
- iii. The trees are selected from the list below planted at a grade of not less than Pb95; and
- iv. Shrubs are planted at 'aa' grade of not less than Pb3 and a spacing of not less than 1 per square metre, typically located within a garden area dressed with bark chips or similar material; and
- v. Any paved surface area within the area does not exceed 100m<sup>2</sup> in area.
- vi. The list of suitable specimen trees for the purpose of this rule is:
  - Maple, Silk Tree, Alder, Birch, River She Oak, Leyland Cypress, Monterey Cypress, Lacebark, American sweet gum, Magnolia, Pohutukawa, weeping Kowhai, Common Olive, Pine, Lemonwood, Kohuhu, Ribbonwood, Plane, Totara, Poplar, Oak, Elm, Michelia
- vii. The Council will require a planting plan to be submitted at building consent stage, prepared by a suitably qualified landscape professional, identifying compliance with the above control.
- viii. The landscaping shall be maintained and if dead, diseased or damaged, shall be removed and replaced.

**Note:** Rule 4.2.2 shall not apply to allotments of 4ha or greater in the Living 3 Zone identified on the Outline Development Plan in Appendix 39 and 40.

4.2.3 Any Fencing in the Living 3 Zone on a road or Rural zoned boundary or in the area between the road boundary and the line of the front of the principal building or in the area between the Rural Zone boundary and the line of the rear of the principal building:

- Shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only; and
- Shall be of a length equal to or greater than 80% of the length of the front boundary, of a minimum height of 0.6m and be at least 50% open.



Except that nothing in the above controls shall preclude the use of other fencing types when located within 10m of the side or rear of the principal building. Such fence types shall not project forward to the line of the front of the building.

**Note:** Except that fences on boundaries adjoining reserve areas, cycleways or pedestrian accessways identified in the Outline Development Plan for Lincoln in Appendix 18 and for the Living 1A6 Zone in Prebbleton shall not exceed 1.2m in height.

### **Discretionary Activities – Buildings and Landscaping**

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

### **Restricted Discretionary Activities – Buildings and Landscaping**

- 4.2.5 Any activity which does not comply with Rule 4.2.3 shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the consideration of:
- 4.2.5.1 The extent to which the proposed fencing achieves high levels of visual transparency;
  - 4.2.5.2 The extent to which the proposed fencing is in keeping with rural character elements;
  - 4.2.5.3 Whether the proposed fencing is necessary as an integral part of a recreational facility such as a swimming pool or tennis court;
  - 4.2.5.4 Whether the proposed fencing is necessary for the care and management of specialist livestock.

## **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.
- 4.4.2 In the Living 1 Zone at Lincoln, as shown in Appendix 35, rainwater storage tanks with a minimum capacity of 3000 litres shall be installed for each dwelling for non-potable uses, such as garden irrigation.

## Discretionary Activities — Buildings and Water Supply

4.4.3 Any activity which does not comply with Rule 4.4.2 shall be a discretionary activity.

## Non-Complying Activities — Buildings and Water Supply

4.4.4 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, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

4.6.2 The erection of not more than one principal building on any site at Castle Hill shall be a permitted activity.

- 4.6.2.1 The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (appendix 20A) for this zone.

### **Restricted Discretionary Activities – Buildings and Building Density**

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

Note: Building density and site coverage rules both apply.

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

- 4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones and the Living WM Zone.

### **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 Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 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 Z	Including Garage	35%
	Excluding Garage	35% - 36m <sup>2</sup>
	Medium Density	Including garage 35%
		Excluding garage 35% - 18m <sup>2</sup>  Where a site is located in a Medium Density area and forms part of a comprehensive residential development of four or more adjoining lots less than 350m <sup>2</sup> in size, the maximum site coverage shall be 40% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.
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 1A6	Prebbleton	35%
Living WM	Including garage	35%
	Excluding garage	35% minus 36m <sup>2</sup>
	<u>Emergency Services</u> only	50%

Zone		Coverage
Living 2 (all townships not otherwise listed) 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%
Living 3		Lesser of 10% or 500m <sup>2</sup>

**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, Living 1A, Living Z, or Living WM 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%; or

4.7.3.3 The site is located in a Living Z Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:

- (a) 40% - including a garage; or
- (b) 40% - 18m<sup>2</sup> - excluding a garage; or
- (c) part of a comprehensive residential development of four or more adjoining lots under 350m<sup>2</sup> in size, in which case the maximum site coverage shall be 45% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.

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.

4.7.4.3 In any Living Z Medium Density areas located within an Outline Development Plan only:

- (a) the extent to which a complying outdoor living area and opportunities for tree planting and garden landscaping are to be provided;
- (b) whether there are any areas of communal or public open space in the immediate vicinity of the site;
- (c) the extent to which a balance is achieved between buildings and hardsurfacing, and landscaping and open space;
- (d) the avoidance of an appearance of cramped development that is out of keeping with an open and spacious streetscene; and
- (e) whether the visual effects of increased site coverage are offset by the provision of an attractive, well designed street frontage with good levels of architectural detailing and articulation and the siting of garaging and parking areas to the rear of the site.

### **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 Except in Rule 4.9.1.1 and 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;
- 4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is:
- a) not a boundary of a lot in a low density area; and
  - b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and
- 4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

#### Setbacks from Boundaries

- 4.9.2 Except as provided in Rules 4.9.3 to 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

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

<b>Building Type</b>	<b>Metres from Boundary</b>	
	<b>Internal</b>	<b>Road</b>
<u>Dwelling or principal building</u>	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 For the Living 1A6 Zone in Prebbleton, no dwelling shall be sited within 5m of the north western common boundary with the Kingcraft Drive Existing Development Area, as identified in the ODP contained in Appendix 19.
- 4.9.10 Any dwelling in the Living 2A Zone in Prebbleton shall have:
- 4.9.10.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.
- 4.9.10.2 A setback from the southern zone boundary of not less than 20 metres.
- 4.9.11 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.
- 4.9.12 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Zone in Prebbleton, as identified in Appendix 19.

#### **West Melton**

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

#### **Leeston**

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

#### **Living Z Medium Density areas located within an Outline Development Plan**

- 4.9.16 Any dwelling or principal building shall be set back a minimum of 3m from any road boundary.
- 4.9.17 Where an allotment has legal access to a private Right of Way or shared access, any dwelling or principal building on that allotment shall be set back a minimum of 3m along the entire length of the boundary with that private Right of Way or shared access.
- 4.9.18 Any garage where a vehicle door faces the road, a private Right of Way or shared access shall be set back a minimum of 5.5m from the road boundary, private Right of Way, or shared access.
- 4.9.19 No garage or accessory building is to be located between the front facade of the dwelling and the road boundary, or the private Right of Way or shared access by which the allotment is accessed.
- 4.9.20 Any dwelling or principal building, excluding garages or accessory buildings, shall be set back a minimum of 2m from any internal boundary. Buildings may however be

sited along an internal boundary if the building shares a common wall with another building on an adjoining site.

4.9.21 No set back is required for any garage or accessory building from an internal boundary, provided that the total length of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided those garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary.

4.9.22 All balconies at first floor level and above may only be located in a façade that faces a road boundary or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes.

4.9.22.1 Any windows at first floor level or above must:

- face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or
- Be set back a minimum of 10m from an internal boundary; or
- Have a sill height of at least 1.6m above internal floor level; or
- Be obscure glazed, and either non-opening or top- hinged, and be associated with a bathroom, toilet, or hallway.

### Temporary Activities

4.9.23 Rule 4.9.2 does not apply to the siting of any building, tent, caravan or trailer on a site if:

4.9.23.1 The building, tent, caravan or trailer is erected for a temporary activity; and

4.9.23.2 The building, tent, caravan or trailer is removed within 2 days of the activity ceasing.

4.9.24 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:

4.9.24.1 The building is removed within 12 months or when construction ceases, whichever is the shorter time.

### Setback from Lincoln Sewerage Treatment Plant

4.9.25 Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewage Treatment Plant, as identified on Planning Map 122.

### Rolleston

4.9.26 Except for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, and ODP Area 3 and ODP Area 8 in Rolleston, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 40m from the State Highway 1 carriageway. Except that this distance can be reduced where the dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes has been

acoustically insulated or subject to mounding or other physical barriers so that traffic noise from State Highway 1 is limited to levels set out below, with all external doors and windows closed:

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

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

- 4.9.27 In ODP Area 3 and ODP Area 8 in Rolleston, no dwellings shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1.
- 4.9.28 In ODP Area 3 and ODP Area 8 in Rolleston, for any dwelling constructed between 40m and 100m (measured from the nearest painted edge of the carriageway) from State Highway 1:
- Appropriate noise control must be designed, constructed and maintained to ensure noise levels within the dwelling meet the internal design levels in AS/NZS2107:2000 (or its successor) - 'Recommended design and sound levels and reverberation times for building interiors';
  - Prior to the construction of any dwelling an acoustic design certificate from a suitable qualified and experienced consultant is to be provided to Council to ensure that the above internal sound levels can be achieved.
- 4.9.29 Any building in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 and 40) shall be set back at least:
- i) 15 metres from any road boundary except that on corner lots a minimum setback of 10m applies to one road boundary;
  - ii) 5 metres from any other boundary
- 4.9.30 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes, and any internal areas associated with noise sensitive activities in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 39) shall be setback at least 80m from State Highway 1.
- For the purposes of this rule, noise sensitive activities means any residential activity, travellers accommodation, educational facility, medical facility or hospital, or other land use activity, where the occupants or persons using such facilities may be likely to be susceptible to adverse environmental effects or annoyances as a result of traffic noise from State Highway 1 over its location.
- 4.9.31 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)).

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

4.9.32 In Living 1C zoned areas, buildings shall have a setback from the road boundary of not less than 6m.

4.9.33 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 principal dwelling.

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

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

4.9.35 Under Rule 4.9.34 the Council shall restrict the exercise of its discretion to consideration of:

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

4.9.36 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.15 and 4.9.26 to 4.9.28 shall be a restricted discretionary activity.

4.9.37 Under Rule 4.9.36 the Council shall restrict the exercise of its discretion to consideration of:

4.9.37.1 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

4.9.37.2 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

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

- 4.9.37.4 In the Living 3 Zone at Rolleston as shown in Appendix 39, whether the building development meets the internal sound levels listed in the table below:

Type of Occupancy/Activity	Recommended Internal Design Sound Level (dBA Leq (24hr))
Dwelling/Family Flat/Accessory buildings – bedroom  Within Bedrooms	35
All other habitable spaces	40
Noise Sensitive Activities	35

- 4.9.38 Any activity which does not comply with 4.9.32 or 4.9.33 shall be a restricted discretionary activity
- 4.9.39 Under rule 4.9.38 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.

### Discretionary Activities – Buildings and Building Position

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

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

- 4.9.41 Any dwelling which does not comply with Rule 4.9.25 shall be a non-complying activity.
- 4.9.42 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 39 and 40.

## 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 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN LIVING Z MEDIUM DENSITY AREAS LOCATED WITHIN AN OUTLINE DEVELOPMENT PLAN**

### **Restricted Discretionary Activities – Comprehensive Residential Development in Living Z Medium Density areas located within an Outline Development Plan**

4.12.1 In a Living Z Medium Density area located within an Outline Development Plan, comprehensive residential development shall be a restricted discretionary activity, which shall not be notified and shall not require the written approval of affected parties. Under Rule 4.12.1 the Council shall restrict the exercise of its discretion to consideration of:

#### 4.12.1.1 Context and Spaciousness

The extent to which comprehensive development responds to the existing context through:

- (a) Providing compatibility in scale between the new development and any neighbouring buildings;
- (b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;
- (c) Providing dwellings which relate to each other and surroundings in terms of regularity of features such as window height and detailing and a consistency in roof slope and form.

#### 4.12.1.2 Attractive Street Scene

The extent to which the public interface and external appearance of buildings in comprehensive developments:

- (a) Provides dwellings with visual interest when viewed from any public spaces through articulation, roof form, openings and window location;
- (b) Provides visible entry to the dwelling when viewed from the road or the main public access to the development;
- (c) Provides a good level of glazing and overlooking from habitable rooms towards the road and any adjacent public open spaces;
- (d) Building design provides a balance of consistency and variety in the street scene;
- (e) Provides open frontages which will not be enclosed by fences over 1m in height.



#### 4.12.1.3 Dwelling design, position and orientation

The extent to which the dwelling design, position and orientation of buildings in comprehensive developments:

- (a) Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;
- (b) Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;
- (c) Positions dwellings to capitalise on any views or natural features;
- (d) Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged;
- (e) Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection;
- (f) Provides attractive and efficient shared parking where required.

#### 4.12.1.4 Visual and acoustic privacy

The extent to which buildings in comprehensive developments achieve visual and acoustic privacy through:

- (a) Avoiding or minimising direct views from the windows of one dwelling into another at distances less than 20m through the use of the following design devices:
  - The shape and position of the buildings
  - The location of windows e.g. offset windows and high sill windows
  - Intervening screening e.g. 1.8 metre high fences (not on road boundary or frontage with accessways), hedges, trees
  - Screening devices on balconies to ensure that they do not overlook windows or private spaces
- (b) The provision of acoustic treatment between dwellings through enhancing separation between openings, effective solid acoustic screening and by locating noise sensitive spaces from noisy activities (e.g. separation of bedrooms from service areas and garages).

#### 4.12.1.5 Private outdoor living spaces

The extent to which comprehensive developments provide private outdoor living spaces that:

- (a) Have the primary outdoor living space directly accessible from an internal living room;

- (b) Have any secondary outdoor living spaces such as balconies directly accessible from living rooms or bedrooms;
- (c) Are located so that the principle private outdoor living space will receive sunshine for a reasonable portion of the day in winter;
- (d) Are located so that the principle outdoor living space is not directly overlooked by windows or balconies of neighbouring dwellings;
- (e) The extent to which communal outdoor living space is provided within a comprehensively designed development and the functionality of that space for meeting the likely needs of future occupants;
- (f) Are located to the side or rear of the dwelling and not adjacent to the road boundary.

#### 4.12.1.6 Safety and security

The extent to which comprehensive developments are designed to reduce the fear and incidence of crime through:

- (a) The avoidance of narrow alleyways and places of entrapment;
- (b) A clear definition between public and private spaces;
- (c) The ability to provide casual surveillance of public space from private property and vice versa.

#### 4.12.1.7 Accessibility and connectivity

The extent to which comprehensive developments are designed for accessibility and connectivity through:

- (a) Providing for the safe and efficient movement of pedestrians, cyclists and motorised vehicles within and through the development and to surrounding residential areas and commercial and community facilities;
- (b) Providing direct pedestrian and cycle linkages from developments to and between any adjoining reserves and open spaces.

## 4.13 BUILDINGS AND STREETSCENE

### Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) and a Living Z zone

- 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, any fencing on the secondary road boundary is 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 or shared access over which the allotment has legal access.

### **Restricted Discretionary Activities - Buildings and Streetscene**

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

## **4.14 BUILDINGS AND PRIVATE OUTDOOR LIVING SPACE**

### **Permitted Activities – Buildings and Private Outdoor Living Space**

Living Z Medium Density areas located within an Outline Development Plan

- 4.14.1
- (a) In Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m<sup>2</sup> and a minimum dimension of 4m.
  - (b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.
  - (c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary.

## Restricted Discretionary Activities — Buildings and Private Outdoor Living Space

- 4.14.2 Any activity which does not comply with Rule 4.14.1 shall be a restricted discretionary activity which shall not be notified and shall not require the written approval of affected parties. Under Rule 4.14.1 the Council shall restrict the exercise of its discretion to consideration of:
- 4.14.2.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.
  - 4.14.2.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the dwelling and the street, to the detriment of an open street scene.
  - 4.14.2.3 The degree to which large areas of public open space are provided within very close proximity to the site.
  - 4.14.2.4 The degree to which any communal outdoor living areas are proposed where individual dwellings form part of a comprehensive residential development.
  - 4.14.2.5 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site.

## 4.15 SETBACKS FROM WATERBODIES

### Permitted Activities — Setbacks from Waterbodies

- 4.15.1 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:
- 4.15.1.1 20m from the edge of any waterbody listed in Appendix 12; or
  - 4.15.1.2 10m from the edge of any other waterbody (excluding aquifers).

### Discretionary Activities — Setbacks from Waterbodies

- 4.15.2 Any activity which does not comply with Rule 4.15.1 shall be a discretionary activity.

#### Notes

1. Rule 4.15 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 4.15 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.

## **4.16 BUILDINGS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA (WĀHI TAONGA MANAGEMENT AREAS)**

### **Permitted Activities — Buildings and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)**

- 4.16.1 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:
- 4.16.1.1 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b), any earthworks associated with the building are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm
  - 4.16.1.2 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.

### **Controlled Activities — Buildings and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)**

- 4.16.2 Any activity which does not comply with Rules 4.16.1.1 and 4.16.1.2 shall be a controlled activity if the written consent of the local rūnanga has been obtained; and in the case of Wāhi Taonga Management Area C39(b), the written consent of the New Zealand Historic Places Trust Pouhere Taonga, has also been obtained.
- 4.16.3 In assessing any application made under Rule 4.16.2, Council shall restrict its control to consideration of the following matters:
- 4.16.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and
  - 4.16.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and
  - 4.16.3.2 Any monitoring or review conditions.

## Restricted Discretionary Activities – Buildings and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

- 4.16.4 Any activity which does not comply with Rule 4.16.2 shall be a restricted discretionary activity.
- 4.16.5 Under Rule 2.1.6 the Council shall restrict the exercise of its discretion to all of the following matters:
- 4.16.5.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
  - 4.16.5.2 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 rūnanga, and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga;
  - 4.16.5.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 4.16.5.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 4.16.5.5 Any positive effects which may offset any adverse effects; and
  - 4.16.5.6 Any monitoring or review of conditions.<sup>PC26</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.

A reticulated sewerage scheme for West Melton Township to cater for the anticipated township growth is now available. It was considered that this was 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, 1A, Living WM zones and Living Z Medium Density areas located within an Outline Development Plan, 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.

In the Living Z Medium Density areas included within an Outline Development Plan, buildings are required to be set back a minimum of 3m from the road boundary, or shared Rights of Way and



shared accessways by which the site is accessed. The road boundary setback is smaller than that required for sites in the lower density Living zones in recognition of the higher density character anticipated in the Medium Density areas and the need to enable smaller sites to be used in an efficient manner. Some setback is however still necessary to provide the opportunity for some landscaping and tree planting along the road frontage, Rights of Way, and shared accessways and will help to maintain an open and pleasant street scene and to provide adequate levels of amenity and the opportunity for landscaping along shared driveways. The need for buildings to be set back from private Rights of Way and shared accessways is in recognition that these areas function as private lanes and as such there is a need to maintain adequate levels of amenity along such areas and to ensure that they are not overly dominated by buildings and blank high boundary fencing.

Garages are required to be set no further forward than the front façade of the dwelling so that they are not visually dominant from the street, private Rights of Way, and shared accessways. Front facing garage doors are required to be set back at least 5.5m from road boundaries, private Rights of Way, and shared accessways to enable vehicles to be parked in front of the doors without intruding over footpaths, road reserve, or shared driveways, and to provide a second informal car parking space for occupants or visitors.

In the Medium Density areas, provision is also made for dwellings and primary buildings to be setback a minimum of 2m from internal boundaries to ensure a degree of daylight is available to ground floor windows. Garages are however able to be erected along the internal boundary in recognition that they are inherently single storey structures and do not contain habitable space, with a tighter recession plane control in place to ensure that they are single storey where they adjoin the boundary. Buildings are able to be built to an internal boundary where they will share a wall with a neighbouring building, in order to facilitate more intensive forms of housing such as semi-detached or terraced typologies. No recession planes apply over that portion of the boundary where a common wall has been built as there will be no shading effects where buildings share the same wall. To facilitate more intensive forms of housing and to enable two storey dwellings to be designed on relatively small sites, the recession plane requirements start at 4m rather than 2.5m, with a standard 45 degree angle required from all boundaries. This will encourage buildings to be oriented towards the street and rear garden, rather than towards side boundaries.

In the Medium Density areas, balconies at first floor level and above are only permitted in facades that face road or reserve boundaries due to the potential for balconies to have a significant adverse effect on privacy if they are located overlooking internal boundaries. In more intensive residential areas where dwellings are in closer proximity to one another than low density zones and where there is a much greater likelihood of dwellings being higher than single storey, there is an increased need to maintain acceptable levels of privacy. Windows at first floor level or above are therefore only permitted if they either face a road or reserve boundary, are set back a minimum of 10m from an internal boundary (typically the rear garden boundary), or have a high level internal sill or are obscure glazed and are associated with bathrooms or hallways (thereby providing light but preventing overlooking).

Controls on side and front yard spaces apply to sites in the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40 in order to retain views between residences and to assist in retaining elements of rural character and provide visual integration and visual attractiveness.

Building within the Countryside Area identified on the Outline Development Plan in Appendix 39 and 40 is a non-complying activity. The purpose of the Countryside Areas is to provide open space and a visual link to the surrounding rural landscape. These corridors bisect the residential activity and are to be managed in productive rural use.

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.

In the case of Rolleston Sewage Treatment Plant and Resource Recovery Park an “Odour Control Setback Area” has been imposed on the Holmes Block (as shown on the Outline Development Plan in Appendix 39). Building within this area is a Non-Complying Activity as reverse sensitivity issues may arise if this setback area is not applied.

In regard to the Poultry Farm identified on Lot 3 DP 20007 at Rolleston a 300m setback has been imposed in relation to the northern boundary of the Skellerup Block (as shown on the Outline Development Plan in Appendix 40). Building within this area is a non-complying activity as reverse sensitivity issues may arise if this setback area is not applied.

### **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.

### **Comprehensive Residential Development in Living Z Medium Density areas located within an Outline Development Plan**

Within comprehensive residential developments in Medium Density areas covered by an Outline Development Plan, the Plan enables higher density forms of development to occur. Due to their higher density, such developments need to be planned in a comprehensive manner to ensure that adequate levels of urban design and amenity are achieved. The Plan therefore requires resource consent as a restricted discretionary activity with the Council’s discretion limited to the urban design, appearance, and amenity of the development. This provision has been inserted to

ensure that the widespread community concerns that have been voiced in other Districts regarding poor quality high density developments are able to be avoided in Selwyn, whilst still enabling the provision of a wide range of housing choice for residents. This provision includes an extensive set of assessment matters to ensure that higher density development provides a good level of amenity for residents, neighbours and views from public places including streets.

### **Buildings and Streetscene**

In the Living Z zones, solid, high screening structures such as fences and walls that are erected on road boundaries of properties have the potential to cause adverse visual impacts on a pleasant and open streetscene along with other associated effects such as disconnection and reduction in the potential for passive security between dwellings and the street. The rule acknowledges that where sites have frontage to more than one road, the rule only applies to the façade that includes the front entrance to the allotment so that a reasonable degree of privacy is able to be achieved for corner sites or allotments that back onto a second road. On other sites, it is expected that subdivisions will be designed to ensure that privacy can be achieved on the lot and that buildings will have been positioned with the need for private outdoor space in mind.

Another key element in maintaining a pleasant and attractive streetscene is to ensure that developments are not visually dominated by garaging when viewed from the road, private Rights of Way, or shared accessways. The rule therefore limits the width of garages to no more than 50% of the front façade of the dwelling to ensure that front facades contain visual interest, and the opportunities for glazing and passive surveillance. In medium density areas this provision works in tandem with the requirement that garages not project forward of the front building façade to further minimise the visual impact of garaging.

### **Buildings and Private Outdoor Living Space**

A minimum area and dimension of outdoor living space has been required for dwellings in Living Z Medium Density areas located within an Outline Development Plan to ensure that an area of each site is set aside which is sufficient to meet the outdoor living needs of current and future residents of the site. The rule only applies to Medium Density areas as smaller allotment sizes could result in relatively narrow strips of unbuilt land around dwellings that do not provide a useable outdoor living area, unlike larger allotments in the other living zones. The provision of an outdoor area also means that sites retain the opportunity for tree and garden planting which helps to balance the built appearance of higher density areas and visually soften the built environment.

A smaller area of outdoor living area is required for dwellings that form part of a comprehensive residential development due to such units generally being smaller than stand alone dwellings and in recognition that comprehensive residential developments require detailed plans to be assessed as part of a design and appearance consent where the location and functionality of outdoor living spaces can be assessed. Balconies can be counted towards the required outdoor living area in recognition of the positive role that well-located balconies can play in meeting the amenity needs of occupants and providing an alternative outdoor living area that may receive sun at a different time of the day. Balconies can also be a positive design element and are encouraged where they provide passive surveillance of the street or public open spaces without resulting in subsequent pressure from landowners to fence these boundaries to ensure privacy which can happen with ground level outdoor living areas.

### **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 4.15 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.

#### **Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)**

Rule 4.16 manages the effects of erecting buildings in Wāhi Taonga Management Areas at Rakaia Huts. Activities which may disturb this area and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga.

The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

# 10 LIVING ZONE RULES — ACTIVITIES

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Notes:

1. Activities affecting any archaeological site including Wāhi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
2. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any activities occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.

## 10.1 ACTIVITIES AND CONTAMINATED LAND

### Permitted Activities — Activities and Contaminated Land

- 10.1.1 Any activity shall be a permitted activity on any site which contains contaminated land or where past activities on that site include those listed in Appendix 10 except for the following:
- 10.1.1.1 Erecting any dwelling;
  - 10.1.1.2 Educational facilities;
  - 10.1.1.3 Outdoor recreation activities; and
  - 10.1.1.4 Growing commercial food crops or rearing animals.

### Restricted Discretionary Activities — Activities and Contaminated Land

- 10.1.2 Any dwellings, educational facilities, outdoor recreation activities, and growing commercial food crops or rearing animals on any site which contains contaminated land, or when past activities on that site include those listed in Appendix 10, shall be a restricted discretionary activity.
- 10.1.3 Under Rule 10.1.2 the Council shall restrict the exercise of its discretion to:
- 10.1.3.1 The adequacy of any methods proposed to reduce any potential adverse effects on people or animals.
  - 10.1.3.2 If the soil is to be removed from the site, where it is to be disposed to, the level of risk to human health and the environment and how it is to be disposed of.
  - 10.1.3.3 Where the site is not confirmed as contaminated, but has been used for one or more of the activities listed in Appendix 10, further investigation to determine whether the site is contaminated and the extent of that contamination.

## 10.2 ACTIVITIES ON THE SURFACE OF WATERBODIES

### Permitted Activities – Activities on the Surface of Waterbodies

- 10.2.1 Any structure or mooring which passes over or through the surface of any waterbody or which is attached to the bank of any waterbody shall be a permitted activity if the following conditions are met:
- 10.2.1.1 The structure is a fence made of post and wire netting construction and is not more than 1m in height above ground level at the edge of the waterbody; or
  - 10.2.1.2 The structure is a floodgate installed where an existing fence crosses a waterbody; or
  - 10.2.1.3 The structure or mooring is a temporary device and is removed when it is not being used; or
  - 10.2.1.4 The structure is a bridge or culvert for crossing a water race, drain or stream with a bed not more than 3 metres in width.
  - 10.2.1.5 The structure is a sign or navigation aid erected by or on behalf of Environment Canterbury or the Maritime Safety Authority.
  - 10.2.1.6 The structure is a line, conductor or cable owned by a network utility operator and complies with the relevant height standards for electrical lines crossing waterbodies.
- 10.2.2 Any overnight accommodation on a craft on the surface of a waterbody shall be a permitted activity provided that it is associated with recreational use of the craft; and limited to not more than one night on any one mooring in any one month period.

### Discretionary Activities: Activities on the Surface of Waterbodies

- 10.2.3 Any activity which does not comply with Rule 10.2.1 shall be a discretionary activity.

### Non-Complying Activities: Activities on the Surface of Waterbodies

- 10.2.4 Any activity which does not comply with Rule 10.2.2 shall be a non-complying activity.

#### Notes

1. Any diversion of water or discharge into water as a result of constructing any structure over a waterbody may require a resource consent from Environment Canterbury, even if it is a permitted activity in the District Plan.
2. Rule 10.2.2 does not exempt activities on the surface of water from complying with any by-laws made under the Local Government Amendment No. 2 Act 1999, including the transitional Water Recreation Regulations 1979.
3. Rule 10.2.2 does not apply to overnight accommodation in the event of inclement weather, the breakdown of a watercraft, or other emergency.

4. The erection of a structure on the surface of a river or lake and attached to the bed may require resource consent from Environment Canterbury even if it is a permitted activity in the District Plan.

## 10.3 ACTIVITIES AND THE KEEPING OF ANIMALS

### Permitted Activities – Activities and the Keeping of Animals

- 10.3.1 The keeping of domestic pets shall be a permitted activity.

#### Notes

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

### Discretionary Activities – Activities and the Keeping of Animals

- 10.3.2 The keeping of animals other than domestic pets except as provided under Rules 10.3.3 to 10.3.5 shall be a discretionary activity, except
  - (a) within the Living 3 Zone Countryside Areas identified on the Outline Development Plan at Appendix 39 and 40 provided that such activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35; and
  - (b) within the Living 3 Zone Lower Density Area identified on Outline Development Plan at Appendix 39 and 40 provided that this shall not include intensive livestock production or the keeping of roosters, peacocks, pigs or donkeys.
- 10.3.3 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a discretionary activity.

### Non-Complying Activities – Activities and the Keeping of Animals

- 10.3.4 Boarding of animals shall be a non-complying activity.
- 10.3.5 Intensive livestock production shall be a non-complying activity.

## 10.4 ACTIVITIES AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA (WĀHI TAONGA MANAGEMENT AREAS)

### Permitted Activities – Activities and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)

- 10.4.1 The following activities shall be permitted activities:
  - 10.4.1.1 In any areas listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil which 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), buildings or earthworks.

- 10.4.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b), any earthworks associated with any proposed activity are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 10.4.1.3 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 10.4.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 10.4.1.2 or 10.4.1.3, any proposed activity which does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 10.4.1.5 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 which is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### **Controlled Activities — Activities and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)**

- 10.4.2 Any activity which does not comply with Rule 10.4.1.2 or 10.4.1.3 shall be a controlled activity if the written consent of the local rūnanga has been obtained; and in the case of Wāhi Taonga Management Area C39(b), the written consent of the New Zealand Historic Places Trust Pouhere Taonga, has also been obtained.
- 10.4.3 In assessing any application made under Rule 10.4.2 Council shall restrict its control to consideration of the following matters:
  - 10.4.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and
  - 10.4.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and
  - 10.4.3.3 Any monitoring or review conditions.



## **Restricted Discretionary Activities — Activities and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)**

- 10.4.4 Any activity which does not comply with Rules 10.4.1.1, 10.4.1.4, 10.4.1.5 or 10.4.2 shall be a restricted discretionary activity.
- 10.4.5 Under Rule 10.4.4 the Council shall restrict the exercise of its discretion to all of the following matters:
- 10.4.5.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
  - 10.4.5.2 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 rūnanga and the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga;
  - 10.4.5.3 Other than in Wāhi Taonga Management Area C39(b), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 10.4.5.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 10.4.5.5 Any positive effects which may offset any adverse effects; and
  - 10.4.5.6 Any monitoring or review of conditions.

## **10.5 ACTIVITIES AND AIRCRAFT MOVEMENTS**

### **Permitted Activities — Activities and Aircraft Movements**

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

### **Discretionary Activities — Activities and Aircraft Movements**

- 10.5.2 Any activity which does not comply with Rule 10.5.1 shall be a discretionary activity, if it complies with the following standard and term:
- 10.5.2.1 The take off and/or landing of aircraft shall be an ancillary use of the land and any facilities on the site and shall not be a main or predominant use of the land or any facilities on the site.

## Non-Complying Activities — Activities and Aircraft Movements

- 10.5.3 Any activity which does not comply with Rule 10.5.2.1 shall be a non-complying activity.

## 10.6 ACTIVITIES AND NOISE

### Permitted Activities — Activities and Noise

- 10.6.1 Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated.

7.30am – 8.00pm	50 dBA L <sub>10</sub>
8.00pm – 7.30am	35 dBA L <sub>10</sub>
7.30am – 8.00pm	85 dBA L <sub>max</sub>
8.00pm – 7.30am	70 dBA L <sub>max</sub>

- 10.6.2 Rule 10.6.1 does not apply to the use of sirens or warning devices associated with emergency service facilities.

### Discretionary Activities — Activities and Noise

- 10.6.3 Any activity which is not residential, spiritual or educational which does not comply with Rule 10.6.1 shall be a discretionary activity.

**Note:** Sound levels shall be assessed at any point beyond the boundary of the site from which the source of any noise of interest is situated.

## 10.7 ACTIVITIES AND VIBRATION

### Permitted Activities — Activities and Vibration

- 10.7.1 Vibration from any other source shall be a permitted activity if the maximum limits are not exceeded, provided that:

- 10.7.1.1 Activities likely to have regular vibration effects such as quarrying, mining or airports are not permitted in Living zones and will require resource consent.

### Discretionary Activities — Activities and Vibration

- 10.7.2 Any activity which does not comply with Rule 10.7.1 shall be a discretionary activity.

## 10.8 ACTIVITIES AND LIGHT SPILL

### Permitted Activities — Activities and Light Spill

- 10.8.1 The following activities shall be permitted activities:
- 10.8.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.
  - 10.8.1.2 Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.

### Discretionary Activities — Activities and Light Spill

- 10.8.2 Any activity which does not comply with Rules 10.8.1 shall be a discretionary activity.

## 10.9 ACTIVITIES AND SCALE OF ACTIVITIES

### Permitted Activities — Activities and Scale of Activities

- 10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:
- 10.9.1.1 Permanent Activities
    - (a) No more than two full time equivalent staff employed on the site live off site, and
    - (b) The gross floor area of any building(s) other than a dwelling does not exceed 300m<sup>2</sup>, or in the case of any building used for spiritual activities does not exceed 500m<sup>2</sup>, and
    - (c) Vehicle movements do not exceed:
      - Strategic Roads, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day
      - Local Roads: 20 per day plus 2 heavy vehicle movements per day.

**Note:**

Rule 10.9.1.1 does not apply to existing schools and Police stations.

Subclause (c) of Rule 10.9.1.1 shall not apply to emergency service vehicles.

- 10.9.1.2 Temporary Activities
  - (a) The activity does not last for a period longer than 15 hours in any one time and occurs on no more than 12 times in any 12 month period, or
  - (b) The activity does not last longer than a total of 7 consecutive days in any one time and occurs on no more than 3 times in any 12 month period.

## Discretionary Activities — Activities and Scale of Activities

- 10.9.2 Any activity which is not a residential activity, and which does not comply with Rule 10.9.1 shall be a discretionary activity.

**Note:** Rule 10.9.1.2 exempts temporary activities from complying only with Rule 10.9.1.1, not from complying with any other rules in the District Plan.

## 10.10 ACTIVITIES AND HOURS OF OPERATION

### Permitted Activities — Activities and Hours of Operation

- 10.10.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.10.1.1 The employment of staff who are not resident on the site; and

10.10.1.2 Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day.

**Note:** Rule 10.10.1 does not apply to spiritual and educational activities.

### Discretionary Activities — Activities and Hours of Operation

- 10.10.2 Any activity which is not a residential activity, and which does not comply with Rule 10.10.1 shall be a discretionary activity.

## 10.11 ACTIVITIES AND THE OUTDOOR STORAGE OF MATERIALS AND GOODS

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

- 10.11.1 The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met:

#### Vehicles

10.11.1.1 The outdoor storage of motor vehicles, caravans or campervans, trailers, or watercraft shall be associated with residential activities on the site.

**Note:** For the purpose of this rule the storage of wrecked vehicles or vehicle bodies is excluded from the definition of residential activities.

#### Construction Materials

10.11.1.2 The outdoor storage of materials for construction, repair or landscaping work on the same site shall be limited to up to 4 months in any 12 month period.

## Other Storage

10.11.1.3 The outdoor storage of any other goods or materials if the following conditions are met:

- (a) The outdoor storage space is shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and
- (b) The outdoor storage area is shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and
- (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.

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

10.11.2 Any activity which does not comply with Rule 10.11.1 shall be a discretionary activity.

**Note:** Rule 8 also applies to the storage of hazardous substances or goods treated with hazardous substances.

## 10.12 ACTIVITIES AND TEMPORARY MILITARY TRAINING

### Permitted Activities — Activities and Temporary Military Training

10.12.1 Temporary Military Training Activities shall be permitted activities provided that the following conditions are met:

- 10.12.1.1 No permanent structures shall be constructed;
- 10.12.1.2 No mechanical excavation shall be carried out, unless provided for in this Plan;
- 10.12.1.3 The activity shall not exceed a period of 31 days;
- 10.12.1.4 All ground disturbed by any military activity shall be restored to its previous state;
- 10.12.1.5 No Temporary Military Training Activities shall occur in any areas identified on the Planning Maps as Wāhi taonga, Silent file areas, or Mahinga kai sites;
- 10.12.1.6 Noise emissions occurring as a result of any Temporary Military Training Activity, when measured at the property boundary shall not exceed:

Time	Limits(dBA)	
	L <sub>10</sub>	L <sub>max</sub>
(Any Day)		
0630-0730	60	70

Time	Limits(dBA)	
0730-1800	75	90
1800-2000	70	85
2000-0630	55	65

### Controlled Activities — Activities and Temporary Military Training

- 10.12.2 Any activity which does not comply with Rule 10.12.1 shall be a controlled activity.
- 10.12.3 Under Rule 10.12.2 the Council shall restrict the exercise of its discretion to consideration of:
- 10.12.3.1 Any disturbance caused by structures or earthworks;
  - 10.12.3.2 Any noise effects, with regard to the location and noise sensitivity of nearby activities;
  - 10.12.3.3 Any visual or traffic effects;
  - 10.12.3.4 The effect of activities over an extended period of time, having regard to 10.12.3.1 to 10.12.3.3 above.

## 10.13 SCHEDULED ACTIVITY: ALEX MCDONALD MERCHANTS LTD, DARFIELD

### Permitted Activities — Scheduled Activity – Alex McDonald Merchants Ltd, Darfield

- 10.13.1 The use of land and buildings zoned Living 1 on Lot 2 DP 79972 (26 McLaughlins Road, with an area of 1.1696 ha) for the purpose of grading, processing, storing, loading and unloading of seed potatoes shall be a permitted activity subject to compliance with all applicable rules of the Business 2 zone as if the site were part of that zone.

**Note:** Lot 2 DP 79972 is, notwithstanding the above provisions, otherwise subject to the rules applicable to activities in the Living 1 zone.

### Non-Complying Activities — Scheduled Activity – Alex McDonald Merchants Ltd, Darfield

- 10.13.2 Any activity specified in Rule 10.13.1 which does not comply with the requirements of Rule 10.13.1 shall be a non-complying activity.

**Note:** Lot 2 DP 79972 is, notwithstanding the above provisions, otherwise subject to the rules applicable to activities in the Living 1 zone.

## 10.14 ELDERLY RESIDENTIAL CARE — LIVING 1A ZONE, LINCOLN

### Permitted Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.14.1 Elderly residential care in the Living 1A Zone at Lincoln shall be a permitted activity if the following conditions are met:
- 10.14.1.1 Elderly residential care is limited to one site in the location shown on concept plan C1 in Appendix 18 as 'site for proposed rest home';
  - 10.14.1.2 The site has an area no smaller than 8000m<sup>2</sup>; and
  - 10.14.1.3 Elderly residential care is limited to 80 residents in residential care beds, single bedroom units or separate apartments, provided that residential care beds are limited to a maximum of 30; and
  - 10.14.1.4 Parking and outdoor storage areas are screened from adjoining sites by landscaping, fence(s), or a combination thereof, to at least 1.8m in height along the length of the parking or storage area. The minimum depth of the screening is 1.5m if it is in the form of landscaping; and
  - 10.14.1.5 The maximum height of any building is 7.0m; and
  - 10.14.1.6 Staff and visitor parking spaces are provided within the site at the following rates:
    - (a) 1 space per 6 care beds
    - (b) 1 space per 4 single bedroom units
    - (c) 1 space per apartment unit; and
  - 10.14.1.7 No elderly residential care facility is erected on a site that adjoins the boundary of the zone.
- 10.14.2 Rules 10.9 – Scale of Activities; 10.10 – Hours of Operation; 5.4 – Car Parking; 4.8 – Building height; and 4.7 – Buildings and Site Coverage do not apply to elderly residential care as described in Rule 10.14.1.
- 10.14.3 Rule 10.14.1.4 is a screening requirement additional to any screening required under Rule 10.11 – Outdoor Storage of Materials and Goods.

### Restricted Discretionary Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.14.4 Any elderly residential care in the Living 1A Zone at Lincoln which does not comply with Rule 10.14.1.2 shall be a restricted discretionary activity.
- 10.14.5 Under Rule 10.14.4, the Council shall restrict the exercise of its discretion to:
- 10.14.5.1 The number of residents that can be accommodated within the facility.

## **Non-Complying Activities: Elderly Residential Care – Living 1A Zone, Lincoln**

- 10.14.6 Any elderly residential care facility in the Living 1A Zone at Lincoln which does not comply with Rules 10.14.1.1, 10.14.1.3, 10.14.1.4, 10.14.1.5 10.14.1.6 or 10.14.1.7 shall be a non-complying activity.

## **10.15 COUNTRYSIDE AREAS – LIVING 3 ZONE, ROLLESTON**

### **Permitted Activities – Countryside Areas – Living 3 Zone, Rolleston**

- 10.15.1 Rural activities (excluding forestry, intensive livestock production and dwellings) within the Living 3 Zone Countryside Areas identified on the Outline Development Plan at Appendix 39 and 40 shall be a permitted activity provided that such rural activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35.

### **Restricted Discretionary Activities – Countryside Areas – Living 3 Zone, Rolleston**

- 10.15.2 Rural activities (excluding forestry, intensive livestock production and dwellings) within the Living 3 Zone Countryside Areas identified on the Outline Development Plan at Appendix 39 and 40 shall be a discretionary activity except where such rural activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35.
- 10.15.3 Under Rule 10.15.2, the Council shall restrict the exercise of its discretion to:
- 10.15.3.1 the degree to which the proposed rural activities maintain open space and/or rural character and rural amenity of the Countryside Area(s);
  - 10.15.3.2 the extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Area(s).

## **Reasons for Rules**

### **Contaminated Sites**

The activities listed in Rule 10.1.1 are activities which are most likely to expose people to either direct or indirect exposure to contaminated land. The Building Act 2004 can require certain mitigation measures to be put in place before a building is erected on contaminated land. However, this Act does not apply to activities that do not involve erecting a building (such as growing food crops) or activities ancillary to buildings, such as outdoor recreation.

### **Contaminated Site Register**

The Council has a register of sites which may have contaminated land, because of past activities on the site. These sites should be tested prior to the activities listed in Rule 10.1.1 taking place. If a site is on the Council register, it will be noted on any LIM (Land Information Memorandum) issued for the site.

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



## Surface of Waterbodies

Erecting permanent structures or moorings over or through waterbodies may: prevent public access along the waterbody; disturb wildlife; or impede or divert the flow of water, thereby potentially flooding properties elsewhere. While any diversion of water requires a resource consent from Environment Canterbury, it may not be readily apparent that a structure will divert or impeded water flow, until a flood occurs. In addition, structures and moorings passing over waterbodies may reduce the aesthetic or amenity values of a waterbody.

Rule 10.2.1 allows activities that the Council thinks will have only minor effects to be established as permitted activities. Other structures or moorings may be able to be established as discretionary activities if potential adverse effects are considered minor.

The use of craft on the surface of water as a dwelling or accommodation facility may adversely affect water quality if the craft does not have appropriate effluent and waste containment facilities. The use of craft for this purpose may also disturb wildlife and reduce the amenity and recreational values of the waterbody for other users

Rule 10.2.2 sets out the conditions for overnight accommodation on watercraft. The rule does not apply to emergency situations where people are forced to stay at one mooring due to bad weather or problems with a boat. It is, however, intended to prevent house boats or similar use of craft on waterbodies as a permitted activity. Under Rule 10.2.4 such activity is generally regarded as inappropriate.

## Keeping of Animals

Selwyn District is principally a rural area and many residents come to live in townships in the District to be close to a 'rural' lifestyle. Domestic pets, including a pet sheep or horse, are common features of the Living zones in the District. As noted above, the keeping of domestic pets may be subject to a Council bylaw. Under the Local Government Act 2002, the Council may make bylaws relating to the keeping of animals.

Resource consent for a discretionary activity is required for: commercial rearing of animals for sale of progeny, meat, skins, wool or other products; the keeping of animals other than domestic pets (except within the Living 3 Zone Countryside Areas identified on the Outline Development Plan at Appendix 39 and 40). Those activities may be granted resource consent, depending on whether adverse effects can be adequately mitigated, and if there is consistency with the relevant objectives and policies of the plan. The exception provided for the Living 3 Zone Countryside Areas regarding keeping of animals recognises that rural activities (subject to some specific exceptions) are anticipated and intended to occur within the designated Countryside Areas, and also within the large lot Lower Density Areas. The potential adverse effects associated with the keeping of animals other than domestic pets (e.g. horse grazing) within the Countryside Areas is managed through the requirement for a management plan to be in place prior to such activities occurring, and as such, are deemed appropriate for the Zone. A further exception is provided to enable limited grazing of the Lower Density Areas within the Living 3 Zone.

Resource consent for a non-complying activity is required for boarding of animals, and for intensive livestock production. These activities are generally regarded as having effects inappropriate to Living zones and the rural areas of the District are considered more suitable locations to receive their respective effects.

## Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)

Rule 10.4 manages activities in areas which contain sites of special significance to tāngata whenua. Protecting these sites is part of the duty under section 6(e) of the Act "to provide for the relationship of Maori and their customs and traditions with their ancestral lands, water, sites,

wāhi tapu and other taonga and to “recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development” (Section 6(f)).

Tāngata whenua have identified three types of sites in the plan. Silent File Areas may contain sites which are of immense cultural importance to tāngata whenua. The exact location of the site is not disclosed. Any disturbance of these sites may be inappropriate. The rule allows earthworks to occur on soil which has already been disturbed, but requires a resource consent for earthworks which will disturb soil in areas which had not been previously worked, or if the earthworks involve excavating soil to depths where it has not been disturbed by other activities. The Council restricts its discretion to whether the earthworks will disturb the special site within the Silent File area and whether that disturbance is inappropriate (as advised by local rūnanga).

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

Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The rules in the Plan for most Wāhi Taonga Management Areas in the District do not prevent the soil in the area from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without obtaining a resource consent. The rules for the Wāhi Taonga Management Area which make up the Rakaia River Moa Hunter Site (C39(a) and C39(b) at Rakaia Huts are more restrictive due to the significant cultural and archaeological values which have been identified in that area.

The rule allows earthworks to occur on soil which has already been disturbed (to a maximum depth of 20cm), but requires a resource consent for earthworks which will disturb soil in areas which had not been previously worked, or if the earthworks involve excavating soil to depths greater than 20cm where the soil has been previously disturbed. In assessing any application for resource consent made under Rule 10.4.2, the Council will consider whether the earthworks will disturb the special site within Wāhi Taonga Management area C39(b) and whether that disturbance is inappropriate, as advised by local rūnanga and the Historic Places Trust Pouhere Taonga.

Many Wāhi Taonga Sites and Wāhi Taonga Management Areas in the District have been uncovered by archaeologists and their location and what they contain is recorded. Earthworks in and around these sites are appropriate, provided that the artefacts and remnants which are contained within the sites are not removed, damaged or destroyed. Appendix 5 lists the artefacts, remnants or objects discovered so far within each site, though there may be more material located around the area. Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The Council is encouraging land owners or managers and local rūnanga to develop joint protocols for activities within these areas.

Silent File Areas, Wāhi Taonga Sites and Wāhi Taonga Management Areas may also be considered as archaeological sites. Any activity affecting any archaeological site requires the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).

Mahinga Kai sites are sites used for traditional food gathering by tāngata whenua. The sites identified within this Plan are valued for their vegetation. A resource consent is required for this vegetation to be damaged or removed, except for mahinga kai purposes.

## **Aircraft Movements**

An airport or other facilities for regular take off and landing of aircraft or helicopters is considered incompatible with the amenity values of Living zones activities, due to the effects of aircraft noise, vibration and night lighting. For that reason, airports, in Living zones, are non-complying.

There are some instances, however, where the effects of aircraft taking off or landing can be tolerated for a short period of time. For example, if a helicopter is used to assist in construction work on a building, or helicopter rides occurring at a local fair. Rule 10.5 is designed to accommodate these 'one off' events without requiring a resource consent.

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

More frequent take off and landing of aircraft is a discretionary activity in Living Zones to enable effects on residential amenity values to be assessed. Living zones are not generally considered appropriate areas for the establishment of Airports.

## **Noise**

One of the characteristics of the Living zones is relatively low sound levels, especially relatively low background sound levels. Residents expect to be able to undertake activities on their properties without being disturbed by noise from activities on other sites.

Rule 10.6 sets the maximum noise limits for permitted activities in Living zones (no resource consent needed). The rules are based on the rules of the former District Plan and, therefore, maintain the 'status quo'.

The noise rules do not apply to residential activities in Living zones, as such activities are an integral part of the environment of these zones. Irrespective of any rules in the plan, there is a duty on all persons to avoid 'unreasonable noise' under section 16 of the Act.

Emergency services may be located in living areas close to the communities they serve. In these situations it may be impractical from an operational sense for emergency sirens to comply with noise standards and still achieve their function in alerting the community of an emergency and they have therefore been given an exemption. The fact that such sirens operate on an infrequent rather than continuous basis in part mitigates potential noise effects. In all other aspects of the emergency service operation must still comply with Rule 10.6.1.

## **Vibration**

Blasting and vibration are considered adverse effects on the environment, particularly in residential areas.

Vibration limits are based on New Zealand Standards.

## **Light Spill**

Light spill from activities onto adjoining properties in Living zones may disturb sleeping residents and reduce privacy. Rule 10.8 sets conditions for light spill for permitted activities, to avoid these effects. Activities which have greater light spill may be allowed in Living zones through granting of a resource consent for a discretionary activity, provided the effects of the additional light spill are adequately mitigated.

## Scale of Activities and Hours of Operation

Rules 10.9 and 10.10 ensure non-residential activities in Living zones operate at a scale and in a way which are compatible with residential activities. The rules set maximum limits for permitted activities. Activities which do not comply with the rules may still be able to occur in Living zones, through a resource consent for a discretionary activity, if the effects are compatible with residential areas and consistency is achieved with the relevant objectives and policies of the Plan

The numbers listed in Rules 10.9 and 10.10 are not ‘magic’ numbers. Rather, they are based on the scale and nature of effects normally associated with households and residential activities.

The rules do not apply to residential activities. Residential activities are an integral part of Living zones so, by nature, are compatible with the amenity values of residential areas or Living zones. It is not the consent authority’s intention, for example, to require people to obtain a resource consent for a party generating more than 20 (Local Road) or 40 (Arterial Road) vehicle movements over the course of an evening, beyond 10.00 pm. Special provisions and exemptions have been made for spiritual activities, Police stations and educational activities, including schools, recognising the reality in size of buildings associated with such activities, their role within the community and the times of the days they can be utilised.

## Outdoor Storage

Rule 10.11 manages the potential adverse effects of outdoor storage on the amenity values of Living zones. These effects include visual effects and dust nuisance from stockpiling unconsolidated material.

Rule 10.11.1 applies to the storage of motor vehicles, provided the vehicles are associated with residential activities and are not wrecks. Such storage is a usual feature in many residential areas. The rule, does not cover the storage of vehicles for commercial repair works, or salesyards.

Rule 10.11.1.2 applies to the temporary storage of material for on-site construction works. This is similarly a regular feature in residential areas. The four month time limit is to ensure materials stored for construction work on the site are temporary. If storage is for longer than four months, the screening conditions in Rule 10.11.1.3 apply. Alternatively, a resource consent for a discretionary activity may be applied for, so that potential visual and dust effects can be assessed.

## Temporary Military Training

Rule 10.12 provides for Temporary Military Training Activities. Such activities have some potential to create adverse environmental effects, but the nature of the activity is unique in terms of other land uses and is temporary in nature. The accompanying restrictions on duration, building, excavation, sensitive sites and noise are expected to mitigate any significant adverse effects on the environment.

## Scheduled Activity

Rule 10.13 has been incorporated in the plan to provide for a scheduled activity on Lot 2 DP 79972. This site is occupied by a long established business which is now surrounded by residential development. Existing use rights would not in this case provide sufficient certainty and security for the business. Scheduling the site provides only for the current activity (and any which could pass the existing use rights test) but excludes the broader range of industrial activities which could otherwise occur if a “spot” business zoning were applied.

## **Elderly Residential Care**

The plan change to the former District Plan that created the Living 1A Zone at Lincoln made provision for an elderly residential care facility as a permitted activity. These provisions are incorporated in the new District Plan. Elderly residential care in the Living 1A Zone at Lincoln is exempted from compliance with some of the other Living zone rules. Any other elderly residential care in a Living zone will be assessed for full compliance against all the relevant effects based rules of the Living zones.

## **Countryside Areas – Living 3 Zone**

Rule 10.15 provides for rural activities (subject to some specific exceptions) to occur within the designated Countryside Areas within the Living 3 Zone identified on the Outline Development Plans at Appendices 39 and 40 as a means of achieving and maintaining rural character within the Living 3 Zone. While such activities have the potential to create adverse environmental effects, the requirement for those activities to be identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35 will ensure that any adverse effects are appropriately managed over time.

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# 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 New Zealand Transport Agency. 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 LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.
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. The Selwyn District Council “Design Guide for Residential Subdivisions in the Urban Living Zones” and “Engineering Code of Practice” should be consulted when preparing subdivision applications.
13. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Sites. In addition, any Earthworks affecting any of these sites may require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
14. Earthworks affecting any archaeological site, including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require the consent of the New Zealand Historic Places Trust Pouhere Taonga.
15. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.

## 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, except for sites greater than 350m<sup>2</sup> in area in a Medium Density area located within an Outline Development Plan where the minimum building area shall be not less than 10m x 15m. For sites that form part of a comprehensive residential development in a Medium Density area located within an Outline Development Plan there shall be no minimum building area requirement; 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.



## **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.
- 12.1.3.10 The subdivision of land shown in Appendix 27 (east of Clintons Road) is in accordance with the plan shown in that Appendix.

## **Dunsandel**

- 12.1.3.11 In the deferred Living Zone (Area A) at Dunsandel, no subdivision of land shall take place until:
- (a) An acceptable effluent disposal system has been identified and/or established; and
  - (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
  - (c) A potable water supply is available which is capable of serving the potential lots within the subdivision; and
  - (d) Investigations are undertaken into any reverse sensitivity issues with the adjoining Business 2 Zone; and
  - (e) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Business 2 Zone should any reverse sensitivity issues be identified as a result of (d) above, and indicative road layout and pedestrian access between the Living 2 Zone and the domain.
- 12.1.3.12 In the deferred Living Zone (Area B) at Dunsandel, no subdivision of land shall take place until:
- (a) An acceptable effluent disposal system has been identified and/or established; and
  - (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
  - (c) The impact of the subdivision on the intersection of the Browns Road extension with State Highway 1 has been assessed and considered to be acceptable; and
  - (d) A potable water supply is available which is capable of serving the potential lots within the subdivision; and

- (e) Investigations are undertaken into any reverse sensitivity issues with the adjoining Rural zone; and
- (f) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Rural zone should any reverse sensitivity issues be identified as a result of (e) above and an indicative road and pedestrian access layout.

12.1.3.13 Upon uplifting of the deferral of Area A or B any subdivision complies with the layout and contents of the Outline Development Plan for that area.

#### **Kirwee**

12.1.3.14 In the Living 2A zone at Kirwee, no more than 3 allotments have vehicular access to Dawn Place.

#### **Lincoln**

12.1.3.15 In relation to the Living 1A Zone at Lincoln:

- (a) a road of at least 20 metres in width is provided to the following points:
  - The western boundary of the zone, 180 metres from the southern boundary of Lot 13 DP 73009.
  - The eastern boundary of the zone, within 50 metres of the southern boundary of the zone; and
- (b) The intersection between Kildare Terrace, South Belt and the South Belt road entrance to the zone is in accordance with the drawing attached as Appendix 18; and

12.1.3.16 In the Living 1A Zone at Lincoln, any subdivision plan submitted to the Council is accompanied by a landscape plan detailing plantings to be undertaken and reserve areas to be established generally in accordance with the Concept Plan, C1, C2 and C3, in Appendix 18. The plan is to include a reserve area that extends to the western boundary of the zone below Lot 13 DP 73008. It is to be certified by a Council officer as to its design, layout and location and the extent of reserves, and types of plantings proposed; and

12.1.3.17 In relation to the Living 1A1 Zone at Lincoln, any new road intersection onto Edward Street is in accordance with the drawing attached as Appendix 16; and

12.1.3.18 In relation to the Living 1A2 Zone at Lincoln, any new road intersection onto North Belt is in accordance with the drawing attached as Appendix 17; and

12.1.3.19 In relation to the Living 1A, 1A1 and 1A2 zones at Lincoln, any subdivision plan submitted to the Council for consent provides for a minimum of 31 lots; and

- 12.1.3.20 The subdivision of land shown in Appendix 35 shall be in accordance with the Outline Development Plan as shown that appendix.

In the Living 1 Zone at Lincoln, as shown in Appendix 35; any subdivision plans submitted to the Council shall be accompanied by a landscape plan and planting plan detailing plantings to be undertaken and reserve areas to be established. Landscaping and planting of reserve areas shall be established generally in accordance with the Landscape Concept Plans in Appendix 36 except for: the provision of a Ha-Ha fence identified on Sheet 3 of the Landscape Concept Plans; and that area of landscaping denoted as '3' on Sheet 3 of the Landscape Concept Plans shall be designed and establish to retain elements of visual outlook and connectivity to LII River.

- 12.1.3.21 The subdivision of the Living 1 Zone at Lincoln, as shown in Appendix 35 shall demonstrate the ability to achieve a minimum density of 10.5 lots/households per hectare over the whole of the Outline Development Plan area as shown in that appendix. Any subdivision not able to achieve that density shall be a non-complying activity.

#### **Prebbleton**

- 12.1.3.22 In the Living 1A, 1A1, 1A2, 1A3, 1A6, LX and 2A zones at Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and

- 12.1.3.23 In the Living 1A3, 1A4 and 2A 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 allotments(s) that are wholly contained within the Banham & Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road; and

- 12.1.3.24 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a restricted discretionary activity where a land use consent for a comprehensive residential development has been obtained.

- 12.1.3.25 In the Living 1A6 Zone, any subdivision plan submitted to the Council shall be accompanied by a landscape plan detailing plantings to be undertaken:

- a) Along the common boundary with the Kingcraft Drive Existing Development Area, in accordance with the ODP contained in Appendix 19. At least 65% of the species identified on the landscape plan shall be from the list of species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres. Native shrubs shall provide under planting to this tree row and shall be spaced at no more than 3m centres and that this area is to be fenced along all boundaries. The native shrubs shall form a

continuous screening and obtain a mature height of approximately 2.5-3m.

- b) Along the common boundary with Lot 1 DP 46168 (Meadow Mushrooms), in accordance with the ODP, contained in Appendix 19. At least 65% of the species from the landscape plan shall be from the list of deciduous tree species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
- c) Within any reserve adjacent to a residential allotment, in accordance with the ODP, in Appendix 19. At least 65% of the species from the required plan shall be from the list of species identified in appendix 19. the deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
- d) And any subdivision of land within the area shown in Appendix 19 shall be in accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive covenant in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council requiring:
  - (i) The ongoing maintenance and retention of the landscape mitigation in accordance with the approved landscape plan; and
  - (ii) The restriction of buildings within the landscape buffer identified in the Appendix 19 ODP.

12.1.3.26 In the Living 1A6 Zone, any fencing proposed along the common boundary of the Kingcraft Drive Existing Development Area and fronting onto Blakes Road shall be limited to post and wire fencing.

12.1.3.27 In the Living 1A6 Zone, any fencing along a boundary adjoining a reserve or pedestrian accessway shall be limited to a height no greater than 1.2m.

12.1.3.28 In the Living 2A Zone at Prebbleton, the maximum number of allotments is 32, and the maximum number of lots on the south side of Trices Road is 8; and

12.1.3.29 In relation to the Living 2A (Blakes Road) Zone at Prebbleton, Lots 56, 57, 59 and 60 shall have no vehicular access directly on to Blakes Road; and

12.1.3.30 In the Living 2A (Blakes Road) Zone at Prebbleton, the roads and walkways are laid out and formed in substantial accordance with the development plan in Appendix 19. No kerb and channel is constructed over the site beyond the entrance to the site and areas identified in the development plan as requiring footpaths. A footpath between the Living 2A (Blakes Road) Zone and connecting into the existing Prebbleton footpath of Blakes Road is laid and formed.

- 12.1.3.31 For the Living 2A Zone at Prebbleton, prior to the issue of any completion certificate under section 224 of the Act for subdivision of Certificate of Title CB41C/255 (comprising part of the land shown on the Outline Development Plan for the Shaw Block in Appendix 19) a restrictive covenant over the remaining Rural (Inner Plains) zoned land in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council, the Canterbury Regional Council and the Christchurch City Council to prevent subdivision of the remaining Rural (Inner Plains) zoned land below 4 hectares.
- 12.1.3.32 In the Living 2A (Blakes Road) Zone, any subdivision of land within the area shown in Appendix 19 shall be in substantial accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive covenant in the form of an appropriate legal instrument in a form acceptable to the Council shall be registered in favour of the Council and the Canterbury Regional Council and the Christchurch City Council to prevent the further subdivision of Lots 1-7 on the development plan in Appendix 19.

### **Rolleston**

- 12.1.3.33 Any subdivision of land within the area shown in Appendix 39 and 40 (Living 3 Zone at Rolleston) complies with:
- a) the Countryside Area layout of the Outline Development Plan at Appendix 39 and 40;
  - b) the location of the Lower Density Area as shown on the Outline Development Plan at Appendix 39 and 40;
  - c) the establishment of shelterbelt planting comprising three rows of Leyland Cypress along the common boundary with Lot 3 DP 20007 in accordance with the Outline Development Plan at Appendix 40;
  - d) the roading layout of the Outline Development Plan at Appendix 39 and 40;
  - e) where any conflict occurs with Rule E13.3.1 the cross sections in Appendix 39 and 40 shall take precedence; and
  - f) full public access is maintained to internal roads so that the area shown on the Outline Development Plan in Appendix 39 and 40 does not become a gated community.
- 12.1.3.34 (a) In respect of the land identified at Appendix 39 (Holmes Block), no more than 97 rural residential allotments may be created;
- (b) In respect of the land identified at Appendix 40 (Skellerup Block), no more than 51 rural residential allotments may be created and no subdivision shall take place to densities less than what are provided for under the Rural (Outer Plains) Zone until:
- (i) a publicly owned sewerage reticulation system has been extended to the site.

12.1.3.35 Any subdivision application within the Living 3 Zone west of Dunns Crossing Road that includes any part of the Countryside Areas as identified on the Outline Development Plan included at Appendix 39 and 40 shall be accompanied by a Countryside Area Management Plan which addresses the following matters:

- (a) The ownership and management structure for the Countryside Area(s);
- (b) Mechanisms to ensure that the management plan applies to and binds future owners;
- (c) The objectives of the proposed rural use of the Countryside Area(s);
- (d) Identification of the rural activity or activities proposed for the Countryside Area(s), which meet the above objectives;
- (e) Measures to maintain and manage open space and/or rural character;
- (f) Measures to manage plant pests and risk of fire hazard;
- (g) Measures to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential allotments;
- (h) Measures to provide for public access within the Countryside Area(s) along Dunns Crossing Road; and
- (i) Whether there is sufficient irrigation water available to provide surety of crop within the Countryside Area(s).

### **Springston**

12.1.3.36 In relation to the Living 1A Zone at Springston:

- (a) only one access point is provided to Ellesmere Junction Road
- (b) when the single access point is created, the following formation aspects are developed on Ellesmere Junction Road:
  - Southern side: a 2.5 metre wide deceleration lane consisting of two 50 metre long taper lengths and a 50 metre straight.
  - Northern side: a 2.5 metre wide deceleration lane consisting of two 50 metre long taper lengths and a 30 metre straight; and

### **West Melton**

12.1.3.37 Any subdivision of land within the area shown in Appendix 20 (Living 1, Living 1B, Living 2, Living 2A or Rural Zones) or Appendix 20A (Living WM Zone) at West Melton complies with the layout and contents of the Outline Development Plan shown in Appendix 20 and Appendix 20A respectively; and

12.1.3.38 Any subdivision of land within the area shown in Appendix 20 and 20A shall:

- (a) provide a bund for mitigation of traffic noise along the frontage of State Highway 73 to a height of not less than 2 m and a width of not less than 8.5 m, which shall be landscaped by retention of existing hedges or new planting of sufficient height to visually screen dwellings from the highway;
- (b) if it is within the area shown in Appendix 20, provide a pedestrian/cycle underpass beneath State Highway 73 between the Living 1 and Living 2 Zones, prior to titles being issued for more than 30 dwellings in the Living 2 Zone.
- (c) if it is within the area shown in Appendix 20A, be subject to an Accidental Discovery Protocol where in the event of any discovery of suspected cultural/archaeological remains (e.g. concentrations of shell, charcoal or charcoal-stained soil, fire-fractured stone, bottles, pieces of glass or ceramics, bones etc) during the undertaking of earthworks and/or the installation of services, the following protocol shall be followed by the consent holder, or his/her representative:
  - Cease all earthworks immediately; and
  - Contact the local Runanga being Te Taumutu Runanga; and
  - Contact the Regional Archaeologist at the Christchurch office of the New Zealand Historic Places Trust (03 365 2897); and
  - Do not commence earthworks until approval in writing has been given by the Regional Archaeologist of the New Zealand Historic Places Trust, as required under the Historic Places Act 1993.

12.1.3.39 In the Living 2A Zone at West Melton, the maximum number of allotments is 10.

12.1.3.40 No subdivision of land in the Living WM Zone shall take place until:

- (a) A reticulated community potable water supply is available which is capable of serving the entire lots within the subdivision; and
- (b) A reticulated community sewage effluent treatment and disposal system is available which is capable of serving the entire lots within the subdivision; and
- (c) An Outline Development Plan has been incorporated into the District Plan for the development of all land zoned Living WM west of Weedons Ross Road.
- (d) An archaeological assessment has been undertaken by a suitably qualified expert and the results reported to the Council, the Regional Archaeologist at the New Zealand Historic Places Trust, and the iwi organisations Te Ngai Tuahuriri and Te Taumutu Runanga. In carrying out the assessment, the expert is to consult with the iwi organisations

## Outline Development Plans

- 12.1.3.41 Any subdivision within a Living Z Zone that is subject to an operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

**Table C12.1 – Allotment Sizes**

<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.
Glenntunnel	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>



<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
Kirwee	Living 1	800m <sup>2</sup>
	Living 2	1 ha
	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>

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living Z	<p>600m<sup>2</sup>, with a minimum individual allotment size of 500m<sup>2</sup>, except that allotments within a Medium Density area located within an operative Outline Development Plan shall have a maximum average allotment size of 450m<sup>2</sup> and a minimum individual allotment size of 350m<sup>2</sup>.</p> <p>These requirements exclude any allotment that forms part of a comprehensive residential development identified by a consent notice on the subdivision consent and located within a Medium Density area where there shall be no minimum site size. Subsequent subdivision consent within a comprehensive residential development shall however only be granted following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided, with that subsequent subdivision to have a maximum average density of no more than 350m<sup>2</sup> per unit.</p>
Prebbleton	Living 1	800m <sup>2</sup>
	Living 1A	2,000m <sup>2</sup>
	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> .

Township	Zone	Average Allotment Size Not Less Than
	Living 1A6	<ul style="list-style-type: none"> <li>– Area A: 1000m<sup>2</sup> minimum net allotment area;</li> <li>– Area B: 600m<sup>2</sup> minimum net allotment area and 900m<sup>2</sup> maximum net allotment area;</li> <li>– Area C: 550m<sup>2</sup> minimum average allotment area and 450m<sup>2</sup> minimum net allotment area; and</li> <li>– In all cases development shall proceed in accordance with the ODP and shall achieve a minimum density of 10 lots/ha once the entire site has been developed.</li> </ul>
	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 (The Paddocks)	1.5 ha minimum allotment size
	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> )
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 1C	2,000m <sup>2</sup> with a minimum lot area of 1,000m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2A	1 ha

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 3 (Appendix 39 & 40)	<p>At least 20ha of the land within the area defined by the Outline Development Plan at Appendix 39 and 40 shall be developed as a Lower Density Area in the location shown on the Outline Development Plan with a minimum and an average allotment size of no less than 4ha.</p> <p>The balance of the land on the Outline Development Plans at Appendix 39 and 40 outside the above area shall be developed with an average allotment size of no less than 5000m<sup>2</sup> with a minimum allotment size of 4000m<sup>2</sup>.</p> <p>The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 39 shall be 97.</p> <p>The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 40 shall be 51.</p>
	Living Z	<p>750m<sup>2</sup>, with a minimum individual allotment size of 550m<sup>2</sup>, except that allotments within a Medium Density area located within an operative Outline Development Plan shall have a maximum average allotment size of 450m<sup>2</sup> and a minimum individual allotment size of 350m<sup>2</sup>.</p> <p>These requirements exclude any allotment that forms part of a comprehensive residential development identified by a consent notice on the subdivision consent and located within a Medium Density area where there shall be no minimum site size. Subsequent subdivision consent within a comprehensive residential development shall however only be granted following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided, with that subsequent subdivision to have a maximum average density of no more than 350m<sup>2</sup> per unit.</p>
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>

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
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 1B	2,800m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
	Living WM Medium Density	Minimum lot area of 500m <sup>2</sup> and maximum lot area of 3000m <sup>2</sup> (Appendix 20A)
	Living WM Low Density	Minimum lot area of 3000m <sup>2</sup> and maximum lot area of 5000m <sup>2</sup> (Appendix 20A)
	So that a total of 292 allotments must be achieved across the whole Living WM Zone	
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m <sup>2</sup>
All <u>Townships</u>	Heritage Buildings 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  The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments).  The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u> , reserves or to house <u>utility structures</u> , or which are subject to a designation.  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:  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.	

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
All Townships	<p><u>Allotment</u> sizes for Flats/Townhouses – Living 1</p> <p>In any Living 1 Zone, where two or more <u>dwelling</u>s have been erected on an <u>allotment</u> the average <u>allotment</u> size per <u>dwelling</u> shall be 0.5 x the average <u>allotment</u> size listed in this table for the Living 1 Zone in that <u>township</u>.</p>	

#### 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:

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

##### **Water**

##### 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.

- (a) For the Living WM zone, whether street lighting options will assist with mitigating any adverse effects on the operation of West Melton observatory whilst not compromising the safe and efficient operation of the road network.

### **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.*

### **Geotechnical Assessment**

- 12.1.4.11 The outcome of a comprehensive geotechnical investigation and assessment to assess the risk of liquefaction and lateral spread undertaken in accordance with the most recent NZ Geotechnical Society Guidelines or New Zealand Standard; or an equivalent guideline/standard adopted by the District Council or the New Zealand Government. Where such a hazard is identified, the development shall be designed and constructed to ensure that the magnitude of any liquefaction ground damage and/or lateral spread is reduced to below acceptable levels for both SLS(serviceability limit state) and ULS (ultimate limit state) seismic events. This shall take into consideration potential impacts on land, properties, utility services, roading, buildings and houses.
- 12.1.4.12 The method(s) by which prospective purchasers of allotments are to be informed of any fiscal obligations or geotechnical constraints arising from the geotechnical assessment.

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

- 12.1.4.13 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and

- 12.1.4.14 The avoidance of areas which could create unsafe situations e.g. dark corridors, a lack of natural surveillance or clear sightlines across pedestrian and cyclist routes, or where a safe and secure environment may be compromised; and
- 12.1.4.15 Whether the design and layout of roading, footpath patterns, and layout of allotments complements the natural characteristics of the site and the design and layout of any adjoining urban areas; and
- 12.1.4.16 The length of cul-de-sacs and whether a pedestrian connection is appropriate from the end of the cul-de-sac through to another road; and
- 12.1.4.17 The access to cul-de-sacs being from a through road rather than another cul-de-sac; and
- 12.1.4.18 The balance of benefits of enclosing a subdivision i.e. gated subdivisions against potential longer term issues for residents, such as maintenance costs of facilities, and costs to the wider community including lack of connectivity or viability of public transport; and
- 12.1.4.19 The provision, location, co-ordination, layout and formation of any land required for reserves, which is to comply with the 'Criteria for Taking Land Instead of Cash' clause of the 'Reserves Specific Issues regarding Development Contributions Assessment' in the Development Contribution Policy; and
- 12.1.4.20 The provision of footpaths, lighting and street furniture; and
- 12.1.4.21 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways; and
- 12.1.4.22 Whether roads and reserves have a coherent and logical layout to facilitate connectivity, legibility and permeability e.g. desire lines are provided to cater for cyclists and pedestrian users.

**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 12.1.4.13 to 12.1.4.22.*

### **Special Sites**

- 12.1.4.23 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).
- 12.1.4.24 If the land to be subdivided contains any ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
  - (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, 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**

- 12.1.4.25 The size and shape of allotments in accordance with Rules 12.1.3.5 and 12.1.3.6; and
- 12.1.4.26 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3; and.
- 12.1.4.27 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
- 12.1.4.28 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.
- 12.1.4.29 The mechanism(s) used to alert any prospective buyer(s) of the allotment.
- 12.1.4.30 Whether residential blocks achieve an average perimeter of 800m and maximum perimeter of 1000m, unless precluded by an existing pattern of development. NOTE: Section 4.6 of the “Design Guide for Residential Subdivision in the Urban Living Zones” can be referred to for other examples of how residential blocks can be measured.

**Note:** The consent authority shall consider a dwelling as being a minimum of 150m<sup>2</sup> in gross floor area (except in the Medium Density areas located within an Outline Development Plan where the minimum gross floor area shall be 80m<sup>2</sup>), when using its discretion under Rules 12.1.4.25 to 12.1.4.30 for compliance with District Plan rules.

### **Residential Allotments**

- 12.1.4.31 Whether the creation of rear allotments occurs only where it is necessary to reach awkward parts of a site and there is no practical alternative to develop the site; and
- 12.1.4.32 The design of accessways serving four or more allotments with respect to the creation of an open street environment and whether sites have sufficient frontage to such accessways; and
- 12.1.4.33 Whether the total number of allotments with no frontage to an adopted road exceeds 20% of the lots in any one Greenfield subdivision and the total number of rear allotments (served by an accessway serving less than four allotments) exceeds half of the 20% allowance. The potential adverse effects of which are related to the lack of an open street environment and/or concentrating small sections as rear allotments; and
- 12.1.4.34 A variety in sections sizes whilst maximising orientation to the sun.

## Context

- 12.1.4.35 The extent to which the subdivision relates well to its surroundings, cultural features, and makes use of existing features and amenities, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area; and
- 12.1.4.36 The convenience to community infrastructure such as schools, shops, sports fields and medical facilities; and
- 12.1.4.37 The location of water races in prominent locations such as along the front of lots rather than along rear boundaries.
- 12.1.4.38 The retention of existing mature trees within public spaces, but also within residential areas where it is practical to do so e.g. the tree species does not have a tendency to drop debris and sufficient space can be practically retained around the tree to prevent it dying.
- 12.1.4.39 The retention of shelter belts where they serve to maintain rural character but do not cause excessive shading or maintenance issues on residential properties.
- 12.1.4.40 The extent to which stormwater treatment contributes to an attractive public realm or provides ecological value.

## Utilities and Facilities

- 12.1.4.41 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
- 12.1.4.42 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 12.1.4.42.*

## Construction of any Works

- 12.1.4.43 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**

- 12.1.4.44 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**

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

## **High Voltage Transmission Lines**

- 12.1.4.46 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**

- 12.1.4.47 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 12.1.4.48 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**

- 12.1.4.49 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
- 12.1.4.50 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.51 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
- 12.1.4.52 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.51, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.53 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
- 12.1.4.54 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.
- 12.1.4.55 In the Living 1A6 Zone in Prebbleton, the extent to which the extension of Cairnbrae Drive is compatible with the existing road network in terms of carriageway width, footpaths, lighting, street furniture and landscaping.

- 12.1.4.56 In the Living 1A6 Zone in Prebbleton, the extent to which the subdivision layout and design provides for a natural surveillance for the purpose of minimising the potential for criminal behaviour to occur.
- 12.1.4.57 In the Living 1A6 Zone in Prebbleton, any measures to reduce reverse sensitivity on established adjoining land uses.
- 12.1.4.58 In the Living 1A6 Zone in Prebbleton, any measures introduced to ensure subdivisions are able to factor in water demand managements and other household sustainability ideas.
- 12.1.4.59 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 12.1.4.59.*

### **Rolleston**

- 12.1.4.60 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;
- 12.1.4.61 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;
- 12.1.4.62 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;
- 12.1.4.63 The need to provide for pedestrian and cycle movement within the road reserve;
- 12.1.4.64 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;
- 12.1.4.65 The need for local reserves;
- 12.1.4.66 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.67 The design guidelines contained in Appendix 23;
- 12.1.4.68 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.
- 12.1.4.69 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.
- 12.1.4.70 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.
- 12.1.4.71 Except as provided by rule 12.1.4.72, for allotments within or adjacent to the Lowes Road Outline Development Plan area, that the proposed layout is in general accordance with the Outline Development Plan map in Appendix 34.
  - a) In assessing whether the layout is in general accordance with the structure plan map the following will be considered:
  - b) that the ability for Council to obtain the indicated linkages is not compromised.
  - c) that the ability for Council to obtain the indicated reserves is not compromised.
  - d) that the layout will result in a logical pattern of development for the area as a whole.
  - e) That the ability of adjoining landowners to develop their land whilst providing for the indicated reserves and linkages is not unduly compromised.
  - f) That the proposal will result in public space of equal or better quality than the Outline Development Plan
  - g) That the proposal will not involve excessive additional costs for Council in the construction of roads or paths funded by development contributions.
- 12.1.4.72 For Lot 32 DP 76956 BLK III Leeston SD (35 Fairhurst Place), any subdivision need not provide connections shown on the Outline Development Plan provided that the average lot size is above 4000m<sup>2</sup> and the layout plan demonstrates that the connections can be provided in a logical fashion by future re-subdivision. This exception shall not apply to the connection to the adjacent school site (along the southern boundary of 35 Fairhurst Place) and shall not apply to any subsequent re-subdivision of the lots created.
- 12.1.4.73 In relation to the Living 3 Zone (Holmes and Skellerup) at Rolleston as shown in Appendix 39 and 40:
  - a) Whether the pattern of development and subdivision is consistent with the Outline Development Plan in Appendix 39 and 40;
  - b) Whether local roading, and trees and planting on roads and lots, are proposed in general accordance with the Outline Development

Plan, road cross section(s) and associated planting schedules and requirements shown in Appendix 39 and 40;

- c) Whether the roading and lot pattern follow a rectilinear pattern with orientations generally established by the surrounding road network, consistent with the typical subdivision patterns of the Rolleston rural area;
- d) Whether the roading pattern and proposed hard and soft landscape treatments in the road reserve will create a rural character to the development and distinguish it from conventional suburban development;
- e) Whether suburban road patterns and details such as cul de sac, arbitrary curves, and kerb and channels are avoided;
- f) The extent to which the maximum of 97 lots (Holmes) and 51 lots (Skellerup) within the area defined by the Outline Development Plan in Appendices 39 and 40, respectively, is met;
- g) Whether the creation of open space in rural production areas is consistent with the Countryside Areas identified on the Outline Development Plan in Appendix 39 and 40;
- h) Whether the provision of public walkways is consistent with the public walkways identified on the Outline Development Plan in Appendix 39;
- i) Whether there is a need for the western public walkway taking into account the ability to connect to future public walkways to the west (Holmes Block, Appendix 39);
- j) Whether at least 20ha of land is developed as a Lower Density Area with larger allotments (4ha or more) in general accordance with the location identified on the Outline Development Plan in Appendices 39 (Holmes) and 40 (Skellerup);
- k) In the event that it is developed first, whether the development of a Lower Density Area in advance of other development avoids frustrating the intentions of the Outline Development Plan or the ability to achieve integrated development over the Outline Development Plan area;
- l) Whether shelterbelt planting will achieve screening of activities occurring on Lot 3 DP 20007 (Skellerup Block, Appendix 40).

12.1.4.74 In relation to the Countryside Area Management Plan required for the Living 3 Zone west of Dunns Crossing Road, Rolleston as shown in Appendix 39 and 40:

- a) The adequacy of the management plan to achieve open space and/or rural character across the Countryside Area(s) in a manner that is compatible with the surrounding rural residential environment;
- b) The adequacy of proposed mechanisms to maintain and manage the Countryside Area(s) long term in a consistent manner;

- c) Whether rural landscape, visual and amenity value characteristics of the Countryside Area(s) are able to be maintained;
- d) The extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Area(s);
- e) The extent to which adverse effects of plant pests and fire hazard risks will be avoided or remedied; and
- f) The suitability of proposed access within the Countryside Area(s) along Dunns Crossing Road.

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

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

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

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

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

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

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

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

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

## **Tai Tapu**

- 12.1.4.78 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 12.1.3.37.
  - 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 between 1,200m<sup>2</sup> – 2,000m<sup>2</sup>.
- 12.1.6.6 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m<sup>2</sup>.
- 12.1.6.7 Any subdivision in a Living Z Zone that is not in general compliance with an operative Outline Development Plan.

In the event that a medium density residential subdivision is proposed outside a Medium Density area shown on an operative Outline Development Plan, and is assessed by the Council as being acceptable, then a consent notice or similar mechanism shall be registered on the title of those lots indicating that the District Plan controls relating to those sites are to be those applying to the Living Z Medium Density areas. Conversely, in the event that lower density subdivision within an area shown on an operative Outline Development Plan as a Medium Density area is assessed as being acceptable then a consent notice or similar mechanism shall be registered on the title of those lots indicating that the District Plan controls relating to those sites are to be those applying to the Living Z lower density areas.

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

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

- 12.1.7.7 In a Living Z Medium Density area located within an Outline Development Plan, any subdivision to create an allotment less than 350m<sup>2</sup> that is not part of a comprehensive residential development shall be a non-complying activity. Subdivision of a comprehensive residential development to create individual lots smaller than 350m<sup>2</sup> shall be a non-complying activity prior to the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided.
- 12.1.7.8 Any subdivision that does not comply with Rule 12.1.3.34.

## 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 as a Heritage Item, Appendix 4 as a Protected Tree: or Appendix 5 as a Site of Significance to Tāngata Whenua; 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 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua;
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site identified in the District Plan; and
  - (b) Any proposed mitigation measures to lessen any adverse effects on these values; and
  - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision;
  - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site;
  - (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and local rūnanga.

## 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.

Rule 12.1.3.34(a) and (b) has been incorporated to give effect to the Regional Policy Statement in as far as it relates to the allocation of rural residential households to the Selwyn District Council within the first and second sequence periods shown on Table 1 of Chapter 12A of the Regional Policy Statement.

Rule 12.1.3.34(b) has been incorporated to ensure that no development has occurred until a publicly-owned sewerage system is available to service the site. Experience has shown that the Council is likely to be called upon to take over the ownership and operation of privately-owned sewerage systems serving multiple properties.

In Living Z Medium Density areas that are located within an Outline Development Plan, provision has been made for comprehensive residential developments. Such developments are anticipated to result in lots that are generally smaller than 350m<sup>2</sup>, and therefore the development needs to be built in an integrated manner to ensure that acceptable urban design and amenity outcomes are achieved. A minimum of four dwellings designed and built in a comprehensive manner is required to ensure that the building design and relationship to each other has a good standard of urban design. The Plan requires a building commitment to be in place prior to subdivision consent (typically unit titles) being granted to ensure that the lot boundaries are located in a logical position and to also control the creation of very small allotments below 350m<sup>2</sup> prior to building that could then potentially be sold and built individually, thereby frustrating the creation of a comprehensive, integrated development. Given that the intention of comprehensive residential developments is to facilitate higher density housing options, the final subdivision (post-building) should be such that subdivision does not exceed a maximum average of 350m<sup>2</sup> per allotment i.e. the comprehensive residential development provisions are to be used for small lots rather than large lot developments which would be counter to the purposes of a Medium Density area.

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- (b) Audible bird-scaring devices
- (c) Forestry
- (d) Mineral exploration
- (e) Composting or disposal on to land of any organic matter  
*(This rule does not apply to the application of compost or organic fertilizers to fertilise gardens or land).*
- (f) Visitor accommodation
- (g) Hospitality activities
- (h) Tannery, fellmongering or hide curing, wool scouring or washing in the Business 2A Zone
- (i) Scrap yards – including automotive dismantling or wrecking yard or scrap metal yard in the Business 2A Zone.

13.1.7 The following activities shall be discretionary activities in the Business 3 Zone:

- 13.1.7.1 Any activity which is specified in Rules 14 to 23 as a discretionary activity.
- 13.1.7.2 Any activity which is not listed as either:
  - (a) A non-complying activity under Rule 13.1.10; or
  - (b) A permitted activity under Rule 13.1.2.1.

### **Non-Complying Activities – Status of Activities**

13.1.8 The following activities shall be non-complying activities in Business 1 and 1A Zones:

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

13.1.9 The following activities shall be non-complying activities in Business 2 and 2A Zones:

- 13.1.9.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.
- 13.1.9.2 Any of the activities listed in (a) to (c) below, irrespective of whether they comply with the conditions for permitted or discretionary activities in Rules 14 to 23.
  - (a) Mining or quarrying
  - (b) Correction facility
  - (c) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.
- 13.1.10 The following activities shall be non-complying activities in the Business 3 Zone:
  - 13.1.10.1 Any activity which is specified in Rules 14 to 23 as being a non-complying activity.
  - 13.1.10.2 Any of the activities listed in (a) to (d) below, irrespective of whether they comply with the conditions for permitted activities in Rules 14 to 23.
    - (a) Any activity that requires an offensive trade licence under the Health Act 1956
    - (b) Mining or quarrying
    - (c) Correction facility
    - (d) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

**Note:** 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.

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

**Note:** Rule 24.1.3.20 only applies to allotments used for business purposes, and excludes balance, utility or roading allotments.

**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.
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:

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

#### **Water**

24.1.4.2 The provision of water for fire fighting; and

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

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

#### **Solid Waste Disposal**

24.1.4.4 The appropriateness of the proposed facilities for solid waste collection or disposal, considering:

- (a) The number of allotments; and
- (b) The type of accommodation (permanent or holiday); and
- (c) The distance to a public solid waste collection service or disposal facility.

### Utility Cables

- 24.1.4.5 Whether any utility cables shall be laid underground.

### Telephone and Power

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

### Stormwater Disposal

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

### On-Site Effluent Disposal

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

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

### Roads, Reserves and Walkways/Cycleways

- 24.1.4.11 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, co-ordination, layout and formation of any land required for reserves, which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP; and
- 24.1.4.13 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 an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
  - (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
  - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
  - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

## Size and Shape

- 24.1.4.17 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 2A Zone creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of those locations in each precinct shown on the Outline Development Plan attached at Appendix 22.

## Utilities and Facilities

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

#### **Rolleston**

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

## Utilities

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

## Utilities

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

## Easements

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

## Point Strips

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

## High Voltage Transmission Lines

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

## Esplanade Reserves and Strips

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

## Reasons for Rules

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

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

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

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.

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## G

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

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

**Ground Level:** means the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new building work on the land has commenced.

## H

**Hazardous Substance:** includes, but is not limited to, any substance as defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. \*

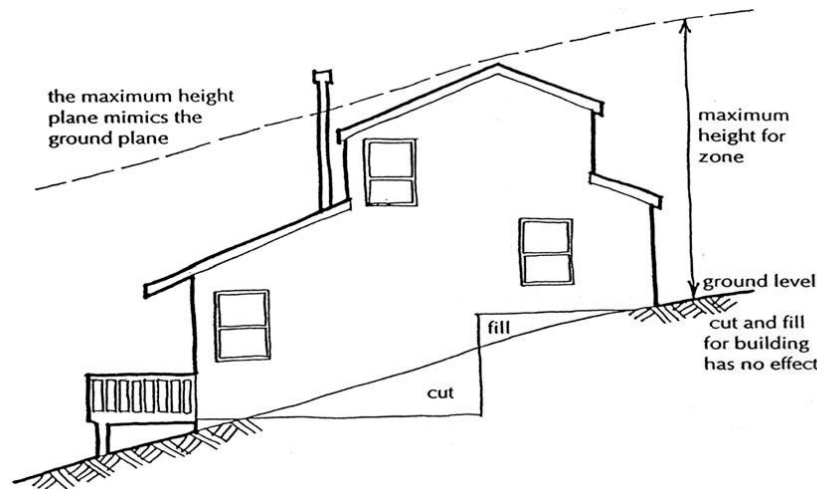
**Height:** in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone, no account shall be taken of any:

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

### Measurement of Height:

For the purpose of applying rules in relation to height, the following diagram may be used to understand the application of the height rule.



**Historic Heritage:** means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- archaeological:
- architectural:
- cultural:
- historic:
- scientific:
- technological; and

Includes-

- historic sites, structures, places, and areas; and
- archaeological sites; and
- sites of significance to Maori, including wāhi tapu; and
- surroundings associated with the natural and physical resources.

## I

**Improved Pasture:** for the purposes of administering indigenous vegetation clearance rules, improved pasture shall mean an area of pasture where species composition and growth has clearly been modified and enhanced for livestock grazing by cultivation or topdressing and over-sowing, or direct drilling, and where exotic pasture species are obvious.

**Indigenous Vegetation:** means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes, coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained.

Where structural dominance occurs (that is indigenous species are the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.

**Industrial Activity:** means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying.

**Intensive Livestock Production:** means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.

**Internal Boundary:** refer to Boundary.

## K

**Kitchen:** means a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).

## L

**L<sub>10</sub>:** means the L<sub>10</sub> exceedence level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time.

**Lake:** has the same meaning as defined in section 2 of the Act.

**Landscaping:** means the visual improvement of an area through designed live planting of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil, or any earthworks associated with the erection or installation of a wall.

**L<sub>dn</sub>:** means the night-weighted sound exposure level in dBA also known as the day-night average sound level and is the 24 hour sound exposure level in A-frequency weighted decibels (dBA) for any day with the period 10pm to 7am the following day “weighted” by 10 dB to represent the increased sensitivity of people to night-time noise. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Leq:** means the sound level averaged over a stated time period which has the same A-weighted sound energy as the time varying sound during the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**L<sub>max</sub>:** means the maximum A-frequency-weighted sound level (dBA L<sub>max</sub>) during a stated time period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Local Centre:** is a small grouping of convenience stores (in the order of 1-5 stores) servicing residents’ day-to-day retailing requirements and predominantly draws people from a localised area.

## M

**Maintenance of gardens lawns or public spaces:** means carrying out any work to preserve existing gardens lawns or public spaces in such a way that the scale or nature of the gardens lawns or public spaces is not altered. Maintenance does not include upgrading.

**Mineral Exploration:** has the same meaning as “exploration” in section 2 of the Crown Minerals Act 1991. \*

**Mining:** has the same meaning as “mining” in section 2 of the Crown Minerals Act 1991. \*

**Monofill:** Includes any landfill which is designed and operated to accept waste associated with one specific activity or form of waste. For the purposes of Rule VII, a monofill does not include any landfill which accepts hazardous waste.

## N

**Neighbourhood Centre:** is a grouping of principally convenience stores (in the order of 6-15 stores) predominantly servicing the local communities weekly and day-to-day retail requirements.

**Net Density:** is the number of lots of household units per hectare (whichever is the greater). The area (ha) includes land for:

- Residential purposes, including all open space and on-site parking associated with residential development;
- Local roads and roading corridors, including pedestrian and cycle ways, but excluding State Highways and major arterial roads;
- Local (neighbourhood) reserves.

The area (ha) that excludes land that is:

- Stormwater retention and treatment areas;
- Geotechnically constrained (such as land subject to subsidence or inundation);
- Set aside to protect significant ecological, cultural, heritage, or landscape values;
- Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional reserve network;
- For local community services and retail facilities, or for schools, hospitals or other district, regional or sub-regional facilities.

**Network Infrastructure:** has the same meaning as in section 197 of the Local Government Act 2002.

**Noise Limit:** means a L10, Leq or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Noise Sensitive Activities:** means any residential activity, educational facility, hospital or other land use activity, where the occupants or persons using such facilities may be likely to be susceptible to adverse environmental effects or annoyance as a result of noise from aircraft flying over its location.

**Noticeboard:** means a structure or device upon which notices can be placed or attached that are of community interest, which are intended to be read by people stopping at the noticeboard rather than by people passing by.

**Notional Boundary:** means a line 20m from any side of a rural dwelling or the legal boundary where this is closer to the dwelling.

## P

**Place of Assembly:** means any land and building used for gathering of people. It does not include residential accommodation or places of work.

**Plantation:** means any group of trees planted on a site, whether intended to be harvested or not, which are not classed as amenity plantings or shelterbelts. A plantation may be comprised of exotic or indigenous species and includes but is not limited to: forests planted for harvesting, conservation, soil erosion control, pest or wilding tree management, and any orchard, vineyard or woodlot which does not comply with the definition of amenity planting.

**Point Strip:** means a strip of land adjoining the side or end of a road, the purpose of which is to prevent access to that road from land adjoining the point strip. Such a strip is usually (although not necessarily) about 200mm in width.

**Principal Building:** includes any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include dwellings but do not include accessory buildings.

**Protected Tree:** a tree or group of trees, which are of significance to the District, and are listed in the protected tree schedule in Appendix 4.

These trees fall into two categories:

- Category A: trees that have particularly high levels of significance, particularly in relation to heritage values, and score the highest under the evaluation criteria.
- Category B: trees that have significance for a range of reasons (e.g. landscape importance) and have a moderate score under the evaluation criteria.

**Project:** for the purpose of the land use rules for earthworks, the term 'project' includes all earthworks undertaken as part of, or ancillary to, the completion of one particular activity of the construction of a building or structure, whether that activity is undertaken or the building or structure is erected continuously or in discrete stages, and whether it occurs in one continuous area or is separated by land which is not disturbed by earthworks. For example: the construction of one road or track from destination (a) to (b) is one project, as is the disturbance of soil for geological surveys over an identified area.

## Q

**Quarrying:** means to take, mine or extract, by whatever means any rock, stone, gravel or sand existing in its natural state in land. "To quarry" has a corresponding meaning.

## R

**Radio Communication Facility:** means any transmitting or receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.

**Recreational Facility or Recreational Activity:** includes the use of any land, building or structure for the primary purpose of recreation or entertainment and is available to be used by members of more than one household.

**Relocated Building:** includes any building that is removed from one site and relocated to another site, in whole or in parts. It does not include any new building which is designed for, or intended to be used on, a site but which is erected off the site, in whole or in parts, and transported to the site.

**Research:** means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.

**Residential Activity:** means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

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

Residential Activity does not include:

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

**River:** has the same meaning as defined in section 2 of the Act.

**Road:** shall have the same meaning as defined in section 315 of the Local Government Act 1974. \*

**Road Boundary:** refer to Boundary.

## **S**

**Service Station:** means any site where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following:

- The sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- Mechanical repair and servicing of motors (including motor cycles, caravans, motor boats, trailers);
- Warrant of fitness testing;
- The sale of other merchandise where this is an ancillary activity to the sale of the motor fuel and vehicle accessories;
- Truck stops.



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

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

**Shelterbelt:** means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are not more than 20 metres in width and are not clearfelled.

**Sign:** means any device or structure which is visible from any public space and is used to: identify any site or building; provide directions or information; or promote any goods, services, or forthcoming event. A sign does not include any window display, or property identification signs which do not exceed an area of 0.2 m<sup>2</sup> (including rural numbers, dairy company numbers, street/road numbers/property names and property owners' names as long as those property identifiers do not include any advertising).

**Silent File Area:** includes any land which is listed in Appendix 5 and shown on the Planning Maps as a Silent File Area.

**Site:** means an area of land or volume of space:

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

**Solid Waste:** includes any material which is discarded as being spent, useless, worthless or in excess, and includes liquid or gaseous waste which is stored in containers.

**Sound Exposure Level:** means the A-frequency weighted sound pressure level in decibels which, if maintained consistent for a period of 1 second, would convey the same sound energy to the receiver as is actually received from a given noise event over the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Spiritual Activity:** means land and/or buildings used for the public and/or private assembly of people primarily for worship, meditation, spiritual deliberation and ancillary community facilities of a non-commercial nature.

**Strategic Road:** means any road listed as a Strategic Road in Appendix 7.

**Subdivision Consent** has the meaning set out in section 87(b) of the Act.

**Subdivision of Land and to subdivide land** have the meanings set out in section 218 of the Act.

## T

**Telecommunication Facility:** means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication Line:** means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing, fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor and also includes any part of a line.

**Temporary Accommodation:** includes the use of any building to house any person for residential or business activities on a site, while construction work is being undertaken on the site. Temporary accommodation may be provided for persons occupying the site on which construction work occurs, or for persons involved in the construction work.

**Temporary Activity:** includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period.

**Temporary Military Training Activity:** means a temporary activity undertaken for Defence Purposes. Defence purposes are those in accordance with the Defence Act 1990.

**Temporary Sign:** includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation which is associated with an activity on these sites on which the sign is erected. Any temporary sign shall not be erected on any site for more than 6 consecutive calendar months at any one time, or for a collective period of more than 6 calendar months in any 2 year period, except that for any school or church anniversary event the temporary sign may be displayed for up to 12 months prior to the event.

**Tertiary Education:** means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreational facilities.

**Township:** means an urban area within the District that comprise a Living zone(s) and in some situations a Business zone(s).

**Tree:** any woody perennial plant, typically with a distinct trunk (but sometimes multi-stemmed) from which branches arise well above ground level to form a crown, and includes other plants of a tree-like size and form such as palms.

## U

**Utility:** includes the use of any structure, building or land for any of the following purposes;

- (a) The generation, transformation and/or transmission of energy;
- (b) Any telecommunication facility or telecommunication line;
- (c) Any radio communication facility;
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;
- (e) The drainage, reticulation or treatment of stormwater, waste water or sewage;
- (f) Transport infrastructure, including (but not limited to) roads, accessway, railways, airports and navigational aids;

- (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions;
- (h) Meteorological facilities for the observation, recording and communication of weather information.

**Utility Building:** includes any building or part of any building which is a utility or which is used principally to house or support a utility; and that building is 10m<sup>2</sup> or more in gross floor area, and greater than 2.5m in height.

**Utility Structure:** includes any device, equipment or other facility which is used principally to house or support a utility including any antenna, mast, pole or pylon; or any structure housing a utility which is less than 10m<sup>2</sup> in gross floor area, or less than 2.5m in height.

## V

**Vehicle Crossing:** includes any formed vehicle entrance or exit point from any site on to any road, and includes that part of the road boundary across which the vehicle access is obtained and any culvert, bridge or kerbing.

**Vehicle Movement:** means a single motor vehicle journey to or from a particular site. “Vehicle trip” has the same meaning.

**Vehicular Accessway:** means that part of any site which is used to provide vehicular access into or through the site, but does not include a road within the meaning of section 315 of the Local Government Act 1974.

**Visitor Accommodation:** means the use of land and buildings for transient accommodation offered on a daily tariff, which may involve the sale of food and liquor to in-house guests.

## W

**Wāhi Taonga Management Area:** includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Management Area.

**Wāhi Taonga Site:** includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site.

**Waterbody:** means fresh water or geothermal water in a river, lake, stream, pond (but excluding any artificial pond), wetland, or aquifer, or any part thereof that is not located within the coastal marine area.

**Wetland:** has the same meaning as defined in section 2 of the Act. \*

## LEGISLATION REFERRED TO IN THE DEFINITIONS SECTION

Following are the sections of legislation referred to in the Definitions Section and marked by the asterisks (\*). They do not form part of the Plan but have been included to be of assistance to readers.

**Allotment:** in section 218 of the Act.

“Means—

- (a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
    - (i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
    - (ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
  - (b) Any parcel of land or building or part of a building that is shown or identified separately—
    - (i) On a survey plan; or
    - (ii) On a licence within the meaning of Part I of the Companies Amendment Act 1964; or
  - (c) Any unit on a unit plan; or
  - (d) Any parcel of land not subject to the Land Transfer Act 1952.
- (3) For the purposes of subsection (2), an allotment that is—
- (a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
  - (b) Not subject to that Act and was acquired by its owner under one instrument of conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

- [(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.]

**Archaeological site:** in section 2 of the Historic Places Act 1993.

“Means any place in New Zealand that—

- (a) Either—
  - (i) Was associated with human activity that occurred before 1900; or
  - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

# APPENDIX 5

## SCHEDULE OF SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

<b><u>Wāhi Taonga Management Areas</u></b>					
<b>Site No.</b>	<b>Description</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C39(b)	Rakaia River Moa Hunter Site Archaeological Site	Rakaia Huts	Lot 31, Lots 33-48, Lots 50-55 & Lot 57 DP355509, Lots 2 &3 DP38661, Lots 1 & 2 DP 433364, Lots 1 – 3 DP 50684, Lots 1-9 and Lots 12 – 37 DP 54813, Lots 1 & 2 DP 57141, Lots 1 & 2 & Lots 5 – 11 DP 6253, Lots 13 – 20 DP 6253 and RES 4092	Living 1	133
C48		Rakaia Huts	Lots 4 – 16 DP 355509, Lots 18 – 24 DP 355509 and Lots 26 – 30 DP 355509	Living 1	133

**NOTE:**

Iwi have advised that at present they do not wish to have any silent file areas, wāhi taonga sites or management areas, or mahinga kai sites specifically identified in the Plan for the purposes of Rule 10.4 for Living Zones (except as shown on Map 139 for Rakaia Huts) or in Business Zones.

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## CERTIFICATE OF APPROVAL

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The Council has resolved to make the provisions of the District Plan that relate to Plan Change 26 operative. All parts of Plan Change 26 that are beyond challenge, will become Operative on the 24<sup>th</sup> of April 2012. Provisions of the District Plan 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 blue ink, appearing to be 'K Coe', written over a horizontal line.

**Mayor**  
K Coe

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

**Chief Executive**  
P Davey



Dated at Rolleston this 19<sup>th</sup> day of April 2012.

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	<p>Township and Rural Volumes</p> <p>All SDC designations are not operative with the exception of :</p> <p>D 411 Rolleston Waste Water Treatment and Disposal  D 412 Rolleston Resource Recovery Park  D413 Rolleston South Reserve  D414 Rolleston Dog Park  D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln  D416 Rolleston Wastewater Disposal Area  D417 Rolleston Recreation Precinct</p>
Telecom	<p>Township and Rural Volumes</p> <p>All Telecom designations are not operative</p>
<p>Plan Change 7</p> <p>Rezoning Land for Urban Purposes</p>	<p>Township and Rural Volumes</p> <p>Part B Growth of Townships, Policy B4.3.8 Second Paragraph “-In Lincoln six Living Z areas...” including explanation and reasons as they relate to Lincoln.</p> <p>Part B Growth of Townships, Policy B4.3.61 Lincoln Outline Development Plan Area 5</p> <p>Part C Introduction to the Rules, Deferred Zones, Paragraph “in the Business 2 Deferred Zone in Lincoln...”</p> <p>Part C 13 Status of Activities - , Paragraph “in the Business 2 Deferred Zone in Lincoln...”</p> <p>Part C 22 Business Zone Rules – 22 Business Zone Rules – Activities, Rule 22.14 Retailing in ODP Neighbourhood and Local Centres within the Business 1 Zone, Rule 22.14.1 &amp; Rule 22.14.2</p> <p>Maps 13 and 121 two zoned areas LZ and B2 Def are noted as being “Not operative, subject to appeal”</p>



# SCHEDULE OF AMENDMENTS

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

<b>Name</b>	<b>Description</b>
Plan Change 26	Rakaia Huts Wāhi Taonga Management Areas and Sites
Minor Amendments	Various minor amendments included (Clause 20A)

Please amend your District Plan by updating the following pages:

## Township Volume

### Amendments from 05 March 2012 to 24 April 2012

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

#### Part A0 – Contents

*Amend Page Numbering for B3*

A0-001 – A0-002

#### Part B3 – Culture and Heritage

*Amend Heading 3.3 Issues, delete existing text under Culture and Heritage - Issue and insert new text.*

B3-019 – B3-064

*Amend Heading 3.3 Strategy and 1<sup>st</sup> bullet point under "General"*

*Amend Heading 3.3 Objectives and make amendments to Objective 3.3.2 and Explanation and Reasons*

#### Part B3 – Culture and Heritage – Policies and Methods

*Amend Heading and B3.3.2 "Policy" and "Methods".*

*Amend Policy B3.3.4, make numerous amendments to "Explanation and Reasons", and amend "Method", District Plan Rules bullet point.*

#### Part B3 – Culture and Heritage – Anticipated Environmental Results

*Amend Heading and 3<sup>rd</sup> and 4<sup>th</sup> bullet points*

#### Part B3 – Culture and Heritage – Monitoring

*Amend heading*

---

**Part C2 – LZ – Earthworks**

*Insert new Notes at beginning of chapter*

C2-001 – C2-004

*Add new Rules 2.1.1.9 and 2.1.1.10*

Entire Chapter

*Add new Controlled Activities – Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) Rules 2.1.2 and 2.1.3, renumber subsequent Rules*

*Insert new Restricted Discretionary Activities – Earthworks and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) and Rules 2.1.6 and Rules 2.1.7, renumber subsequent Rules*

*Delete existing Notes*

*Add new paragraphs 4 and 5, amend existing paragraph 5 (old 4)*

---

**Part C4 – LZ – Buildings**

*C120a minor amendment, fix up numbering of Discretionary and Non-complying Activities C4.4.3 and C4.4.4, pg C4-004*

C4-001 – C4-030

Entire Chapter

*Add new Rule 4.14 Buildings and Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas) and Reasons for Rules*

---

**Part C10 – LZ – Activities**

*Add new Notes to beginning of chapter*

C10-001 – C10-018

*Amend headings under 10.4, and insert new Rules 10.4.1.2, 10.4.1.3 and 10.4.1.4, renumber subsequent Rules*

Entire Chapter

*Insert new Rules 10.4.2 and 10.4.3, renumber subsequent rules accordingly*

*Amend 10.4.4, 10.4.5, 10.4.5.1 and 10.4.5.2, renumber subsequent Rules*

*Amend Reasons for Rules – Sites of Significance... heading and body of text.*

*C120a amendment, remove part of first sentence (removed during Proposed Plan Hearings, but not altered at time of last reprint)*

---

**Part C12 – LZ – Subdivision**

*Add new Notes 12, 13, 14*

C12-001 – C12-036

*Amend 12.1.4.16, 12.2.2.8 (b) and 12.3.2.5, 12.3.2.5 and 12.3.2.5(e)*

Entire Chapter

---

**Part C13 – BZ – Status Activities**

*Amend 13.1.6.2 (e), deleting “processing” as per PC10, but overlooked at the time of updating the plan (Clause 20A)*

C13-003 – C13-004

---

**Part C24 – BZ – Subdivision**

*Amend “Note” under C24.1.3.20, altering reference to Rule 24.1.3.20 – should be 24.1.3.19 (Clause 20A)*

C24- 005 – C24-018

*Amend Rule 24.1.4.16*

*Amend Rule 24.2.2.7 (b), delete Rule 24.2.2.7 (c) but retain bullet points*

*Amend Rule 24.3.2.5 and 24.3.2.5 (e)*

---

**Part D – Definitions**

*Insert new Definitions for Historic Heritage, Landscaping, Maintenance of Gardens, Lawns or Public Spaces, Silent File Area, Wāhi Taonga Site and Wāhi Taonga Management Area.*

D-005 – D014

---

**Part E5 – Sites of Significance to Tāngata Whenua**

E5-001 – E5-002

*Rename Title, delete existing table and insert new*

Entire Chapter

---

# SCHEDULE OF AMENDMENTS

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

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Minor Amendments	Various minor amendments included (Clause 20A)

## Rural Volume

### Amendments from 05 March 2012 to 24 April 2012

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

#### Part A0 - Contents

Amend page numbering under B3

A0-001 – A0-002

#### Part B3 – Historic Heritage

Amend Heading 3.3 Issue, delete existing text under Culture and Heritage – Issue, and insert new text. B3-019 – B3-050

Amend Heading 3.3 Strategy

Amend Heading 3.3 Objectives and make various amendments to Objective 3.3.3.

Delete existing Explanation and Reasons EXCEPT for last paragraph, insert new text, and amend final paragraph.

#### Part B3 – Historic Heritage – Policies and Methods

Amend 3.3.2 Reasons For Rules and Methods, reference to 3.3.3 (a) and (b) are renumbered to 3.3.3 and 3.3.4.

Amend Heading and B3.3.3(a) – delete (a) and renumber B3.3.3(b) as B3.3.4 and amend policy. Renumber subsequent Policies and references to Policy numbers.

Delete all Explanation and Reasons, EXCEPT for last paragraph, and insert new paragraphs, amend last paragraph

Amend Policy B3.3.10

#### Part B3 – Historic Heritage – Anticipated Environmental Results

Amend Heading

#### Part B3 – Historic Heritage – Monitoring

Amend Heading

---

**Part C1 – Earthworks**

<i>Amend Note 1 and 4, insert new Note 3 and 5, and renumber Notes</i>	C1-001 – C1-010
<i>Amend Headings for 1.2, insert new Rule 1.2.1.2, amend Rule 1.2.1.3, and renumber subsequent Rules</i>	Entire Chapter
<i>Amend Rule 1.2.3.2, insert new Rule 1.2.3.3, renumber subsequent Rules and amend 1.2.3.5</i>	
<i>Amend reference to Rule 1.2 in Cross-Reference Table, pg C1-008</i>	
<i>Amend Paragraphs 7 and 8 of Reasons for Rules.</i>	

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**Part C2 – Tree Planting and Removal of Protected Trees**

<i>Insert new Rule 2.1.1.9, amend existing 2.1.1.9 (new 2.1.1.10) and renumber subsequent Rules</i>	C2-001 – C2-016
<i>Amend 2.1.8 changing number references</i>	Entire Chapter
<i>Amend 2.1.9.1 and 2.1.9.2, insert new 2.1.9.3 and renumber subsequent rules.</i>	
<i>Amend 2.1.12</i>	
<i>Insert new Rule 2.2.1.3, renumber subsequent rules, amend Rule 2.2.1.4 and 2.2.1.5</i>	
<i>Amend “Note” under 2.2.5, remove reference to Sections 93 and 94 of The Act as they have been repealed (CI 20A)</i>	
<i>Amend 2.2.6</i>	
<i>Amend 2.2.7.1, insert new 2.2.7.2, renumber and amend existing 2.2.7.2 as 2.2.7.3, renumber subsequent rules.</i>	
<i>Amend 2.2.8, 2.2.11, 2.2.12, 2.2.13</i>	
<i>Amend Reasons for Rules paragraph 5</i>	

---

**Part C3 – Buildings**

<i>Amend headings for 3.6, insert new 3.6.1.2, renumber subsequent rules and amend 3.6.1.3</i>	C3-007 – C3-026
<i>Amend 3.6.3.1, insert new 3.6.3.2, renumber subsequent rules, and amend 3.6.3.3 and 3.6.3.4</i>	
<i>Amend reference to Sites of Significance in Cross-References Table, pg C3-021</i>	
<i>Amend paragraph 10 and insert new paragraph 11 in Reasons for Rules</i>	

---

**Part C4 – Roading**

<i>Amend headings for 4.3, insert new 4.3.1.2, renumber subsequent rules and amend 4.3.1.3</i>	C4-001 – C4-010
<i>Amend 4.3.3.1, insert new 4.3.3.2, renumber subsequent rules and amend 4.3.3.3 and 4.3.3.4</i>	Entire Chapter
<i>Amend Reference to 4.3 in Cross Referencing Table Pg C4-008</i>	

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**Part C5 – Utilities**

*Amend headings for 5.10, insert new 5.10.1.2, renumber subsequent rules, and amend rules 5.10.1.3 and 5.10.1.4* C5-011 – C5-020

*Amend 5.10.2*

*Amend 5.10.3.1, insert new 5.10.3.2, renumber subsequent rules, amend rules 5.10.3.3 and 5.10.3.4*

*Amend headings for 5.11, insert new 5.11.1.2, renumber subsequent rules, and amend rules 5.11.1.3 and 5.11.1.4*

*Amend 5.11.2*

*Insert new rule 5.11.3.2, renumber subsequent rules, and amend 5.11.3.1, 5.11.3.3 and 5.11.3.4*

*Amend Reasons For Rules paragraph 16*

---

**Part C6 – Outdoor Signs and Noticeboards**

*Amend headings for 6.6, insert new 6.6.1.2, renumber subsequent rules, and amend rules 6.6.1.3 and 6.6.1.4* C6-005 – C6010

*Amend 6.6.3.1, insert new 6.6.3.2, renumber subsequent rules, and amend rules 6.6.3.3 and 6.6.3.4*

*Amend reference to Rule 6.6 in Cross Referencing Table, pg C6-008*

---

**Part C10 – Subdivision**

*Amend headings for 10.4* C10-007 – C10-016

*Amend 10.4.2.2 (c) and 10.4.2.3 (d)*

*Amend reference to rule 10.4 in Cross Referencing Table, pg C10-014*

---

**Part D – Definitions**

*Insert new definitions for Historic Heritage, Landscaping,, Maintenance of Lawns or Public Spaces, and Wāhi Taonga Management Area* D-005 – D-014

---

**Part E5 – Sites of Significance to Tāngata Whenua**

*Amend Headings and layout to tables* E5-001 – E5-006

*Delete C39 from Wāhi Taonga Sites Table* Entire Chapter

*Insert new C39(a) and C48 to Wāhi Taonga Management Areas Table*

*Delete C48 from Silent File Areas Table*

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# SCHEDULE OF AMENDMENTS

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

Name	Description
Plan Change 26	Rakaia Huts Wāhi Taonga Management Areas and Sites
Minor Amendments	Various minor amendments included (Clause 20A)

## Planning Maps

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### Amendments from 05 March 2012 to 24 April 2012

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*Map contents page (map numbering altered due to PC7)*

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*Map 139*

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## **B3.3 CULTURE AND HISTORIC HERITAGE – ISSUE**

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

### **Culture and Historic Heritage in Selwyn District**

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

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

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

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

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

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

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

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

and includes—

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

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

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

### **Statutory Acknowledgement and Nohoanga Sites**

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

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

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

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

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

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

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

## **Sites of Wāhi Taonga and Wāhi Tapu**

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

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

Sacred places include:

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

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

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

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

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

## **European Historic Heritage Sites and Buildings**

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

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

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

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

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

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

## **Damage to Sites with Cultural and Historic Heritage Values**

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

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

## **Protecting Cultural and Historic Heritage Values**

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

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

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

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

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

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



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

## Archaeological Sites

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

*"Archaeological site" means any place in New Zealand that--*

(a) *Either -*

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

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

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

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

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

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

## Role of District Councils

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

## Heritage Orders

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

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

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

### **Historic Places Act 1993**

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

## **CULTURE AND HISTORIC HERITAGE – STRATEGY**

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

### **General**

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

### **Māori Sites**

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

### **Heritage Sites**

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

### **Protected Trees**

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

## **Costs**

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

## **CULTURE AND HISTORIC HERITAGE – OBJECTIVES**

### **Objective B3.3.1**

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

### **Objective B3.3.2**

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

### **Objective B3.3.3**

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

## **Explanation and Reasons**

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

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

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

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

The policies and rules for protecting heritage sites and buildings:

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

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

## **CULTURE AND HISTORIC HERITAGE – POLICIES AND METHODS**

### **SITES OF TANGATA WHENUA**

#### **Policy B3.3.1**

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

#### **Explanation and Reasons**

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

#### **Methods**

Records

- Property files and Land Information Memoranda

District Plan policies and rules

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

## Policy B3.3.2

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

### Explanation and Reasons

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

### Methods

Advocacy

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

District Plan rules

- See Policies B3.3.3 and B3.3.4

## Policy B3.3.3

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

## Policy B3.3.4

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

### Explanation and Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Methods

District Plan rules

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

## Policy B3.3.5

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

## Explanation and Reasons

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

## Methods

Consent Process

- Identification of Ngāi Tahu as an affected party.

## **Policy B3.3.6**

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

### **Explanation and Reasons**

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

### **Methods**

District Plan Rules

- Exemptions for nohoanga sites

## **HERITAGE SITES AND BUILDINGS**

## **Policy B3.3.7**

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

### **Explanation and Reasons**

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

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

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

### **Methods**

Information

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



## **Policy B3.3.8**

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

### **Explanation and Reasons**

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

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

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

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

### **Method**

District Plan Rules

- Heritage Sites and Buildings
- Subdivision

## **Policy B3.3.9**

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

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

### **Explanation and Reasons**

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

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

## Method

District Plan Rules

- Heritage Sites

## Policy B3.3.10

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

## Explanation and Reasons

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

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

## Methods

Funding

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

Fees

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

## Policy B3.3.11

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

## Explanation and Reasons

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

## Method

### Monitoring Strategy

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

## PROTECTED TREES

### Policy B3.3.12

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

### Policy B3.3.13

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

- the long term life of the tree;
- the heritage, ecological, biodiversity, botanical or amenity values of the tree;
- any cultural values of the tree or significance to Tangata Whenua.

### Policy B3.3.14

**To enable, where appropriate, some physical works on and around identified protected trees for normal cultivation/maintenance, safety purposes or essential services.**

### Policy B3.3.15

**To promote, educate and inform tree owners and the public about the significance of listed protected trees.**

## Explanation and Reasons

Many trees around the Selwyn District have values that are significant to the community or the environment. These trees may provide a functional value such as shade from the sun, screening and soil stabilisation. It may be that they are pleasing visually, enhance amenity, and create character for an area. They could also have some historic or cultural significance, or they could be significant in terms of their age, form or species.

The Council considers it has a role to protect those trees that can be identified as providing a benefit or have value to the community in a significant way, whether this is physically or historically, ecologically or of significance to tāngata whenua, for future generations and the enhancement of the environment. These trees may be vulnerable to existing or future development and activities around them and thus merit protection to ensure their ongoing health.

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Policy B3.3.12 seeks to ensure that significant trees are identified and evaluated according to an established system of criteria. The consistently applied evaluation criteria are intended to ensure

that the same system of evaluation is applied to each tree. From this, records of the District's significant trees are to be kept and can be accessed by interested people. <sup>PC26</sup>

Policy B3.3.13 establishes a system to protect those trees that have been identified as having significance. These trees would be subject to rules within the Plan to ensure that development and activities close to the trees do not affect their health or the values for which they have been identified. Associated Policy B3.3.14 provides for some situations where urgent works may be necessary for public safety or essential services (including roading networks, power and telecommunications networks and infrastructure services such as water supply and wastewater disposal). This too will be incorporated into the rules.

Policy B3.3.15 supports non-statutory processes that the Council undertakes to promote, educate and inform the public and tree owners about the values of the protected trees for the community and the environment. This links to the Council's Heritage Fund which provides annual grants for work necessary to maintain and protect listed trees.

## Methods

### Information

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

### Advocacy

- Promotion, education and information on the significance of protected trees to the District.

### District Plan Rules

- Protected Trees
- Earthworks

### Funding

- Discretionary fund to encourage and assist owners with the work required to maintain and enhance the heritage of the District, with priority given to those sites, buildings and trees that are listed for protection in the Selwyn District Plan.

## CULTURE AND HISTORIC HERITAGE – ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B3.3:

- A growing database of the history of the Selwyn District.
- Development of agreements between landholders and local rūnanga for conducting activities in Silent File areas.
- Wāhi tapu and wāhi taonga sites are protected.
- Sites and buildings with significant heritage values are used and maintained.
- Nohoanga sites are used for mahinga kai and temporary structures may be erected on them.

- Recognition of and protection for trees of significant value to the community and environment.

## **CULTURE AND HISTORIC HERITAGE — MONITORING**

Please refer to Part E, Appendix 1.

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

- **Activities which affect the character of the rural area or which make it a less pleasant place to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible affects locating too close to each other.**

### **Introduction**

This section deals with two issues:

- The effects of activities on the amenity values of the rural area – its character and quality of the environment.
- Reverse sensitivity effects – when a new activity sets up near an existing activity and complains about the effects of the existing activity.

### **Amenity Values/Rural Character**

Protecting amenity values is part of achieving the purpose of the Act. Section 7 requires particular regard be had to:

- The maintenance and enhancement of amenity values’ (section 7(c)); and
- Maintenance and enhancement of the quality of the environment (section 7(f)).

Amenity values is defined in the Act (section 2) as including:

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The rural area has a character which is distinct from townships. There are common perceptions which many people share about the character of the rural area. These include:

- Predominance of vegetation cover.
- Dominant land uses (but not all land uses) are associated with primary production: agriculture, horticulture, forestry, pastoralism.
- Views of mountains, basins and river valleys which are not modified by structures.
- Being able to see, hear and smell animals and birds.

Rural character can also mean different things to different people.

- People who live in the rural area as an alternative to living in a town may value a sense of open space, panoramic views and their perception of a rural outlook.
- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out

- existing activities; adopt new technology and practices; and to diversify activities as markets change.
- Some people value the rural area as a place to locate activities that need lots of space. These people may value large areas of land and distance from neighbours.

Conflicts can be created by the combination of different activities, effects and perceptions of the character of the rural area.

In particular, issues are emerging in the District over effects of activities which are typical or normal for rural areas, but which some residents do not expect or dislike. These effects fall into two categories:

- Temporary effects from seasonal activities such as burning stubble, harvesting crops or topdressing.
- Effects from day to day activities in the rural area are part of the rural area which are different from effects in townships such as, the smell of crops like silage, turnips or garlic; or noise from irrigators or tractors; and stock being driven along roads.

The Council believes these effects are part of the character of the rural area. This District Plan has policies and rules to maintain a generally pleasant living and working environment. However, residents should not expect an environment which is as conducive to residential activities as Living zones. The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely.

## **Reverse Sensitivity**

Reverse Sensitivity is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. Reverse sensitivity is one of the major resource management issues in the rural area. It occurs principally between residential activities and activities associated with primary production or rural industries.

Reverse sensitivity issues arise when:

- Subdivision of rural land and erecting houses occurs in the vicinity of established activities; or
- Houses and other activities are located side by side, and the effects of the other activity alter.

The nature of reverse sensitivity issues varies in the District. There are examples of quite significant issues which have involved considerable time and cost to all parties, including the Council. For example:

- Mushroom composting at Prebbleton.
- Dairy cow droving along Old Tai Tapu Road.
- Noise from audible bird scaring devices.
- Houses and restaurants close to intensive pig or poultry farms.
- Nightglow from houses erected close to the West Melton Observatory.

Reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. People and natural and physical resources are part of the definition of environment in section 2 of the Act. Potential adverse effects of new activities on existing activities must be avoided, remedied or mitigated under section 5(2)(c) of the Act, and part of promoting sustainable management is enabling people and communities to provide for

their economic, social and cultural wellbeing (section 5(2)). Potential reverse sensitivity effects have been recognised by the Environment Court as an issue under the Act, in several cases.

The District Plan has provisions to manage potential reverse sensitivity effects when the effects may be significant enough to create an unpleasant living or working environment. In these cases, reverse sensitivity effects may have significant costs on residents or businesses. The District Plan does not address effects which the Council considers are a typical or normal part of the rural environment, and which are mild or of short duration.

## **QUALITY OF THE ENVIRONMENT – STRATEGY**

The Rural Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, rural character and reverse sensitivity:

### **Amenity Values**

- The Plan identifies what rural character is and manages activities which may affect it.
- Temporary effects and mild effects which are typical of rural areas are part of the rural environment.
- Policies and rules manage effects of activities, which may be more severe or adverse.

### **Reverse Sensitivity**

- Policies and rules manage the location of activities which may have significant effects on surrounding properties, when they set up.
- Once set up, policies and rules protect these activities from reverse sensitivity effects from other activities locating near them.

Objectives and policies in this section should be read in conjunction with the following:

- Section B1.4 Outstanding Landscapes and Natural Features
  - Effects of activities and landscapes and rural character.
- Section B2.1 Transport
  - Stock droving and airfields.
- Section B4.1 Residential Density and Subdivision
  - Managing residential density in the rural area.

## **QUALITY OF THE ENVIRONMENT – OBJECTIVES**

### **Objective B3.4.1**

**The District's rural area is a pleasant place to live and work in.**

### **Objective B3.4.2**

**A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.**

## Explanation and Reasons

The rural area has a character which is distinct from townships and people value this distinction – the rural outlook. The rural area of Selwyn District is a pleasant place to live and work in. Objective B3.4.1 is to maintain this quality of the environment. It is achieved by policies and rules to manage effects such as noise, vibration, outdoor signage; glare and odour. The policies and rules allow for day to day farming and other activities which have effects typical of a rural area, but manage activities that have potentially stronger effects. The policies and rules are not as stringent as those for Living zones. The Rural zone is recognised principally as a business area rather than a residential area, in the Plan.

Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- Residential activities; and community facilities.

This diversity may increase in the future if farming and other business activities continue to diversify; and District Plans do not require activities in the rural area to be associated with primary production.

A variety of activities in the rural area creates the potential for reverse sensitivity effects, particularly between residential activities and other activities. Objective B3.4.2 recognises that while a variety of activities may be appropriate in the rural area, rural character must be maintained; and potential reverse sensitivity effects must be avoided.

Objective B3.4.2 is achieved by policies and rules which:

- Describe the character of the rural area and seek to maintain it.
- Require resource consents for activities to set up which may affect surrounding properties; and recognise and protect existing lawful activities from potential reverse sensitivity effects once they are set up.

The Council has chosen to use District Plan rules to manage effects of activities on amenity values and reverse sensitivity effects. Often people do not consider the effects of existing activities when making decisions about where to build houses in the rural area.

The policies are split into 3 groups:

- Those to identify and maintain rural character.
- Those to maintain the quality of the environment.
- Those to manage reverse sensitivity effects.

Policies and rules to manage reverse sensitivity effects are also found in Section B2.1 Transport, for airfields and airports. Policies and rules to manage residential density are found in Section B4.1 Residential Density and Subdivision.



# QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS

## RURAL CHARACTER

### Policy B3.4.1

**Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.**

#### Explanation and Reasons

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests and other rural activities are businesses and they need to be able to operate efficiently and with as few restrictions as practical. Residential activities occur in the Rural zone, both ancillary to farming and other business activities, and as the principal use of the site. The Plan provisions, coupled with the distance between houses and activities in the Rural zone, should combine to maintain a pleasant living environment. However, the rules will not be as stringent as those in Living zones and residents can expect to tolerate mild effects associated with 'day-to-day' farming activities and temporary effects associated with seasonal activities.

#### Method

District Plan Rules

- Rules manage effects not types of activities, except in Policy B3.4.2

### Policy B3.4.2

**In the areas shown on the Planning Maps as the Port Hills, Malvern Hills and the High Country, restrict activities to those which use natural resources in the area, and activities which are ancillary to those uses or utilities.**

#### Explanation and Reasons

The Port Hills, Malvern Hills and the High Country are special places in the Rural zone. They are valued by residents and visitors as having amenity values which are remote and different from townships or urban areas. They are valued for their relative lack of structures, people and symbols of urbanisation. The Port Hills are particularly valuable as a rural outdoor recreation area in very close proximity to the City. The Malvern Hills are valued as a rural setting for residents wanting a certain lifestyle. The High Country is cherished as an outdoor recreation and holiday destination that is very remote from civilisation and back to nature.

The location of factories, warehouses, offices, shopping malls and other activities associated with urban areas, on the Port Hills, in the Malvern Hills and in the High Country would adversely affect the special amenity values of these areas. Policy B3.4.2 restricts the types of activities which can locate in these areas, to activities which use the natural resources of the areas. This includes, but is not limited to:

- Farming
- Forestry

- Outdoor recreation and mining
- Activities ancillary to those uses such as houses
- Holiday accommodation
- Hospitality and retail sales.

Utilities are provided for in these parts of the Rural zone. They are necessary to serve other activities in these areas, and network utilities need to pass through these areas. The use of lakes or rivers to generate hydroelectricity is a use of a natural resource in the area. Resource consents will be required for activities involving large-scale earthworks or structures.

## Method

District Plan Rules

- Type of activities

## Policy B3.4.3

**Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.**

## Explanation and Reasons

There are many places in the rural area which are not outstanding landscapes or natural features or which do not contain significant ecological sites but which people find pleasant places to live in or visit, for example, rolling hills, meandering streams, and fields with animals and crops, which are all typical rural scenes. These areas can be sought after locations for activities that need large sites and to be separated from people. Some of these activities can make areas less pleasant – they can affect their amenity values.

Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. Part of promoting sustainable management under the Act is having particular regard for:

The maintenance and enhancement of amenity values.” (section 7(c)).

Policy B3.4.3 should not be used as a catch-all policy to oppose any changes to land uses in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where an activity will detract from the amenity values of an area, Policy B3.4.3 requires those effects be mitigated.

The requirement to mitigate adverse effects of activities in Policy B3.4.3 of this section does not replace more specific duties to protect areas and avoid adverse effects, in other policies in the Plan.

## Method

District Plan Rules

- Discretionary activities

## **Policy B3.4.4**

**Ensure that any adverse effects arising from “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and “other” types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.**

### **Explanation and Reasons**

While the Rural zone may be able to better accommodate the potential adverse effects associated with industrial activities than Living or Business 1 Zones due to a lower population density and larger allotment sizes, certain types and scales of industrial activities are unlikely to be appropriate in all parts of the Rural zone. For the purposes of the Rural Volume, industrial activities have therefore been categorised into either a “rural-based” or an “other” type of industrial activity. Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas. Where these activities are of a scale and size beyond what is permitted by the District Plan there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness. There is also likely to be a higher demand for servicing requirements, such as water supply and stormwater disposal, which may be constrained in some parts of the rural area. Overall, the Council recognises that it may be necessary for an industrial activity that relies on a raw material or primary product derived from the rural environment to locate in proximity to its source.

However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that rural based industrial activities of a size and scale beyond that which is permitted by the District Plan are unlikely to be able to locate in this area without generating significant adverse amenity effects.

The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills or High Country. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry are likely to detract from the quality of the rural environment resulting in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided, remedied or mitigated.

### **Methods**

#### **District Plan Policies**

- Residential Density
- Rural Character & Amenity Values

#### **District Plan Rules**

- Tree Planting

- Buildings
- Utilities and Other Structures

## **Policy B3.4.5**

**Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.**

### **Explanation and Reasons**

One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In all areas, it is much lower than the density in townships.

Policy B3.4.5 recognises the effect which building density has on rural character. Section B4.1 Residential Density and Subdivision, of the Plan addresses residential density, specifically. Policy B4.1.1 of that section prescribes residential density for different parts of the Rural zone.

Policy B3.4.5 and the District Plan rules manage the ratio of buildings to land area. The reason is to maintain the dominance of vegetation cover over buildings which is characteristic of rural areas. Policy B3.4.5 is implemented by a rule which limits the area of a site which may be covered by buildings. The rule does not apply to buildings which do not have built in floors, such as hay barns and tunnel houses. The rule does not apply to the expansion of existing intensive livestock farms. The reason is that these farms were established under a different planning regime and are unlikely to be able to comply with the rules. There is a fixed number of such farms, so the cumulative effects of the higher site coverage will be limited. The rules for site coverage apply to new intensive livestock farms.

The rule also exempts community facilities and utilities from the site coverage requirements in the Rural zone. The small number and size of most of these sites means that there is unlikely to be a cumulative effect on building density in the Rural zone and may help reduce compliance costs for community facilities and utilities.

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 adverse, 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.**

## Policy B3.4.10

**Reduce the potential nightglow from outdoor lighting in the area around the West Melton Observatory.**

## Explanation and Reasons

Lighting is an essential part of most activities which operate at night. Night lighting is often required for harvesting, shearing and other seasonal activities in the rural area. There are no restrictions on outdoor lighting at night in the rural area, provided that the light is not shining directly into a house on another property, except for that area covered in Policy B3.4.10.

The West Melton Observatory has been located in Bells Road since 1968. That site was chosen so that the nightglow from lights in Christchurch City would not reduce the visibility of stars. As subdivision and residential density has increased in the West Melton area, nightglow from house lights and car lights is starting to affect the observatory. Preventing subdivision and residential development in the area or shifting the observatory, are both costly solutions, to the problem. Much of the potential nightglow can be reduced by:

- Designing subdivisions so that vehicular accessways are not directly opposite the observatory, to reduce the glow from car lights;
- Using a specific design for outside lights; and
- Maintaining lower residential density in the rural area, in accordance with Policies B4.1.1 and B4.1.2.

## Methods

District Plan Rules

- Lighting
- Subdivision & Vehicular Accessways

District Plan Policies

- Township Volume, Section B4.3

Information

- Appropriate types of night lighting

## **NOISE AND VIBRATION**

### **Policy B3.4.11**

**Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.**

### **Policy B3.4.12**

**Manage the operation of audible bird scaring devices to mitigate noise effects on surrounding properties.**

#### **Explanation and Reasons**

The Rural zone is a business area and people can reasonably expect a higher level of noise and noise at hours which differ from Living zones. In particular, people can expect noise associated with seasonal activities such as harvesting or topdressing. These activities are usually short duration and typical of the rural area. Long-lasting noise effects should not disturb residents on adjoining properties when they are indoors. This includes noise which is continuous, for example, from a stationary motor; and noise which is intermittent but frequent and lasts longer than a few days. Policy B3.4.11 addresses noise, generally. It is implemented by rules that set noise limits for activities to be permitted activities (no resource consent needed). Noise limits set use the acoustical metrics  $L_{max}$  and  $L_{10}$ . Some activities, including those associated with the delivery of emergency services, have been exempted from the noise standards.

Policy B3.4.12 applies to a specific activity for which an  $L_{10}$  rule will not apply. Noise effects from audible bird scaring devices is an issue in the District. Although these activities are seasonal, the noise from them is loud and frequent enough to cause significant disturbance to surrounding residents. Therefore, the use of these devices is managed to mitigate noise effects. Policy B3.4.12 is implemented by a rule which sets conditions for using audible bird scaring devices as a permitted activity. The rule is based on a by law drafted by the Council in consultation with a variety of interested parties.

Policies B2.1.18, B2.1.19 and B2.1.20 address potential reverse sensitivity effects from aircraft noise.

Irrespective of Policies B3.4.11 and B3.4.12 and rules in the District Plan, there is a duty on all persons to avoid making unreasonable noise under section 16 of the RMA.

#### **Method**

District Plan Rules

- Noise
- Aircraft

- Audible Bird Scaring Devices

### **Policy B3.4.13**

**Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration.**

#### **Explanation and Reasons**

Vibration can disturb people and damage property. Policy B3.4.13 requires adverse effects from vibration to be addressed. The policy is implemented by a rule requiring a resource consent for vibration effects that exceed the levels specified in the relevant New Zealand Standard 2631: 1985-1989 Parts 1-3.

#### **Method**

District Plan Rules

- Vibration and blasting

## **DUST**

### **Policy B3.4.14**

**Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.**

#### **Explanation and Reasons**

The rural area in the Selwyn District is exposed to wind, particularly north westerly winds and dust occurs from natural sources such as riverbeds or land. However, dust nuisance can be exacerbated by material blown from stockpiled material or extensive earthworks associated with subdivision or construction works. Policy B3.4.14 addresses dust nuisance from activities in the Rural zone, where it may affect houses on adjoining properties. In most cases, houses should be far enough apart to avoid dust nuisance. Where activities occur in the Rural zone next to a township, houses are close together and dust nuisances can occur. Policy B3.4.14 is not intended to prevent activities from occurring in these cases. Rather the policy and rules require steps to be taken to reduce potential dust nuisance, such as: dampening down earth until it is consolidated, or covering and securing stockpiled material that can blow in the wind. The rules apply to large scale earthworks and associated stockpiling.

Policy B3.4.14 and associated Plan rules DO NOT apply to dust blown from cultivated paddocks.

#### **Method**

District Plan Rules

- Earthworks
- Odour



# SHADING

## Policy B3.4.15

**Ensure buildings and trees do not excessively shade adjoining properties.**

### Explanation and Reasons

Access to sunlight is important to create pleasant living environments. Access to sunlight can be reduced if trees or buildings on adjoining site shade a property. The most significant effect occurs with shading of houses and outdoor living areas. This is most likely to occur with houses on small allotments in the rural area.

Policy B3.4.15 is implemented by rules, which establish a recession plane for all buildings from property boundaries, and a maximum shading rule for trees as permitted activities. Trees shading roads is addressed in Section B2.1, Transport.

### Methods

District Plan Rules

- Recession planes
- Tree planting

## Policy B3.4.16

**Ensure buildings are setback a sufficient distance from property boundaries to:**

- (a) **Enable boundary trees and hedges to be maintained;**
- (b) **Maintain privacy and outlook for houses on small allotments; and**
- (c) **Encourage a sense of distance between buildings and between buildings and road boundaries where practical.**

### Explanation and Reasons

Many property boundaries in the Rural zone are marked by tree plantings or hedge rows. Buildings need to be set back a sufficient distance from property boundaries to enable trees and hedges to be trimmed.

Houses are erected on small sites in the rural area, particularly around townships and in the Existing Rural-Residential Developments. In these areas, buildings also need to be set back from property boundaries for privacy and to maintain an outlook.

In rural areas most houses and buildings tend to be set back greater distances from road boundaries than urban areas. This positioning adds to the sense of space between buildings and the unrestricted views from roadsides. The Plan acknowledges that it is not always desirable or practical to locate buildings large distances from road boundaries especially when the building is accessory to buildings that are already located close to the road boundaries. Policy B3.4.16 encourages a larger setback from the road boundary than urban areas, where practical. This Policy should be read in conjunction with Policy B2.1.7.

Policy B3.4.16 is implemented by a rule which sets a minimum setback distance for buildings from property boundaries as a permitted activity (no resource consent needed). Buildings sited closer to the boundary will require a resource consent.

## Methods

District Plan Rules

- Setbacks

# RELOCATED BUILDINGS

## Policy B3.4.17

**Ensure any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe.**

## Explanation and Reasons

Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the District. Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings; a specific building design may be required; or the building may be relocated to a new site to preserve it.

Some people object to relocated buildings being moved into their neighbourhood because they think it will reduce property values in the area, particularly if the relocated building is old and the other houses are new. Other people are more concerned if the relocated building sits on blocks on the new site for a long time, or is damaged during transit and not repaired.

Policy B3.4.17 and the associated rules do not prevent people from relocating buildings into the Rural zone. The provisions enable the Council to require the building be set on a building pad or foundations and repaired to a certain standard, within the time specified in the resource consent.

The District Plan does not prevent people relocating buildings for the following reasons:

- The plan does not control the design or age of any other building.
- Relocated buildings can be an efficient use of physical resources, which is a matter to have regard to under section 7(c) of the Act.
- If a particular developer wishes, he/she can use mechanisms outside the District Plan to prevent relocated buildings within a particular subdivision.

Relocated building is defined in Part D of the Plan. It does not include new buildings or parts of new buildings designed specifically for the site, but built off-site and transported to it.

## Method

District Plan Rules

- Relocated buildings

## **REVERSE SENSITIVITY EFFECTS**

### **Policy B3.4.18**

**Ensure new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.**

### **Policy B3.4.19**

**Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity.**

#### **Explanation and Reasons**

Policy B3.4.18 and B3.4.19 manage reverse sensitivity effects in the rural area. Policy B3.4.18 requires a resource consent for activities to set up which are likely to affect surrounding properties. This gives an opportunity for affected parties to participate in the consent process and for the Council to ensure those effects are mitigated to a satisfactory level.

Policy B3.4.19 protects activities which are established from potential reverse sensitivity effects caused by potentially incompatible activities locating close to them. The most common activity is erecting houses. Other potentially incompatible activities include: restaurants; schools; and other forms of residential or visitor accommodation. This policy is necessary to enable established businesses to operate efficiently and with some certainty, and to avoid creating unpleasant living environments for people. The most common tool to mitigate reverse sensitivity effects is to maintain appropriate buffers or separation distances between activities. However, there may be other methods which can be used to avoid reverse sensitivity effects.

Part B, Section 2.1 Transport contains specific policies to manage reverse sensitivity effects with transport routes.

#### **Methods**

##### District Plan Rules

- Discretionary activities
- Intensive livestock farming
- Waste disposal
- Aircraft
- Residential density
- Building position controls
- Subdivision standards

##### District Plan Policies

- Township Volume, Section B4.3, Growth of Towns
- Rural Volume, Policy B4.1.1

##### Land Information Memorandum

- Information Sheet

## **QUALITY OF THE ENVIRONMENT — ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results should occur from implementing Section B.3.4:

- Variation in activities in the rural area on the Plains.
- Activities on the Port Hills and in the high country remain predominantly farming, forestry, outdoor recreation and holiday accommodation.
- Buildings are low rise (1 or 2 storey) and surrounded by vegetation cover rather than hard standing.
- Utilities are made of low reflective materials.
- Outdoor signs advertise local events, products or information.
- New airfields are not located too close to houses.
- Nuisance effects may occur from time to time from temporary or seasonal activities, but these effects should be mild and typical of the rural environment.
- Buffer zones are maintained between residential activities and activities with which they may be incompatible.

## **QUALITY OF THE ENVIRONMENT — MONITORING**

See Part E, Appendix 1.

# 1 RURAL RULES — EARTHWORKS

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## Notes

1. Rule 1 –Earthworks, does not apply to any of the following activities, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply:
  - Tending or landscaping of gardens, lawns or public spaces;
  - Digging post holes;
  - Drilling bores, except in Wāhi Taonga Management Area C39(a);
  - Planting trees or removing dead or diseased trees;
  - Cultivation;
  - Burying Pets;
  - Trenching compost;
  - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(a).
2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.
3. Planting of Shelterbelts, Amenity Plantings and Plantations is subject to Rule 2 – Tree Planting and Removal of Protected Trees.
4. Rules 9.16 and 9.17 apply to blasting and vibration. Rule 8 Waste Generation, Storage and Disposal applies to offal pits and landfills.
5. Earthworks affecting any archaeological site, Silent File Area, Wāhi Taonga Management Area or Wāhi Taonga Management Site may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
6. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.
7. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
8. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
9. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality.

## 1.1 EARTHWORKS AND CONTAMINATED LAND

### Permitted Activities — Earthworks and Contaminated Land

1.1.1 Any earthworks which meet the following condition shall be a permitted activity:

1.1.1.1 Any soil or earth to be removed from the site is not contaminated.

### Restricted Discretionary Activities — Earthworks and Contaminated Land

1.1.2 The removal of contaminated soil or earth from a site shall be a restricted discretionary activity.

1.1.3 Under Rule 1.1.2, the Council shall restrict its discretion to the consideration of:

1.1.3.1 Where the contaminated soil will be disposed to and how; and

1.1.3.2 Any monitoring conditions.

## 1.2 EARTHWORKS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities — Earthworks and Sites of Significance to Tāngata Whenua

1.2.1 Any earthworks which meet the following conditions shall be a permitted activity:

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

1.2.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), the earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;

1.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.2.1.2, the earthworks 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;

1.2.1.4 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 – Earthworks and Sites of Significance to Tāngata Whenua

- 1.2.2 Any activity which does not comply with Rule 1.2.1 shall be a restricted discretionary activity .
- 1.2.3 Under Rule 1.2.2 the Council shall restrict its discretion to consideration of:
- 1.2.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
  - 1.2.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 1.2.3.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.2.1.2, any damage to, destruction or removal of any object, remnant or artefact, as advised by local rūnanga;
  - 1.2.3.4 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga;
  - 1.2.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder/occupier of not being able to undertake the proposed activity on that site;
  - 1.2.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 1.2.3.7 Any positive effects which may offset any adverse effects; and
  - 1.2.3.8 Any monitoring or review conditions.

## 1.3 EARTHWORKS AND NATURAL HAZARDS – FLOOD AREAS

### Permitted Activities – Earthworks and Natural Hazards – Flood Areas

- 1.3.1 The following earthworks undertaken in an area shown on the Planning Maps as a flood area shall be a permitted activity:
- 1.3.1.1 The forming of vehicular accessways through or within properties and the forming of building platforms, provided that the existing land drainage patterns are not altered or impeded; or
  - 1.3.1.2 Any other earthworks which do not raise the mean average level of the land subject to the earthworks or reduce the storage capacity of surface water ponding areas.

**Note:** For the purposes of Rule 1.3.1.2, the level of the land is measured as the mean average level above mean sea level, over the area on which any earth is disturbed, removed or deposited.

## Restricted Discretionary Activities – Earthworks and Natural Hazards – Flood Areas

- 1.3.2 Any earthworks undertaken within any area shown on the Planning Maps as a flood area which do not comply with Rule 1.3.1 shall be a restricted discretionary activity .
- 1.3.3 Under Rule 1.3.2, the Council shall restrict its discretion to the consideration of:
- 1.3.3.1 The potential effects of the earthworks on creating or exacerbating flooding on the site;
  - 1.3.3.2 The potential effects of the earthworks on creating or exacerbating flooding on other properties, by diverting floodwaters or by increasing the level of floodwater on lower lying properties;
  - 1.3.3.3 Any positive effects which may offset any adverse effects.

## 1.4 EARTHWORKS AND OUTSTANDING LANDSCAPE AREAS

### Permitted Activities – Earthworks and Outstanding Landscape Areas

- 1.4.1 The following earthworks shall be a permitted activity in areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and High Country:
- 1.4.1.1 The maintenance and repair of existing roads or tracks;
  - 1.4.1.2 Post holes;
  - 1.4.1.3 The installation of underground telecommunication lines and ancillary structures; or
  - 1.4.1.4 Any other earthworks where the volume of earth disturbed, removed or deposited does not exceed 150m<sup>3</sup> per project;
- 1.4.2 On the Port Hills, the following earthworks shall be a permitted activity:
- 1.4.2.1 The maintenance and repair of existing fence lines;
  - 1.4.2.2 The maintenance and repair of existing farm vehicle roads and tracks;
  - 1.4.2.3 Digging offal pits;
  - 1.4.2.4 Forming stock water ponds, provided that no more than 30m<sup>3</sup> of earth is disturbed, removed or deposited, and the pond is no more than 50m<sup>2</sup> in surface area; or
  - 1.4.2.5 Any other earthworks which shall not exceed 100m<sup>3</sup> within a site and a maximum cut depth of 1m per project.

**Note:** Any activity involving earthworks and vegetation clearance on the Port Hills may require resource consent from Environment Canterbury. Further enquiries should be made with Environment Canterbury.



## Discretionary Activities – Earthworks and Outstanding Landscape Areas

- 1.4.3 Earthworks which do not comply with Rule 1.4.1 or 1.4.2 shall be a discretionary activity.

## 1.5 EARTHWORKS AND PROTECTED TREES

### Permitted Activities – Earthworks and Protected Trees

- 1.5.1 Any earthworks which meet the following conditions in relation to any protected tree listed in Appendix 4 shall be a permitted activity:
- 1.5.1.1 Normal cultivation of the soil for recreational, horticultural or agricultural purposes or the growing of crops or ornamental vegetation within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.
  - 1.5.1.2 there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.
  - 1.5.1.3 there is no new impervious surfacing, sealing, paving, soil compaction, or alteration of more than 75mm to the ground level (existing prior to works commencing) within 10 metres from the base of the tree or within the crown periphery (drip-line), whichever is the greater.
  - 1.5.1.4 Normal maintenance work to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75mm of the depth to which the excavations were originally formed or is not extended horizontally more than 75mm from their original circumference/location.
  - 1.5.1.5 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

**Note:** Rule 1.5.1 applies to earthworks undertaken in proximity to a protected tree, but not related to the protected tree.

## Restricted Discretionary Activities – Earthworks and Protected Trees

- 1.5.2 Any earthworks affecting any tree listed as a Category B tree in Appendix 4 that do not meet the conditions set out in Rule 1.5.1 shall be a restricted discretionary activity.
- 1.5.3 Under Rule 1.5.2, the Council shall restrict its discretion to consideration of:
- 1.5.3.1 Any potential effects of the earthworks on the tree and its root structure, and the stability of the ground and the depth of the water table around the tree, and
  - 1.5.3.2 Any positive effects which may offset any adverse effects.

## Non-Complying Activities – Earthworks and Protected Trees

- 1.5.4 Any earthworks affecting any tree listed as a Category A tree in Appendix 4 that do not meet the conditions set out in Rule 1.5.1 shall be a non-complying activity.

## 1.6 EARTHWORKS AND SETBACKS, VOLUME AND SITE REHABILITATION

### Permitted Activities – Earthworks and Setbacks, Volume and Site Rehabilitation

- 1.6.1 Any earthworks which meet the following conditions shall be a permitted activity:
- 1.6.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers):
    - (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or
    - (b) except that for rivers the following earthworks are subject to a reduced setback of 5m:
      - (i) 100m<sup>2</sup> (area) per 1000 metres in any continuous 5 year period; and
      - (ii) 40m<sup>3</sup> (volume) per 1000 metres in any continuous 5 year period; or
      - (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or
      - (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings.

#### Notes

*For the purposes of Rule 1.6.1.1, 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 purpose of Rule 1.6.1.1(b)(i) and (ii), river means:

- Any continually flowing body of freshwater; or
- Any intermittently flowing body of freshwater within a defined bed, excluding ephemeral rivers.

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.”

The exceptions provided for in Rule 1.6.1.1 are designed to allow a degree of day to day farming activities such as some tracking, construction of fence lines and like activities.

1.6.1.2 The earthworks do not exceed:

- A vertical cut face where no more than 5% of the total vertical cut is over 2m; and
- A maximum volume of 5000m<sup>3</sup> per project.

#### Notes

1. Rule 1.6.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.6.1.2(a) does apply to forming tracks no more than 10m wide.
2. Rule 1.6.1.2 does not apply to earthworks in the area shown on the Planning Maps as the Existing Development Area for Terrace Downs, if the earthworks are for the creation of golf courses, water holding or channelling structures and building platforms. The reason for the exemption is to carry over a provision of the Terrace Downs plan change under the previous District Plan – refer to the provisions in Appendix 21.

1.6.1.3 When the earthworks cease, the site is:

- Filled and recontoured to the same state as the surrounding land; and
- Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place, except that where the site was vegetated with any plant pest, the site may be replanted with other species.

**Note:** Rule 1.6.1.3 does not apply to earthworks associated with the preparation of building sites, roads or tracks or sites prepared for planting trees or other crops.

1.6.1.4 Any stockpiling of earth, soil or other material within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.

1.6.1.5 In any area within 300m of either side of SH 73 (between Porters Pass and Arthurs Pass) or the Midland Railway (from the Waimakariri Gorge to Arthurs Pass) any earthworks are limited to:

- The maintenance and repair of existing tracks and roads;

- (b) Post holes;
- (c) The installation of underground telecommunication lines and ancillary structures; or
- (d) Any other earthworks provided that the volume of earth disturbed, removed or deposited does not exceed 150m<sup>3</sup> per project.

### **Restricted Discretionary Activities – Earthworks and Setbacks, Volume and Site Rehabilitation**

- 1.6.2 Any earthworks which do not comply with Rule 1.6.1.4 shall be a restricted discretionary activity.
- 1.6.3 Under Rule 1.6.2, the Council shall restrict its discretion to consideration of:
  - 1.6.3.1 Any potential dust nuisance caused by the stockpiled material;
  - 1.6.3.2 The effectiveness of any proposed mitigation measures; and
  - 1.6.3.3 The need for monitoring and review conditions on the consent.
- 1.6.4 Any earthworks which do not comply with Rule 1.6.1.5 shall be a restricted discretionary activity.
- 1.6.5 Under Rule 1.6.4, the Council shall restrict its discretion to consideration of:
  - 1.6.5.1 The visual effects, both immediate effects and the impact on the panoramic views of the Upper Waimakariri Basin from SH 73 or the Midland Railway.

### **Discretionary Activities – Earthworks and Setbacks, Volume and Site Rehabilitation**

- 1.6.6 Any earthworks which do not comply with Rules 1.6.1.1, 1.6.1.2 or 1.6.1.3 shall be a discretionary activity.

### **Cross-Reference**

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
1.1	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.1 to 1.1.3
1.2	Sites of Significance to Tāngata Whenua	3.3	3.3.1	3.3.1 to 3.3.5, 3.3.9 and 3.3.10
1.3	Natural Hazards– Flood Areas	3.1	3.1.1, 3.1.2	3.1.1 to 3.1.5 and 3.1.8 to 3.1.10
1.4	Outstanding Landscape Areas	1.4	1.4.1	1.4.1 to 1.4.32
1.5	Protected Trees	3.3	3.3.3	3.3.11 to 3.3.14
1.6	Setbacks, Volume and Site Rehabilitation	1.1, 1.2, 1.3, 1.4, 4.2	1.1.1 to 1.1.3 1.2.1, 1.3.1, 1.4.1 4.2.1 and 4.2.2	1.1.4 to 1.1.7, 1.2.2, 1.3.2 to 1.3.4,. 1.4.3 to 1.4.7.

## Reasons for Rules

Rule 1 Earthworks, manages potential effects from earthworks on the environment. Rules are needed to manage these effects because they often have effects on other people or other parts of the environment, rather than having a direct cost to the person undertaking the earthworks. The rules are included in the District Plan because: regional rules only apply to the Port Hills at present; and building consents are only required for earthworks related to dams over 20 000m<sup>3</sup> in size. Even when a building consent is required, it will only address matters relating to the stability of the excavation.

The rules allow earthworks which are small-scale and minor in effect as permitted activities (no resource consent needed). Other earthworks are restricted discretionary activities or discretionary activities (requires a resource consent). The consent will focus on ensuring that any effects are adequately remedied or mitigated, rather than trying to prevent large-scale earthworks per se.

Day to day activities should comply with the rules for permitted activities. To avoid any doubt, the rules do not apply to: cultivation; gardening; digging post-holes; tracks which are less than 10m wide (outside of areas of Outstanding Landscape); and the maintenance of existing tracks in areas of Outstanding Landscape.

Resource consents are needed for earthworks which involve: shifting contaminated soil; steep vertical cuts (soil erosion and visual effects); raising the level of land which floods; land near waterbodies and special cultural sites; and shifting large volumes of material. The volume control is to ensure that large excavation works are properly filled and the site rehabilitated, and to protect 'significant ecological sites' from damage or destruction (see Part B, Section 1.2).

Rule 1.2 manages earthworks in areas which contain sites of special significance to tāngata whenua. Protecting these sites is part of the duty under section 6(e) of the Act "to provide for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga."

Tāngata whenua have identified three types of sites in the Plan (see Part B, Section 3.3). Silent File areas may contain sites which are of immense cultural importance to tāngata whenua. The exact location of the site is not disclosed. Any disturbance of these sites may be inappropriate. The rule allows earthworks to occur on soil which has already been disturbed, but requires a resource consent for earthworks which will disturb soil in areas which have not been previously worked, or if the earthworks involve excavating soil to depths where it has not been disturbed by other activities. The Council restricts its discretion to whether the earthworks will disturb the special site within the Silent File area and whether that disturbance is inappropriate (as advised by local runanga).

Wāhi Taonga Sites and Wāhi Taonga Management Areas contain sites of past settlement or occupation by tāngata whenua. Most of these sites have been uncovered by archaeologists and their location and what they contain is recorded. Earthworks in and around these sites are appropriate, provided that the artefacts and remnants which are contained within the sites are not removed, damaged or destroyed. The exception are the Wāhi Taonga Management Areas which make up the Rakaia River Moa Hunter Site (C39(a) and C39(b)). These sites are of considerable cultural and archaeological significance. Earthworks in these areas are appropriate in certain circumstances and to a certain depth, after which resource consent is required.

Appendix 5 lists the artefacts, remnants or objects discovered so far within each site, though there may be more material located around the area. Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The Council is encouraging land owners or managers and local rūnanga to develop joint protocols for activities within these areas (see Part B, Section 3.3).

Mahinga Kai Sites are sites used for traditional food gathering by tāngata whenua. The sites identified within this plan are valued for their vegetation. Rule 1.2 requires a resource consent for this vegetation to be damaged or removed, except for mahinga kai purposes.

The trees listed in Appendix 4 have been assessed as having significant values to Selwyn District. Rule 1.5 provides an opportunity to ensure that these listed trees are adequately protected.

## 2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED 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 the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the tree planting(s) is limited to the disturbance of soil over areas where that soil has been previously disturbed by tree plantings. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.1.1.10 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.1.9, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 2.1.1.11 In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.



## 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, 2.1.1.9 or 2.1.1.10 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 rūnanga;
  - 2.1.9.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 2.1.9.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.9.2, any damage to, destruction or removal of, any object, remnant or artefact, as advised by local rūnanga;
  - 2.1.9.4 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 2.1.9.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 2.1.9.6 Any positive effects which may offset any adverse effects; and
  - 2.1.9.7 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, 2.1.1.11 or 2.1.10 shall be a non-complying activity. <sup>PC26</sup>

## **2.2 PLANTATIONS**

### **Permitted Activities – Plantations**

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
  - 2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills, excluding vineyards and orchards located within the Visual Amenity Landscape;
  - 2.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil or earth by the plantation 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;
  - 2.2.1.3 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas where that soil has been previously disturbed by tree planting. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
  - 2.2.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.1.3, the plantation 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;
  - 2.2.1.5 Any tree is 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)]

Provided that Rules 2.2.1.5 (a) and 2.2.1.5 (b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.

- 2.2.1.6 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.
- 2.2.1.7 No tree of the plantation 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; and
- 2.2.1.8 Any plantation 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.

## Restricted Discretionary Activities – Plantations

2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills (excluding the Summit Road Protection Areas), Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills shall be a restricted discretionary activity if all of the following standards and terms are met:

- 2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country; and
- 2.2.2.2 In the area shown on the Planning Maps as the High Country, trees planted do not include any of the following species:
- Lodgepole pine (*Pinus contorta*)
  - Scots pine (*Pinus sylvestris*)
  - Corsican pine (*Pinus nigra*)
  - Douglas fir (*Pseudotsuga menziessi*)
  - Mountain pine (*Pinus mugo/unaciata*)

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

- 2.2.3.1 The design and siting of any plantation on the Port Hills to:
- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
  - (b) Avoid screening views of existing landforms and natural features, including Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
  - (c) Avoid screening views from the Summit Road;
  - (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;
  - (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;

- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.

2.2.3.2 The design and siting of any plantation on the Malvern Hills to:

- (a) Maintain the distinctiveness of the skyline and ridges of the Malvern Hills;
- (b) Avoid screening the rocky outcrops at Glenroy or the volcanic ridge from Mt Misery to Windwhistle, as viewed from any road; and
- (c) Reflect and complement the landform patterns and shapes of the landscape;

2.2.3.3 The design and siting of any plantation in the High Country (outside the area of Outstanding Landscape) to:

- (a) Reflect and complement the landform patterns and shapes of the landscape;
- (b) Maintain a landscape where plantations are carefully integrated with existing land uses, so as to avoid any semblance of continuous afforestation; 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 and plantation blocks are spaced to maintain views between them.

2.2.3.4 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;

2.2.3.5 Any potential adverse effects of planting the area on any rain fed wetland or tarn on the site and how those effects may be mitigated;

2.2.3.6 Any measures to mitigate potential soil erosion from earthworks associated with access tracks or harvesting;

2.2.3.7 Any effects of the proposed mode and route of transport, and any improvements required to the road network to allow access into and out of the site for planting or harvesting trees.

2.2.3.8 The timing and conditions for replanting or rehabilitating the site and surrounding area once the plantation is harvested, and any staging of the site rehabilitation for harvesting a large plantation;

- 2.2.3.9 Approval of a fire management plan;
- 2.2.3.10 Any positive effects which may offset any adverse effects; and
- 2.2.3.11 Any monitoring or review conditions.
- 2.2.4 Any plantation which does not comply with Rule 2.2.2.2 shall be a restricted discretionary activity.
- 2.2.5 Under Rule 2.2.4, the Council shall restrict its discretion to consideration of:
  - 2.2.5.1 All of the matters listed in 2.2.3.1 to 2.2.3.11;
  - 2.2.5.2 The potential for wilding spread from the particular species planted; and
  - 2.2.5.3 The effectiveness of any proposed wilding management plan.

**Note:** Under Rule 2.2.4 the Council retains its discretion to identify affected parties or require notification of the resource consent application, pursuant to the Act. In using its discretion the Council shall consider the recommendations in N.J. Ledgard and E.R. Langer (1999) “Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced conifers”, where appropriate.
- 2.2.6 Any activity which does not comply with Rules 2.2.1.2, 2.2.1.3 or 2.2.1.4 shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:
  - 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
  - 2.2.7.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 2.2.7.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.7.2, as advised by local runanga;
  - 2.2.7.4 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 2.2.7.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 2.2.7.6 Any positive effects which may offset any adverse effects; and
  - 2.2.7.7 Any monitoring or review conditions.
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.6 shall be a restricted discretionary activity.

- 2.2.9 Under Rule 2.2.8 the Council shall restricts its discretion to consideration of effects of the proposed planting as to shading.

### **Discretionary Activities — Plantations**

- 2.2.10 Any plantation which does not comply with Rule 2.2.2.1 shall be a discretionary activity if any one of the following standards and terms is met:
- 2.2.10.1 The plantation is planted for landscape enhancement or beautification, using indigenous species which are found in that area, and will not be harvested;
  - 2.2.10.2 The plantation is planted for soil conservation purposes and will not be harvested; or
  - 2.2.10.3 The plantation 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.
- 2.2.11 Any plantation which does not comply with Rule 2.2.1.5 shall be a discretionary activity.

### **Non-Complying Activities — Plantations**

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.8 shall be a non-complying activity.
- 2.2.14 Any plantation located within an area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.
- 2.2.15 Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.

## **2.3 PROTECTED TREES**

### **Permitted Activities — Protected Trees**

- 2.3.1 In relation to trees listed in Appendix 4, the following activities shall be permitted activities:
- 2.3.1.1 Any examination, tissue sampling, and diagnostic work recommended by an approved Council arborist to determine the safety, health and general condition of the tree, and carried out by or under the supervision of that arborist.
  - 2.3.1.2 Normal cultivation of the soil for recreational, horticultural or agricultural purposes or the growing of crops or ornamental vegetation within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

2.3.1.3 Maintenance pruning of any listed tree is permitted where it meets the following:

- a) involves pruning branches in the bottom third of the tree only; and
- b) only branches 50mm in diameter or less may be pruned; and
- c) pruning is by the use of secateurs, loppers or handsaws (no chainsaws).

2.3.1.4 The use of the land immediately surrounding the listed tree is permitted, provided that the health of the tree is not adversely affected and that:

Above ground level

- a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.
- b) there is no construction, addition or replacement of any building within 10 metres from the base of the tree or within the crown periphery (drip-line), whichever is the greater.
- c) there is no new impervious surfacing, sealing, paving, soil compaction, or alteration of more than 75mm to the ground level (existing prior to works commencing) within 10m from the base of the tree or within the crown periphery (drip-line), whichever is the greater.
- d) there is no storage, application or deposition of any chemical or substance that could cause harm to the tree.

Below ground level

- e) there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

2.3.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75mm of the depth to which the excavations were originally formed or is not extended horizontally more than 75mm from their original circumference/location.



- 2.3.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

## **Controlled Activities – Protected Trees**

- 2.3.2 In relation to trees listed in Appendix 4, the following activities shall be controlled activities:
  - 2.3.2.1 Removal, remedial work or pruning of a hazardous or dangerous tree provided that a hazard assessment of the tree has been done by an approved council arborist and the tree is deemed potential hazardous or dangerous.
  - 2.3.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network utility operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.
- 2.3.3 Under Rule 2.3.2 the Council shall restrict its discretion to consideration of:
  - 2.3.3.1 The condition and future useful life expectancy of the tree including any potential hazard to persons or property.
  - 2.3.3.2 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
  - 2.3.3.3 Whether the tree is currently causing, or likely to cause, significant damage to buildings, services, property or heritage item/s, whether public or privately owned.

## **Restricted Discretionary Activities – Protected Trees**

- 2.3.4 In relation to trees listed in Appendix 4, the following activities shall be restricted discretionary activities:
  - 2.3.4.1 Any activity which does not comply with Rule 2.3.1.1., 2.3.1.2 or 2.3.1.3.
  - 2.3.4.2 Any activity which does not comply with Rule 2.3.1.4 in relation to any tree listed as a Category B tree in Appendix 4.
  - 2.3.4.3 Fixing of any structure or object to any part of a listed tree or any operation which could wound the bark or wood tissue of any part of the tree.

- 2.3.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network utility operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.
- 2.3.4.5 Destruction or removal of any tree listed as a Category B tree in Appendix 4.
- 2.3.5 Under Rule 2.3.4 the Council shall restrict its discretion to consideration of:
  - 2.3.5.1 Any adverse effects of the proposed activity on the values of the listed tree.
  - 2.3.5.2 For removal of a tree: the condition of the tree, including whether it poses a danger to people or property, or whether its condition is such that it is unable to be retained.
  - 2.3.5.3 The costs to the applicant of not allowing the proposed activity.
  - 2.3.5.4 Whether the applicant has the ability to undertake a complying development without the work detrimentally affecting the tree.
  - 2.3.5.5 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
  - 2.3.5.6 The effect of any building or structure on the visibility of the tree from a road or public place.
  - 2.3.5.7 Whether the tree is currently causing, or likely to cause, significant damage to buildings, services, property or heritage item/s, whether public or privately owned.
  - 2.3.5.8 Whether the tree or trees seriously restrict the development of the site for its zoned purposes.
  - 2.3.5.9 Whether the tree or trees inhibits the growth of more desirable specimens nearby.
  - 2.3.5.10 Whether the tree still retains the essential characteristics for which it was originally protected.
  - 2.3.5.11 Whether a tree to be removed is capable of being successfully transplanted.
  - 2.3.5.12 Any substitute or compensating tree planting proposed.
  - 2.3.5.13 Whether the particular species of tree has been legally declared a noxious plant.

## **Non-Complying Activities – Protected Trees**

- 2.3.6 In relation to trees listed in Appendix 4, the following activities shall be non-complying activities:

- 2.3.6.1 The use of the land immediately surrounding any tree listed as a Category A tree in Appendix 4, that does not meet the provisions of rule 3.2.1.4 above.
- 2.3.6.2 Destruction or removal of any tree listed as a Category A tree in Appendix 4.

## Notes

1. Refer to the listing of protected trees in Appendix 4 to obtain the category of each tree.
2. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
3. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality.

## 2.4 MAHINGA KAI

### Permitted Activities – Mahinga Kai

- 2.4.1 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 shall be a permitted activity, provided that it is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### Restricted Discretionary Activities – Mahinga Kai

- 2.4.2 Any activity which does not comply with Rule 2.4.1 shall be a restricted discretionary activity.
- 2.4.3 Under Rule 2.4.2, the Council shall restrict its discretion to consideration of:
  - 2.4.3.1 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local runanga.

## Cross-References

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
2.2	Plantations	1.1, 1.2, 1.4, 1.5, 2.1, 4.2	1.1.2, 1.2.1 and 1.2.2, 1.4.1, 4.2.1,	1.1.4, 1.2.2 and 1.2.3  1.4.1 to 1.4.3, 1.4.6, 1.4.10, 1.4.13, 1.4.15, 1.4.18, 1.4.19, 1.4.21, 1.4.22, 1.4.25 to 1.4.28, 1.4.30 to 1.4.32, 4.2.1
2.3	Protected Trees	3.3	3.3.3	3.3.11 to 3.3.14
2.4	Mahinga Kai	3.3	3.3.1	3.3.2, 3.3.3(b) and 3.3.5

## Reasons for Rules

Rule 2 manages potential effects from amenity tree planting, shelterbelts, plantations and removal of protected trees. The District Plan has rules to manage these effects because they have effects which occur on other property or on other parts of the environment. They are not usually direct costs to the person planting the trees.

The rules allow amenity tree planting, shelterbelts and visual screening as permitted activities (no resource consent needed) in most parts of the Rural Zone, subject to conditions. The conditions relate to: shading on roads and adjoining properties; ensuring that planting positions protect the natural character of the edge of waterbodies protecting Wāhi Tapu and Mahinga Kai Sites, and Wāhi Tapu Management and Silent File Areas; avoiding wilding tree spread, and protecting landscape values in the High Country. Council will waive the resource consent processing fees for applications for amenity planting or shelterbelts under rules 2.1.10 or 2.1.11. The waiver includes the deposit and all additional costs up until the release of the Council's decision.

The rules allow plantations as a permitted activity (no resource consent needed) on the Plains, subject to similar conditions as those for shelterbelts, amenity planting and visual screening. On hill and high country (including the Port Hills) plantations require a resource consent. The consent is non-notified and does not need the written approval of affected parties, provided the plantation complies with standards and terms, designed to avoid effects on other people's property such as shading and wilding spread. In those cases, there is no need for the resource consent to be notified because there are no effects on other people. The effects which are permissible on other parts of the environment (such as landscape values and waterbodies) are already specified in the Plan policies, which have been through a public process. The Council and the resource consent applicant work together to address the effects which are listed as matters of discretion in Rule 2.2.3. These matters are specific to the individual sites, so are managed through a resource consent process, rather than as conditions by which activities are permitted.

With respect to the Summit Road Protection Area of the Port Hills, the rules do not encourage any tree planting, for amenity, shelter-belt or plantation purposes. This Protection Area is recognised for its high scenic values and views which may be lost through the planting of trees.

Resource consent is also required for new plantations on Wāhi Tapu and Mahinga Kai sites, and in Wāhi Taonga Management Areas and Silent File areas. The local rūnanga will be considered an affected party to allow for their input on how the rūnanga may be affected. For the Wāhi Taonga Management Areas which make up the Rakaia River Moa Hunter Site (C39a and C39(b)) the New Zealand Historic Places Trust Pouhere Taonga will also be considered an affected party as the site is an archaeological site.

Where a plantation does not comply with the standards and terms for a restricted discretionary activity, it is either a discretionary activity or a non-complying activity. In these cases, the Council may notify the resource consent application or seek written approval from affected parties, because the plantation may affect other people's property or be contrary to the policies in the Plan.

The one area in the District where plantations are not encouraged is in the area of Outstanding Landscape in the High Country. This area is valued as a tussock landscape with limited pasture improvement. The Plan policies are to manage this area as a pastoral landscape. The rules do provide for plantations in this area as a discretionary activity if they comprise indigenous species planted for landscape enhancement; or are plantations planted for soil conservation or to manage the spread of wilding trees or other exotic plant pests.

Rule 2.3 manages activities that could affect trees which are listed in Appendix 4 as having significant values. The rule allows these trees to have limited pruning as a permitted activity (no resource consent needed) and some limited works to occur close to listed trees. Removing the tree or activities that could adversely impact the tree for any other reason requires a resource consent. In this instance, the Plan policies recognise that trees may need to be removed in some cases, for example where they pose a danger to people or property.

An explanation of the tāngata whenua sites and areas is given in the reasons for the Earthworks Rules.

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## 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 SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities – Buildings and Sites of Significance to Tāngata Whenua

- 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 the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with the building is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm.
- 3.6.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 3.6.1.2, 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.
- 3.6.1.4 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 Sites of Significance to Tāngata Whenua**

- 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 rūnanga;
  - 3.6.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga.
  - 3.6.3.3 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 3.6.3.2, as advised by local rūnanga;
  - 3.6.3.4 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga;
  - 3.6.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 3.6.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 3.6.3.7 Any positive effects which may offset any adverse effects; and



- 3.6.3.8 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.

## 3.9 BUILDINGS AND ACCESS AND PARKING

### Permitted Activities – Buildings and Access and Parking

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

3.9.1.1 Any dwelling or other principal building:

- (a) Is erected on a site which has legal access to a formed and maintained legal road other than a road listed as a Strategic Road in Appendix 9; and
- (b) Does not have its only access to a legal formed road by crossing a railway line.

#### Notes:

*Any access to an allotment shall comply with Rule 4.5.1.*

*Any carparking for activities associated with the building shall comply with Rule 4.6.1-4.6.5.*

### Restricted Discretionary Activities – Buildings and Access to Parking

3.9.2 Any dwelling or other principal building which does not comply with Rule 3.9.1.1(a) shall be a restricted discretionary activity if it complies with the following standards and terms:

3.9.2.1 The site has legal access to a legal road (whether a Strategic Road or an unformed or unmaintained road) and that access is not obtained by crossing a railway line.

3.9.2.2 Under Rule 3.9.2.1, the Council shall restrict its discretion to all of the following matters:

For all Sites:

- (a) Whether the site can have legal access to a formed and maintained legal road other than a Strategic Road;

For Sites with Access on to Strategic Roads:

- (b) The design and location of the vehicle crossing;
- (c) The number and type of vehicles, pedestrian or stock using the access;
- (d) Any adverse effects, including cumulative effects, on traffic safety or flow on the Strategic Road;

For Sites with Access on to an Unformed or Unmaintained Legal Road

- (e) The party who will be responsible for any forming or maintaining of the road; consequential to

## Non-Complying Activities — Buildings and Access to Parking

- 3.9.3 Any activity which does not comply with Rule 3.9.1.1(b) or 3.9.2.1 shall be a non-complying activity.

## 3.10 BUILDINGS AND RESIDENTIAL DENSITY

### Permitted Activities — Buildings and Residential Density

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

- 3.10.1.1 The minimum land area required to erect any dwelling:

- (a) Complies with the minimum land area per dwelling shown in Table C3.1; and
- (b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.

**Table C3.1 — Minimum Land Area to Erect One Dwelling**

Area (on Planning Maps)	Legal Description	Land Area
<b>Existing Development Areas</b>		
1. Bealey Spur	Sec 1-31 Blk 1 Town of Bealey	800m <sup>2</sup> minimum
2. Edendale	Lots 7, 8, 10 and 11 DP 309872	0.5ha minimum and 0.6ha average. Maximum of 10 dwellings within this total land area.
	Lots 1-6 and 9 DP 309872 Lot 1 DP 78394 Lots 25-27 DP 60236 Lots 33-39 DP 60236 Lots 28 and 32 DP 60237 Lots 6-11 DP 56677 Lots 1 and 2 DP 79016 Lots 1-3 and 12-34 DP 56676	1ha minimum
	On any allotment created prior to 1 August 2002	0.5ha minimum
3. Yorktown	RS 6469	1ha minimum
4. Greendale	Lots 1-12 DP 83022	1ha minimum

<b>Area (on Planning Maps)</b>	<b>Legal Description</b>	<b>Land Area</b>
5. Johnsons Road	Lots 1-2 DP 67896 Lots 26-27 DP 35999 Lots 1-2 DP 76478 Lots 1-2 DP 68662 Lots 1-2 DP 71918 Lots 2-21 DP 51844 Lot 2 DP 69647	0.5ha minimum and 0.8ha minimum average
6. Jowers Road	Lots 1-18 DP 47759	0.5ha minimum and 0.8ha minimum average
7. Kingcraft Drive	Lot 12 DP 68384 Lots 1-2 DP 65969 Lots 1-3 DP 62576 Lots 8-11 DP 56097	1ha minimum
8. Raven Drive	Lots 1-13 DP 68384	1.3ha minimum and 1.9ha minimum average
9. Rocklands	Lots 4, 7, 8, 14-18 and 24 DP 62101 Lot 1 DP 76238 Lot 26 DP 78490 Lots 1-2 DP 68312 Lots 6, 9, 10-13 and 19 DP 78490 Lot 1 DP 79666	1ha minimum and 1.8ha minimum average
10. Devine Acres	Part RS 3646 and RS 8133	0.5ha minimum
11. Railway Corner	Lots 40-44 DP 336 Lot 1 and Pt Lot 2 DP 16210 RS 7260X and Sec 1 SO 20279	2000m <sup>2</sup> minimum
<b>In Other Areas</b>		
Port Hills Lower Slopes	–	40ha minimum
Port Hills Upper Slopes	–	100ha minimum
Inner Plains	–	4ha minimum
Outer Plains	–	20ha minimum
Malvern Hills	–	20ha minimum
High Country	–	120ha minimum

**The minimum average land areas for the Existing Development Areas at Johnsons Road, Raven Drive, and Rocklands are applied as mean average land areas.**

## Notes

Rule 3.10.1 does not apply to:

- The areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere - refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
- Papakāinga housing erected in accordance with Appendix 7.
- Additions to or replacement of any existing, lawfully established dwelling.
- Any building erected on a site for a temporary activity on the site which shall be 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 and which shall be removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.

For clustering of dwellings on small existing allotments, see Rule 3.10.3.

Dwelling is defined in Part D. It includes a house and a family flat up to 70m<sup>2</sup> in gross floor area.

3.10.2 Any dwelling on any allotment which does not comply with Rule 3.10.1 shall be a permitted activity if all of the following conditions are met:

3.10.2.1 The allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and

3.10.2.2 The allotment has been bought, sold or created by subdivision within the ten years immediately preceding notification of the Rural Volume of the Proposed District Plan (that is on or after 12 September 1991 but before 12 September 2001) or a subdivision consent has been granted to create the allotment within this timeframe and that subdivision consent has not lapsed.

## Restricted Discretionary Activities – Buildings and Residential Density

3.10.3 Erecting any dwelling on an allotment which does not comply with Rule 3.10.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

3.10.3.1 The site is not an area shown on the Planning Maps as the Inner Plains or an Existing Development Area;

3.10.3.2 The balance area of land required to comply with the minimum area under Rule 3.10.1, Table C3.1, is:

(a) Included within the area of land subject to the subdivision consent application; or

(b) Subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land;

3.10.3.3 The balance amount of land which is needed to comply with the residential density standard set out in Table C3.1 is not used to erect any dwelling or other principal building;

- 3.10.3.4 The balance area of land (which is to be kept free of any dwelling or other principal building), adjoins the allotment on which the dwelling is to be erected, along at least one property boundary;
- 3.10.3.5 The balance area of land needed to comply with the minimum area in Rule 3.10.1, Table C3.1 does not include:
- (a) the bed of any lake or river;
  - (b) any legal road;
  - (c) land which is vested in any form of reserve; or
  - (d) any other land which, due to its legal tenure, could not be used to erect a dwelling;

**Note:** Rule 3.10.3.5 does not apply to land which is identified within the District Plan as an area of Outstanding Landscape, and which (if not for the District Plan provisions) could have a dwelling erected on it. Nor does it apply to land held in pastoral lease.

- 3.10.3.6 The total number of dwellings which may be erected on any one allotment or on any separate but adjoining allotments under Rule 3.10.3 does not exceed:
- (a) Five in that area shown on the Planning Maps as the High Country;
  - (b) Three in other areas.

**Note:** Rule 3.10.3.6 applies to dwellings provided for under Rule 3.10.3, and not to dwellings erected on adjoining allotments which comply with the minimum allotment sizes under Rule 3.10.1

- 3.10.3.7 In the area shown on the Planning Maps as the High Country, any dwelling is erected within an existing building node.

3.10.4 Under Rule 3.10.3, the Council shall restrict its discretion to consideration of:

- 3.10.4.1 The allotment on which any dwelling is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;
- 3.10.4.2 The maximum number of small allotments which may be located together, under this rule;
- 3.10.4.3 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;
- 3.10.4.4 The shape of the balance land to be kept free of dwellings, to maintain the 'open space' around the dwellings;
- 3.10.4.5 Within the area shown on the Planning Maps as the Port Hills, whether the location of any allotment on which a dwelling may be erected is consistent with Rule 3.2.2.2;

- 3.10.4.6 Whether the mechanism proposed to ensure that the balance is free of any dwelling is appropriate, considering:
- (a) The applicant's understanding of the restrictions placed on future uses of the land;
  - (b) Whether the mechanism is a condition by which the consent is granted;
  - (c) Enforceability of the condition;
  - (d) Any administration costs to the Council; and
  - (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land;

**Note:** *In relation to Rule 3.10.4.6, see the Council's Pamphlet for more information on the types of mechanisms.*

- 3.10.4.7 Any positive effects which may offset any adverse effects.

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

- 3.10.5 Any activity which does not comply with Rule 3.10.3.7 shall be a discretionary activity if the following standard and term is met:
- 3.10.5.1 The maximum number of dwellings erected is 5 per property (excluding existing dwellings established prior to 1 August 2001).

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

- 3.10.6 Any activity which does not comply with Rules 3.10.3.1 to 3.10.3.5 shall be a non-complying activity unless the activity complies with Rule 3.10.2.
- 3.10.7 Any activity which does not comply with Rule 3.10.5 shall be a non-complying activity.
- 3.10.8 Any activity which does not comply with Rule 3.10.2 shall be a non-complying activity unless it complies with Rule 3.10.3 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).
- Papakāinga 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 removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.
  - 3.15.1.5 The building is being relocated within or between schools.

**Note:** *Relocated building is defined in Part D of the Plan. It does not include a new building designed or intended to be used on the site but which is erected off-site and transported to the site in whole or parts.*

### Controlled Activities — Relocated Buildings

- 3.15.2 Erecting any relocated building on a site which does not comply with Rule 3.15.1 shall be a controlled activity.
- 3.15.3 Any resource consent application made under Rule 3.15.2 shall not be notified and shall not require the written approval of affected parties.
- 3.15.4 Under Rule 3.15.2, the Council shall reserve control over all of the following matters:
- 3.15.4.1 The time period within which the building will have its new foundations laid or covered;

- 3.15.4.2 The time period to repair any damage to the exterior of the building;
- 3.15.4.3 The standards to which the exterior of the building will be finished and the time period for completing this work;
- 3.15.4.4 Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond;
- 3.15.4.5 Any monitoring conditions.

## 3.16 HERITAGE BUILDINGS

### Permitted Activities – Heritage Buildings

- 3.16.1 The maintenance of any building structure or site which is listed in Appendix 3 shall be a permitted activity. For the purposes of this rule the term “maintenance” means:
  - 3.16.1.1 Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
  - 3.16.1.2 The replacement of any materials which form part of the original heritage values of the buildings, structure, or site, provided that these materials are of the same or similar appearance and character as the original material;
  - 3.16.1.3 Any repainting of existing painted surfaces;
  - 3.16.1.4 Any cleaning or washing of external heritage features provided this does not involve the use of abrasive materials or techniques, such as sandblasting.

### Restricted Discretionary Activities: Heritage Buildings

- 3.16.2 Any addition to, or alteration or modification of, any building or any part of any building which is listed in Appendix 3 as a Heritage Building shall be a restricted discretionary activity.
- 3.16.3 Under Rule 3.16.2, the Council shall restrict its discretion to consideration of:
  - 3.16.3.1 The heritage value(s) of the listed building, and the extent to which it has already been modified by additions or alterations;
  - 3.16.3.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the building;
  - 3.16.3.3 Any positive effects of the additions, alterations or modifications on the heritage values of the building, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the building for ongoing use; and any proposal to provide public access to the heritage building;
  - 3.16.3.4 The costs to the applicant or owner of not allowing the modifications, additions or alterations to the building;

- 3.16.3.5 Any alternative options which may better maintain the heritage values of the building and the relative costs of the alternatives;
- 3.16.3.6 Any other works the applicant has undertaken or proposes to undertake to maintain or enhance heritage values on the site or elsewhere in the District and the appropriateness of such works as a mitigation measure; and
- 3.16.3.7 Any monitoring or review conditions.

### Discretionary Activities – Heritage Buildings

- 3.16.4 Any demolition or removal of any building or part of any building which is listed in Appendix 3 (except any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3) as a Heritage Building shall be a discretionary activity.

### Non-Complying Activities – Heritage Buildings

- 3.16.5 Any demolition or removal of any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3 shall be a non-complying activity.

### Cross-References

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
3.1	Natural Hazards	3.1	3.1.1 and 3.1.2	3.1.2 to 3.1.5
3.2	Outstanding Landscape Areas	1.4, 3.4	1.4.1 3.4.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30.  3.4.1 to 3.4.3 and 3.4.5.
3.4	Rural Character	3.4	3.4.2	3.4.1 to 3.4.6
3.5	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.2 to 1.1.3
3.6	Sites of Significance to Tāngata Whenua	3.3	3.3.1	3.3.2, 3.3.3, 3.3.5 and 3.3.9

Rule Numbers	Topic	Part B, Section	Objectives	Policies
3.7	West Melton Airfield and Hororata Domain – Height Restrictions	2.1	2.1.1 and 2.1.3	2.1.17
3.8	Christchurch International Airport – Noise Insulation	2.1	2.1.3	2.1.20
3.9	Access and Parking	2.1	2.1.1	2.1.2 to 2.1.4, 2.1.6 to 2.1.8 and 2.1.16
3.10	Residential Density	1.1, 1.4, 3.4, 4.1	1.1.1, 1.4.1, 3.4.1 and 3.4.2 4.1.1 and 4.1.2,	1.1.8, 1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4 4.1.1 to 4.1.7
3.11	Site Coverage	1.3, 1.4, 3.4	1.3.1, 1.4.1 3.4.1 and 3.4.2	1.3.1, 1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4.
3.12	Building Height	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.5
3.13	Building Position	1.3, 1.4, 2.1, 3.1, 3.4	1.3.1, 1.3.2, 1.4.1, 2.1.1 and 2.1.2, 3.1.1, 3.4.1 and 3.4.2	1.3.2 and 1.3.4 to 1.3.8. 1.4.13 2.1.3, 2.1.4, 2.1.6 and 2.1.14 3.1.2 and 3.1.5, 3.4.3, 3.4.15 and 3.4.16
3.14	Night Lighting	3.4	3.4.1	3.4.9 and 3.4.10
3.15	Relocated Buildings	3.4	3.4.1 and 3.4.2	3.4.17
3.16	Heritage Buildings	3.3	3.3.2	3.3.7 to 3.3.9

## Reasons for Rules

Rule 3 manages the effects of buildings on adjoining property and other parts of the environment. District Plan rules are necessary to address these effects because they are not addressed in other legislation, and do not usually affect the people who own or occupy the building. Therefore, they are not matters people tend to consider when buying or erecting a building.

The rules manage the effects of buildings on: adjoining properties and surrounding land uses; roads; waterbodies; landscapes and rural character; natural hazards; and cultural and heritage values. Rule 3 has the following structure: areas where buildings have special rules (Rules 3.1 to 3.8); rules that apply to certain types of buildings which are erected anywhere in the Rural zone (Rules 3.15 and 3.16); and rules that apply to any building which is erected in any part of the Rural zone (Rules 3.9 to 3.14). Rule 3 does not apply to structures which do not fall within the definition of buildings (see Part D). Utility structures and other structures are managed under Rule 5.

Rule 3.1 identifies areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are

met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rule 3.2 addresses buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The area defined as Outstanding Natural Landscape on the Port Hills excludes some areas at the base of the hills where existing and intensive built development has occurred. With the exception of these limited areas, any residential development on the Port Hills requires resource consent where density is reduced below 40ha on the Lower Slopes (below the 60m and 160m contours) and 100ha on the Upper Slopes (above the 160m contour). The purpose of establishing these relatively stringent thresholds for residential density is to trigger resource consents for the siting and design of houses to reduce potential adverse visual effects, whilst recognising that there may be some sites within the Port Hills where a dwelling could be erected with only minor visual effects. The more liberal density standard for the Lower Slopes is however intended to enable some development to locate in this area.

In addition a Visual Amenity Landscape has been identified on the very lowest slopes of the Port Hills, involving the land generally located between the 20m and 60m contours. While the area remains within the Outstanding Natural Landscape, due to the extent of existing and consented development, the density controls on this area are set at 4ha. This area is limited in extent, but is an important boundary between the plains and the Port Hills and is characterised by high amenity and aesthetic values. Due to the pressure for closer subdivision and residential development and the prominence of the landscape it is appropriate that dwellings be subject to assessment in relation to matters concerning location, design and appearance.

The Plan provisions aim to protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001.

Rule 3.4 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the 'rural character' of these areas.

Rule 3.5 manages activities on contaminated land, where there is a likelihood that people will come into contact with the land. Consequently, the rule applies to erecting dwellings and buildings associated with recreational or educational facilities. Rule 9 has corresponding rules for activities on contaminated land. The rule does not prevent these activities from occurring if the applicant can demonstrate that: there is no risk of harm to people from coming into contact with contaminated land; the facilities and associated activities are designed so that people will not come into contact with contaminated land; any mitigation measures do not impact on the wider environment; or the contaminated land is removed. Contaminated land is defined in Part D. Please note – the Council records, on LIMs, those sites which it recommends be tested for contaminated land due to past land uses. This recommendation does not mean the site is contaminated (see Part B, Section 1.1).

Rule 3.6 manages the effects of erecting buildings in Silent File and Wāhi Taonga Management Areas, and on Wāhi Taonga and Mahinga Kai Sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local rūnanga. The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

In the Wāhi Taonga Management Area which comprises the Rakaia River Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga is also considered to be an affected party as the area is an archaeological site.

Rule 3.7 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airfield and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of the height restrictions is a non-complying activity. The approach paths need to be clear of obstacles to ensure aircraft can take off or land safely. The height restrictions are shown in Appendix 19. They are drafted to accommodate the current use of the existing runways at both airfields. Height restrictions affect the range of land uses able to occur on surrounding properties. Therefore, any further restrictions on building height to accommodate further use of these airfields, would need to be considered alongside any proposal to increase use of either airfield.

Rule 3.8 requires certain buildings used for noise-sensitive activities which are within the 55 dBA Ldn Air noise contour lines shown on the planning maps, to be adequately insulated against aircraft noise in accordance with Appendix 20.

Rules 3.9 to 3.13 manage the effects on adjoining property or other parts of the environment of erecting any building in the Rural zone. Some areas are exempt from these rules. They are existing development proposals which have been approved by plan changes in the past and are either fully or partially developed. The Council must recognise these plan changes where the development has proceeded, under section 85 of the RMA. The areas are only exempt from the rules if they proceed in accordance with rules from the original plan change.

Rule 3.10 sets the maximum residential density standards for houses (dwellings) in each part of the Rural zone. Dwelling is defined in Part D of the Plan. Part B, Section 4.1 explains how the density figures are derived and the reasons for controlling residential density in rural areas. Compliance with the Residential density standards may be achieved in one of two ways:

- (a) By erecting a dwelling on an allotment which is as large or larger than the minimum area specified in Table C3.1; or



- (b) By erecting a dwelling on a smaller allotment and using a mechanism to keep the balance land around the allotment free of dwellings or other principal buildings.

The reason for having the two options is to ensure more efficient use of land, by not forcing people to buy or sell more land than they want to when erecting a house, while still managing overall residential density in the Rural zone. A resource consent is required for the second option. The reason is so the Council can ensure that the proposal to retain the balance of land as 'open space' is legally enforceable. The second option is not available in the Inner Plains area. The reason for this is because residential density in this area is higher such that each house requires an allotment of 4 hectares to avoid adverse effects on adjoining properties, and to avoid creating new villages due to the potential number of houses on small allotments which could be created at a residential density of 1 house per 4 hectares. Creating new villages is contrary to the Plan's policies for residential growth. For this same reason Rule 3.10.3.6 limits the number of houses which can be clustered together. The numbers and conditions reflect current residential patterns in the Rural area. The Council has a pamphlet called "Building a House in the Rural Area", which provides more information on how to use these rules.

Rule 3.11 manages the effects of site coverage. This term refers to the area of any allotment which may be covered in buildings. The reason for the rule is to maintain the predominance of vegetation cover in the Rural zone. This is 'vital' to distinguishing rural areas from townships. The rule applies to allotments rather than to properties, so that if part of a property is sold, buildings will still comply with the site coverage rules. The site coverage rules relate to property size, to allow efficient use of small properties in the Rural zone.

The rule contains exemptions for buildings which do not have built in floors, as such buildings are characteristic of the Rural zone. There is an exemption for existing intensive livestock farms, because most farms will not comply with the site coverage rule. There are a limited number of these properties, so the potential for cumulative effects on residential density is limited. The Plan also exempts papakāinga housing because such housing is unlikely to be able to comply. Provision for papakāinga housing on Māori land is part of the Council's duties under section 6(e) of the Act (see Part B, Sections 3.3 and 4.1). Papakāinga housing may occur, under the Plan, on Māori land at Taumutu, therefore the cumulative effects of this exemption on overall residential density is likely to be minor. An exception is provided for schools recognising the nature and extent of existing activities on school sites.

Rule 3.12 manages building height in the Rural zone. The Plan restricts building height as it is considered that multi-storeyed buildings are not 'in keeping' with the character of the Rural zone. The Plan also has a policy to avoid multi-stored buildings in the western part of the District, as this area contains more known active faultlines and epicentres for earthquakes. The rule allows greater heights for buildings which are not occupied by people, because some tall structures are typically part of the rural area. Dwellings are accordingly restricted to 8m and other buildings to 12m in height, except that grain silos are allowed to a maximum height of 25m given their limited distribution and functional requirements.

Rule 3.13 manages the position of buildings in relation to property boundaries, road boundaries, railway crossings, lakes and waterbodies (excluding aquifers), and existing intensive farming activities. The reasons for the rules are to:

- manage the effects of: shading adjoining properties; road works and the cleaning of waterbodies; and to allow maintenance strips for the trimming of hedges, road works and the cleaning of waterbodies;
- manage such potential effects as road traffic noise, safety from vehicles leaving the carriageway and amenity issues;
- maintain good visibility at railway crossings;
- maintain the natural character of the edge of lakes and rivers;
- maintain the panoramic views of the Upper Waimakariri Basin along SH 73; and

- reduce the potential for reverse sensitivity effects on existing intensive farming activities.

The setback distances for property boundaries relate to property size so as to allow efficient use of smaller properties in the Rural zone. Buildings may be allowed within the setback distances specified in these rules, as a discretionary activity, except for Rule 3.13.1.2 – railway crossings; Rule 3.13.1.4 - waterbodies; and Rule 3.13.1.5 – intensive farming activities. Encroaching the line of sight at railway crossings is a non-complying activity, because of the importance of maintaining lines of sight for traffic safety. Similarly, dwellings and other principal buildings are discouraged from locating closer to the edge of waterbodies than the setback distances, due to the effects of larger buildings and their associated activities on the natural character of the margins of these waterbodies. The setbacks also provide some minimal protection from inundation and bank instability. Reverse sensitivity effects can arise when a new activity establishes near an existing intensive farm and then the occupiers of the new ‘sensitive activity’ complain about the effects generated by the existing land use. Establishing a new ‘sensitive activity’ within 300m of an existing intensive farming activity is a restricted discretionary activity to allow an assessment of potential reverse sensitivity effects on the intensive farm. The 300m buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rule 3.15 manages relocated buildings. Relocated buildings are defined in Part D of the Plan. Such buildings are allowed, but a resource consent is required for dwelling and principal buildings which are relocated from one property to another. The reason is to ensure that the relocated building is set on foundations and any damage to the exterior of the building is repaired within a specified timeframe. The Plan rules do not prevent people relocating buildings per se. The Council recognises that the design of buildings is a matter of personal taste and relocated buildings can be an efficient alternative to a new building. If a developer wishes to exclude relocated buildings from a proposed subdivision, there are mechanisms to do this outside of the District Plan.

Rule 3.16 manages additions or alterations to, and demolition of, heritage buildings. The buildings listed in Appendix 3 have been identified as having important heritage values. The process and criteria used to identify these buildings is outlined in Part B, Section 3.3. General cleaning and maintenance of these buildings does not require a resource consent but additions and alterations do. The Plan policies allow for additions and alterations because they are necessary to provide for their ongoing use and retention. The policies require alterations and additions to maintain or enhance the heritage values of the building, where practical. Demolition of heritage buildings also requires a resource consent. Demolition is not encouraged, although Plan policies recognise that in some cases there may be no practical, affordable alternative. The demolition or removal of listed buildings having a Category 1 classification under the HPT system is a non-complying activity recognising the particular significance of such buildings.

## 4 RURAL RULES — ROADING

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### Notes

1. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
2. 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.

### 4.1 ROADING AND OUTSTANDING LANDSCAPE AREAS

#### Permitted Activities — Roading and Outstanding Landscape Areas

- 4.1.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following condition is met:
- 4.1.1.1 In any area shown on the Planning Maps as an Outstanding Landscape Area, the formation of any road, road bridge or vehicular accessway is limited to the maintenance of existing roads, road bridges or vehicular accessways.

#### Restricted Discretionary Activities — Roading and Outstanding Landscape Areas

- 4.1.2 Any activity which does not comply with Rule 4.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 4.1.2.1 The road is located in an area shown on the Planning Maps as:
- (a) An Outstanding Landscape Area in the High Country or the Malvern Hills; or
  - (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and
- 4.1.2.2 The road or utility structure has to be located within that area.
- 4.1.3 Under Rule 4.1.2, the Council shall restrict its discretion to consideration of:
- 4.1.3.1 Whether the site is appropriate for the road and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;
- 4.1.3.2 The design and siting of the road and any associated infrastructure;
- 4.1.3.3 The need for, species and design of any planting in the road reserve, to mitigate visual effects;
- 4.1.3.4 Whether there are alternative sites available for the road and the costs, technical feasibility and practicality of using an alternative site;

- 4.1.3.5 Any positive effects which may offset any adverse effects;
- 4.1.3.6 Any monitoring or review conditions.

## 4.2 ROADING AND NATURAL HAZARDS

### Permitted Activities – Roading and Natural Hazards

- 4.2.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
  - 4.2.1.1 In any area shown on the Planning Maps as a flood area, the road is not located in a position or designed in such a way that it would:
    - (a) Divert, or displace, any floodwater; or
    - (b) Impede or alter the existing drainage pattern of the land.

### Restricted Discretionary Activities – Roading and Natural Hazards

- 4.2.2 Any activity which does not comply with Rule 4.2.1 shall be a restricted discretionary activity.
- 4.2.3 Under Rule 4.2.2, the Council shall restrict its discretion to consideration of:
  - 4.2.3.1 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
  - 4.2.3.2 Any effects of the road or any proposed flood mitigation measures, on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
  - 4.2.3.3 Any other effects of any proposed mitigation measures on the environment;
  - 4.2.3.4 Any positive effects which may offset any adverse effects;
  - 4.2.3.5 Any monitoring or review conditions.

## 4.3 ROADING AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities – Roading and Sites of Significance to Tāngata Whenua

- 4.3.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
  - 4.3.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any road is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

- 4.3.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any road is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 4.3.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.1.2, any road does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and.
- 4.3.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### **Restricted Discretionary Activities – Roading and Sites of Significance to Tāngata Whenua**

- 4.3.2 Any activity which does not comply with Rule 4.3.1 shall be a restricted discretionary activity.
- 4.3.3 Under Rule 4.3.2, the Council shall restrict its discretion to the following matters:
  - 4.3.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
  - 4.3.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 4.3.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.3.2, as advised by local rūnanga; or
  - 4.3.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
  - 4.3.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 4.3.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 4.3.3.7 Any positive effects which may offset any adverse effects; and
  - 4.3.3.8 Any monitoring or review conditions.

## 4.4 ROADING AND ENGINEERING STANDARDS

### Permitted Activities – Roading and Engineering Standards

- 4.4.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following standards are met:
- 4.4.1.1 Any part of any road does not have a gradient greater than:
    - (a) 1:6 vertical; or
    - (b) 1:20 horizontal.
  - 4.4.1.2 Any road is formed to the relevant design and formation standards set out in Appendix 10;
  - 4.4.1.3 Any road complies with the relevant separation and sight distance standards set out in Appendix 10;

### Discretionary Activities – Roading and Engineering Standards

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

**Notes:** *The Council may refer to its Engineering Design Standards 2001 to assist it in deciding on any resource consent application made under Rule 4.4.2, where appropriate.*

*Rule 4.4.1.1 does not apply to private roads, vehicular accessways or tracks which are intended to be used solely by persons owning or occupying the property. The rules do apply to vehicular accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent).*

## 4.5 VEHICULAR ACCESSWAYS AND VEHICLE CROSSINGS

### Permitted Activities – Vehicular Accessways and Vehicle Crossings

- 4.5.1 The forming, installation, upgrading, maintenance or replacement of any vehicular accessway or vehicle crossing shall be a permitted activity if the following conditions are met:
- 4.5.1.1 Any part of any vehicular accessway does not have a gradient greater than:
    - (a) 1:6 vertical; or
    - (b) 1:20 horizontal.

**Note:** *Rule 4.5.1.1 does not apply to private roads, vehicular accessways or tracks which are intended to be used solely by persons owning or occupying the property. The rules do apply to vehicular accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent).*

- 4.5.1.2 Any vehicular accessway is formed to the relevant design and formation standards set out in Appendix 10.
- 4.5.1.3 Any vehicular accessway complies with the relevant separation and sight distance standards set out in Appendix 10.
- 4.5.1.4 Any vehicle crossing:
- (a) Is designed and sited to comply with the relevant standards set out in Appendix 10;
  - (b) Which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary;
- 4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is sealed:
- (a) For the full length of the vehicle crossing; and
  - (b) From the edge of the carriageway to the property entrance or for the first 10 metres, whichever is lesser.
- 4.5.1.6 Any access to a State Highway complies with the following:
- (a) No legal access is available from another road;
  - (b) The traffic generated through the access to the State Highway is less than 100 ecm/d
  - (c) The vehicular accessway or vehicle crossing complies with the performance criteria given in Table 5A regarding sight distance, clearance from intersections, and minimum access spacing;
  - (d) For an access with less than 30 ecm/d, the vehicle crossing is designed and formed in accordance with Diagram E10.B1;
  - (e) For an access with between 30 and 100 ecm/d, the vehicle crossing and localised road widening is designed and formed in accordance with Diagram E10.B2;
  - (f) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway is not required.

## **Restricted Discretionary Activities – Vehicular Accessways and Vehicle Crossings**

- 4.5.2 Any activity which does not comply with Rule 4.5.1.6 shall be a restricted discretionary activity.
- 4.5.3 The Council shall restrict its discretion to the exercise of:
- 4.5.3.1 Whether the crossing is sufficiently removed from an intersection having regard to traffic volumes on the roads, and any other factors that will prevent conflict and confusion between vehicles turning at the crossing or at the intersection;
  - 4.5.3.2 The adequacy of available sight distances having regard to the 85th percentile speed of vehicles on the road;

- 4.5.3.3 Whether there is a need to separate entry and exit in order to reduce potential traffic confusion and conflict;
- 4.5.3.4 Whether the physical form of the road will minimise the adverse effects of access (e.g. whether the road offers good visibility; whether a solid median barrier will stop unsafe right turns or a flush median will assist right hand turns etc);
- 4.5.3.5 Whether particular mitigation measures such as a deceleration or turning lane are required due to speed or volume of vehicles on the road;
- 4.5.3.6 The design of the crossing to enable traffic exiting the site to safely enter the traffic stream;
- 4.5.3.7 The location and design of the crossing in relation to pedestrian and cycle safety;
- 4.5.3.8 Whether there is adequate queuing and parking space on site so that vehicles do not queue over vehicle crossings or on the State Highway;
- 4.5.3.9 Any potential cumulative effects of extra access points on the function of the State Highway;
- 4.5.3.10 Any relevant accident history of the State Highway in the vicinity of the site; and
- 4.5.3.11 The particular traffic characteristics of an existing or proposed activity, including expected traffic generation, types of vehicles etc.

### **Discretionary Activities – Vehicular Accessways and Vehicle Crossings**

- 4.5.4 Any activity which does not comply with Rules 4.5.1.1, 4.5.1.2, 4.5.1.3 or 4.5.1.4(a) shall be a discretionary activity.

**Note:** The Council may refer to its Engineering Design Standards 2001 to assist it in deciding on any resource consent application made under Rule 4.5.4, where appropriate.

### **Non-Complying Activities – Vehicular Accessways and Vehicle Crossings**

- 4.5.5 Any activity which does not comply with Rule 4.5.1.4(b) and 4.5.1.5 shall be a non-complying activity.

## **4.6 VEHICLE PARKING AND CYCLE PARKING**

### **Permitted Activities – Vehicle Parking and Cycle Parking**

- 4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.
  - 4.6.1.1 Two carparking spaces on-site for each dwelling without a family flat; or



- 4.6.1.2 Three carparking spaces on-site for each dwelling with a family flat; and
- 4.6.1.3 For any other activity, all carparking required by the Plan and loading spaces either on-site or on land adjoining the site and not on the road reserve; and
- 4.6.1.4 All carparking and loading spaces formed to the relevant standard set out in Appendix 10.
- 4.6.2 Any activity which provides sufficient space on-site for any cycle parking shall be a permitted activity.
- 4.6.3 Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if:
  - 4.6.3.1 The site is used for any activity other than residential activities; or
  - 4.6.3.2 The site has access to a strategic road or an arterial road listed in Appendix 9.
- 4.6.4 Any activity on a site which has a vehicle manoeuvring area that is designed to comply with the relevant standards set out in Appendix 10 shall be a permitted activity.
- 4.6.5 Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met:
  - 4.6.5.1 One disabled carpark is provided with the first 10 carparking spaces; and one additional disabled carpark space for every additional 50 carparking spaces provided.
  - 4.6.5.2 The disabled carparks are:
    - (a) Located as close to the entrance to the building or the site of the activity as practical;
    - (b) Sited on a level surface; and
    - (c) Clearly marked as being for mobility-impaired persons.

## **Restricted Discretionary Activities – Vehicle Parking and Cycle Parking**

- 4.6.6 Any activity which does not comply with Rule 4.6.5 shall be a restricted discretionary activity.
- 4.6.7 The Council shall restrict its discretion to consideration of:
  - 4.6.7.1 Whether there is likely to be a demand for parking for mobility impaired person, given the nature of the activities being undertaken on the site;
  - 4.6.7.2 Whether there is any need to provide specific carparking for mobility impaired persons on the site, given the size and nature of the carparking area and the location of the activity relative to the carparking area; and
  - 4.6.7.3 Any monitoring or review conditions.

## Discretionary Activities – Vehicle Parking and Cycle Parking

4.6.8 Any activity which does not comply with any of Rules 4.6.1, 4.6.2 or 4.6.4 shall be a discretionary activity.

## Non-Complying Activities – Vehicle Parking and Cycle Parking

4.6.9 Any activity which does not comply with Rule 4.6.3 shall be a non-complying activity.

### Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
4.1	Outstanding Landscape Areas	1.4, 2.1, 2.2, 3.1	1.4.1, 2.1.2, 2.2.2, 3.1.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30, 2.1.14, 2.2.5, 3.1.6 to 3.1.8.
4.2	Natural Hazards	2.1, 2.2, 3.1, 4.2	2.1.2, 2.2.2, 3.1.1 and 3.1.2, 4.2.1 and 4.2.2	2.1.3, 2.2.8, 3.1.3 and 3.1.5 to 3.1.8, 4.2.1
4.3	Sites of Significance to Tāngata Whenua	2.1, 2.2, 3.3	2.1.2, 2.2.2, 3.3.1,	2.1.14, 2.2.5, 3.3.2, 3.3.3, 3.3.5 and 3.3.9
4.5, 4.6	Vehicular Accessways and Vehicle Crossings. Vehicle Parking and Cycle Parking	2.1, 2.2	2.1.1, 2.2.2	2.1.1 to 2.1.8, 2.2.10

### Reasons for Rules

Rule 4 manages effects of establishing, maintaining, upgrading and replacing roads, vehicular accessways, vehicle crossings and carparking on the environment. The rules should be read in conjunction with Rule 1 – Earthworks.

Many activities involving roads are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply (see section 10 of the Act). However, it is still necessary to have rules in the Plan, because:

- Often roads are formed by private developers as part of subdivisions or land uses. The roads then vest in the Council. The plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of roads which will vest in the Council;
- It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

Rule 4 follows a similar format to Rules 1, 2 and 3. Activities involving roads require resource consents: in areas of Outstanding Landscape, areas prone to flooding, and Silent File and Wāhi Taonga Management areas; and on Wāhi Taonga and Mahinga Kai sites. New roads in areas of outstanding landscape require a resource consent, and the applicant will need to demonstrate that the activity needs to locate in these areas, given that they have not been greatly modified by roading. While the Plan recognises that some roads may be necessary in these areas, they are not encouraged.

Rules 4.4 to 4.6 set standards for the forming of roads, vehicular accessways, vehicle crossings and carparking as permitted activities. These standards are based on the Council's Engineering Design Standards 2001. The rules apply irrespective of whether roads, vehicular accessways and vehicle crossings are formed when land is subdivided or when buildings are erected.

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## Discretionary and Non-Complying Activities – Natural Hazards – Utility Buildings

- 5.9.4 Erecting any new utility building on any site in the areas listed in Rules 5.9.1.1 to 5.9.1.3 shall be a non-complying activity.

## 5.10 UTILITY STRUCTURES AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities – Utility Structures and Sites of Significance to Tāngata Whenua

- 5.10.1 Any utility structure which meets the following conditions shall be a permitted activity:
- 5.10.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any utility structure 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;
  - 5.10.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any utility structure is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
  - 5.10.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.10.1.2, the construction, maintenance, upgrading or replacement of any utility structure does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and
  - 5.10.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation associated with the construction, maintenance, upgrading or replacement of any utility structure is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### Restricted Discretionary Activities – Utility Structures and Sites of Significance to Tāngata Whenua

- 5.10.2 Any activity which does not comply with Rules 5.10.1.1 to 5.10.1.4 shall be a restricted discretionary activity.
- 5.10.3 Under Rule 5.10.2, the Council shall restrict its discretion to the following matters:
- 5.10.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local rūnanga;
  - 5.10.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object,

remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;

- 5.10.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.10.3.2, as advised by local rūnanga; or
- 5.10.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
- 5.10.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 5.10.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 5.10.3.7 Any positive effects which may offset any adverse effects; and
- 5.10.3.8 Any monitoring or review conditions.

## 5.11 UTILITY BUILDINGS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities —Utility Buildings and Sites of Significance to Tāngata Whenua

- 5.11.1 Any utility building which meets the following conditions shall be a permitted activity:
  - 5.11.1.1 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.
  - 5.11.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with the building is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
  - 5.11.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.11.1.2, the construction, maintenance, upgrading or replacement of 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.
  - 5.11.1.4 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 associated with the construction, maintenance, upgrading or replacement of any utility building is limited to that undertaken by tāngata whenua for mahinga kai purposes.<sup>PC26</sup>

## Restricted Discretionary Activities – Utility Buildings and Sites of Significance to Tāngata Whenua

- 5.11.2 Any activity which does not comply with Rules 5.11.1.1 to 5.11.1.4 shall be a restricted discretionary activity
- 5.11.3 Under Rule 5.11.2, the Council shall restrict its discretion to all of the following matters:
- 5.11.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local rūnanga;
  - 5.11.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 5.11.3.3 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.11.3.2, as advised by local rūnanga;
  - 5.11.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
  - 5.11.3.5 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 5.11.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 5.11.3.7 Any positive effects which may offset any adverse effects; and
  - 5.11.3.8 Any monitoring or review conditions.

## 5.12 WEST MELTON AIRFIELD AND HORORATA DOMAIN – UTILITY STRUCTURES AND UTILITY BUILDINGS

### Permitted Activities – West Melton Airfield and Hororata Domain – Utility Structures and Utility Buildings

- 5.12.1 Any utility structure or utility building which 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 shall be a permitted activity.

**Note:** For Rule 5.12.1, 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 – West Melton Airfield and Hororata Domain – Utility Structures and Utility Buildings

- 5.12.2 Any utility structure or utility building or any part of any utility structure or utility building which does not comply with Rule 5.12.1 shall be a non-complying activity.

## 5.13 WATERBODY SETBACKS – UTILITY STRUCTURES AND UTILITY BUILDINGS

### Permitted Activities – Waterbody Setbacks – Utility Buildings

- 5.13.1 Any utility building which is setback at least the following minimum distances shall be a permitted activity:

- 5.13.1.1 100m from the edge of any lake or any wetland which adjoins a lake; and
- 5.13.1.2 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
- 5.13.1.3 10m from the edge of any other waterbody (excluding aquifers).

**Note:** For the purposes of Rule 5.13.1.1 the edge of any lake is measured from:

- The edge of the space of water which the lake 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 cover at its maximum permitted operating level.

For the purposes of Rules 5.13.1.2 to 5.13.1.3 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.”.

### Permitted Activities – Waterbody Setbacks – Utility Structures

- 5.13.2 Any utility structure which is setback at least the following minimum distances shall be a permitted activity:

- 5.13.2.1 100m from the edge of any lake; and
- 5.13.2.2 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
- 5.13.2.3 10m from the edge of any other waterbody (excluding aquifers).

### Discretionary Activities – Waterbody Setbacks – Utility Structures and Utility Buildings

- 5.13.3 Any activity which does not comply with Rule 5.13.1 or 5.13.2 shall be a discretionary activity.



## 5.14 HERITAGE BUILDINGS – UTILITY STRUCTURES AND UTILITY BUILDINGS

### Permitted Activities – Heritage Buildings – Utility Structures and Utility Buildings

- 5.14.1 The maintenance of any utility building, structure or site listed in Appendix 3 shall be a permitted activity. For the purposes of this rule the term “maintenance” means:
- 5.14.1.1 Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
  - 5.14.1.2 The replacement of any materials which form part of the original heritage values of the buildings, structure, or site, provided that these materials are of the same or similar appearance and character as the original material;
  - 5.14.1.3 Any repainting of existing painted surfaces;
  - 5.14.1.4 Any cleaning or washing of external heritage features provided this does not involve the use of abrasive materials or techniques, such as sandblasting.

### Restricted Discretionary Activities – Heritage Buildings – Utility Structures

- 5.14.2 Any activity which involves the addition to, or alteration or modification of, any utility structure listed in Appendix 3 as a Heritage Site shall be a restricted discretionary activity.
- 5.14.3 Under Rule 5.14.2, the Council shall restrict its discretion to consideration of:
- 5.14.3.1 The heritage value(s) of the utility structure or site, and the extent to which it has already been modified by additions or alterations;
  - 5.14.3.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the utility structure or site;
  - 5.14.3.3 Any positive effects of the additions, alterations or modifications on the heritage values of the utility structure or site, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the utility structure for ongoing use; and any proposal to provide public access to the heritage utility structure or site.

### Discretionary and Non-Complying Activities – Heritage Buildings – Utility Structures

- 5.14.4 Any demolition or removal of any utility structure or site, or any part of any utility structure or site, listed in Appendix 3 (except as set out under Rule 5.14.5 below) shall be a discretionary activity.

- 5.14.5 Any demolition or destruction of any utility structure or part of any utility structure which is listed as “Category 1” under the HPT Category in Appendix 3 as a Heritage Building shall be a non-complying activity.

### **Restricted Discretionary Activities – Heritage Buildings – Utility Buildings**

- 5.14.6 Any activity which involves the addition to, or alteration or modification of, any building or any part of any building listed in Appendix 3 as a Heritage Building shall be a restricted discretionary activity.
- 5.14.7 Under Rule 5.14.6, the Council shall restrict its discretion to consideration of:
- 5.14.7.1 The heritage value(s) of the listed building, and the extent to which it has already been modified by additions or alterations;
  - 5.14.7.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the building;
  - 5.14.7.3 Any positive effects of the additions, alterations or modifications on the heritage values of the building, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the building for ongoing use; and any proposal to provide public access to the heritage building;
  - 5.14.7.4 The costs to the applicant or owner of not allowing the modifications, additions or alterations to the building;
  - 5.14.7.5 Any alternative options which may better maintain the heritage values of the building and the relative costs of the alternatives;
  - 5.14.7.6 Any other works the applicant has undertaken or proposes to undertake to maintain or enhance heritage values on the site or elsewhere in the District and the appropriateness of such works as a mitigation measure; and
  - 5.14.7.7 Any monitoring or review conditions.

### **Discretionary Activities – Heritage Buildings – Utility Buildings**

- 5.14.8 Any demolition or removal of any building or part of any utility building which is listed in Appendix 3 (except any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3) as a Heritage Building shall be a discretionary activity.

### **Non-Complying Activities – Heritage Buildings – Utility Buildings**

- 5.14.9 Any demolition or removal of any building or part of any utility building which is listed as “Category 1” under the HPT Category in Appendix 3 shall be a non-complying activity.

## Reasons for Rules

Rule 5 manages effects of establishing, maintaining, upgrading and replacing utilities on the environment. These rules should be read in conjunction with Rule 1 – Earthworks and Rule 3 – Buildings. Cross references to other relevant rules are provided at the beginning of Rule 5.

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 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 Outstanding Landscapes of the Port Hills, Malvern Hills and High Country are equally managed with only very small buildings and utility structures provided for as a permitted activity. In relation to the Port Hills, utilities are a restricted discretionary activity in the Lower Slopes and Visual Amenity Landscape of the Port Hills and a non-complying activity in the Upper Slopes. This is consistent with the rule structure for dwellings, where the Plan provides for a more lenient housing density within the Lower Slopes and Visual Amenity Landscape to encourage development to this part of the Port Hills and to maintain relatively open Upper slopes.

Rules 5.1 and 5.1.2.2 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.

Rule 5.1.2.3 concerns 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 potentially significant visual impacts, with particular eye to siting.

Rule 5.1.2.4 discourages on-site energy production (subject to specific exemptions) because of potential adverse effects of such activities.

Rule 5.1.2.5 provides for small scale drainage and irrigation facilities which would not raise issues in respect to wider effects on water resources, where resource consent would be required.

Rule 5.1.2.6 provides for reticulated gas supplies of a scale appropriate to a residential or light industrial environment.

Rule 5.2 relates to utility buildings. It allows them to be of the same scale as rural buildings generally, but also recognising that functionally they do not require as much surrounding space as dwellings. Setback and recession plane requirements are set in place to protect neighbours and any adjoining Living zone from the bulk of utility buildings.

Rule 5.3 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 500 mm.

Rule 5.4 requires that telecommunication or radiocommunication towers (but not their attached fittings) be finished in colours which are (or weather to) shades which will not be visually obtrusive in the rural environment.

Rules 5.5 and 5.6 address buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The Port Hills landscape has been subject to greater levels of residential development than the areas in the Malvern Hills and High Country. The Plan provisions allows for low level residential development on the Port Hills but controls the siting, design and density of houses and other buildings, to reduce potential visual effects. The Plan provisions protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001. The Plan policies recognise that there may be some sites within the Upper Slopes where a dwelling could be erected with only minor visual effects. However, most residential development is encouraged to locate in the Lower Slopes. Erecting houses in the Upper Slopes is therefore a non-complying activity and may be publicly notified. Erecting houses within the Lower Slopes is a restricted discretionary activity, to manage design and siting, and resource consent applications are non-notified.

Rule 5.7 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the 'rural character' of these areas.

Rules 5.8 and 5.9 identify areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rules 5.10 and 5.11 manage the effects of erecting buildings in Silent File Areas and Wāhi Taonga Management Areas, and on Wāhi Taonga Sites and Mahinga Kai sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally or archaeologically important site, as advised by local rūnanga and in the case of the Wāhi Taonga Management Area which comprises the Rakaia River Mouth Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga.

The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

Rule 5.12 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airfield and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of the height restrictions is a non-complying activity. The approach paths need to be clear of obstacles to ensure aircraft can take off or land safely. The height restrictions are shown in Appendix 19. They are drafted to accommodate the current use of the existing runways at both airfields. Height restrictions affect the range of land uses able to occur on surrounding properties. Therefore, any further restrictions on building height to accommodate further use of these airfields, would need to be considered alongside any proposal to increase use of either airfield.

Rule 5.14 manages additions or alterations to, and demolition of, heritage buildings. The buildings listed in Appendix 3 have been identified as having important heritage values. The process and criteria used to identify these buildings is outlined in Part B, Section 3.3. General cleaning and maintenance of these buildings does not require a resource consent but additions and alterations do. The Plan policies allow for additions and alterations because they are necessary to provide for their ongoing use and retention. The policies require alterations and additions to maintain or enhance the heritage values of the building, where practical. Demolition of heritage buildings also requires a resource consent. Demolition is not encouraged, although Plan policies recognise that in some cases there may be no practical, affordable alternative. The demolition or removal of listed buildings having a Category 1 classification under the HPT system is a non-complying activity recognising the particular significance of such buildings.

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- 6.4.3.4 Any positive effects which may offset any adverse effects; and
- 6.4.3.5 Any monitoring or review conditions.

## 6.5 OUTDOOR SIGNS AND WATERBODIES

### Permitted Activities — Outdoor Signs and Waterbodies

- 6.5.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:
  - 6.5.1.1 Except for navigational signs erected by an authority that has powers under the Local Government Act 1974, the sign is positioned no closer than:
    - (a) 20 metres from any waterbody listed in Appendix 17, other than a lake; or
    - (b) 10 metres from any other waterbody (excluding aquifers).

**Note:** Rule 6.5.1 does not apply to navigational signs erected by an authority that has powers under the Local Government Act 1974.

### Discretionary Activities — Outdoor Signs and Waterbodies

- 6.5.2 Erecting any outdoor sign which does not comply with Rule 6.5.1 shall be a discretionary activity.

## 6.6 OUTDOOR SIGNS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

### Permitted Activities — Outdoor Signs and Sites of Significance to Tāngata Whenua

- 6.6.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:
  - 6.6.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any sign 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;
  - 6.6.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any sign is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
  - 6.6.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 6.6.1.2, any earthworks associated with any sign does not involve the

disturbance, damage to, removal or destruction of, any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and

- 6.6.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation associated with a sign is limited to that undertaken by tāngata whenua for mahinga kai purposes.

## **Restricted Discretionary Activities – Outdoor Signs and Sites of Significance to Tāngata Whenua**

- 6.6.2 Any sign which does not comply with Rule 6.6.1 shall be a restricted discretionary activity.
- 6.6.3 Under Rule 6.6.2, the Council shall restrict its discretion to consideration of:
- 6.6.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
  - 6.6.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;
  - 6.6.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 6.6.3.2, as advised by local rūnanga;
  - 6.6.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
  - 6.6.3.5 Other than in Wāhi Taonga Management Area C39(a), any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 6.6.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 6.6.3.7 Any positive effects which may offset any adverse effects; and
  - 6.6.3.8 Any monitoring or review conditions.

## **6.7 OUTDOOR SIGNS AND HEALTH AND SAFETY**

### **Permitted Activities – Outdoor Signs and Health and Safety**

- 6.7.1 Any outdoor sign required for operational warning, health or safety reasons shall be a permitted activity provided that the sign advertises only the name of the organisation carrying out the work or activity, and any relevant safety information.



## 6.8 OUTDOOR NOTICEBOARDS

### Permitted Activities — Outdoor Noticeboards

6.8.1 Erecting any outdoor noticeboard shall be a permitted activity if all of the following conditions are met:

6.8.1.1 The noticeboard is located on a site where the speed limit on the adjoining road is 70km/hr or less;

6.8.1.2 The noticeboard is not located within a road reserve;

6.8.1.3 Any paper or other detachable notice is protected from wind or rain damage;

6.8.1.4 There is provision for motor vehicles to stop and park off the road alongside the noticeboard;

6.8.1.5 Only one noticeboard on any site; and

6.8.1.6 The noticeboard has the following dimensions:

(a) A maximum height of 2m; and

(b) A maximum area of 6m<sup>2</sup>.

**Note:** Rules 6.8.1.5 and 6.8.1.6 do not apply to noticeboards on reserves within the meaning of the Reserves Act 1977 and placed there by the administering authority.

### Discretionary Activities — Outdoor Noticeboards

6.8.2 Erecting any outdoor noticeboard which does not comply with Rule 6.8.1 shall be a discretionary activity.

### Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
6.2	Outstanding Natural Landscape and Port Hills Areas	1.4	1.4.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.16, 1.4.17, 1.4.20, 1.4.21, 1.4.23, 1.4.24, 1.4.29 and 1.4.30
6.3	West Melton Observatory Lighting Area	3.4	3.4.1 and 3.4.2	3.4.10 and 3.4.18 to 3.4.20
6.4	Strategic Roads	2.1	2.1.1	2.1.3, 2.1.5 and 2.1.6
6.5	Waterbodies	1.4	1.4.2	1.4.5 to 1.4.7
6.6	Sites of Significance to Tāngata Whenua	3.3	3.3.1	3.3.2 and 3.3.3.
6.8	Outdoor Noticeboards	1.3, 1.4	1.3.2, 1.4.1	1.3.5, 1.3.6 and 1.3.8, 1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.16, 1.4.17, 1.4.20, 1.4.21, 1.4.23, 1.4.24, 1.4.29 and 1.4.30

## Reasons for Rules

Rule 6 manages the effects of noticeboards or outdoor signs. The rules distinguish between noticeboards – where information is posted for people to stop and read, and signs – which are intended to convey messages as people pass by.

Signs and noticeboards are essential tools to enable people and communities to exchange information and for businesses to operate. Incorrectly sited or designed signs and noticeboards can have adverse effects on traffic safety and on the amenity values of the rural area. Rules are needed to manage these effects because they are not effects on the person who installed the noticeboard or sign, so are unlikely to be considered by that person.

The rules for noticeboards focus on:

- Ensuring that any noticeboard is positioned so that vehicles can move on to and off the road safely, when they stop to read a noticeboard;
- Ensuring that papers and other documents are fixed to the board so they do not blow away or get damaged by weather; and
- Limiting the number of noticeboards per site.

Noticeboards are not intended to 'grab' the attention of passers-by, so design related rules are considered unnecessary, and signs identifying properties or conveying information (including those on reserves) are subject to more liberal controls recognising that they have little potential impact on amenities or traffic safety.

The rules allow signs as permitted activities (no resource consent needed) provided a number of conditions are complied with. The conditions address the following effects:

- (a) Effects on traffic safety if signs are inappropriately positioned or designed, are too hard to read quickly, or obstruct the view of motorists or pedestrians. Special rules apply to signs along Strategic Roads because the paramount function of these roads is to carry 'through' traffic safely and efficiently;
- (b) Nuisance effects on adjoining property owners from signs which have flashing lights, sound effects or moving parts;
- (c) Effects on the character of the rural area if a proliferation of large signs occur. A proliferation of signage tends to be associated with urban or metropolitan areas, especially business areas.
- (d) Effects on special areas (for example, Areas of Outstanding Landscape and tāngata whenua sites) from large bold signage, or effects on the West Melton Observatory from illuminated signage.

A resource consent may be applied for to erect a sign or noticeboard which does not comply with the rules for permitted activities.

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## Non-Complying Activities — Subdivision in Flood Areas

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

**Note:** The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m<sup>2</sup>, including any extensions or alterations, seaward of the Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities.

## 10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

### Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.
- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:
- 10.3.2.1 All the matters listed in Rule 10.1.2;
  - 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.
  - 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;
  - 10.3.2.4 Any positive effects which may offset any adverse effects; and
  - 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

## 10.4 SUBDIVISION ON SPECIAL SITES (ECOLOGICAL, HISTORIC HERITAGE AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA)

### Restricted Discretionary Activities — Subdivision on Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua)

- 10.4.1 Any subdivision of land which does not comply with Rule 10.1.1.3 shall be a restricted discretionary activity.

- 10.4.2 Under Rule 10.4.1, the Council shall restrict its discretion to consideration of:
- 10.4.2.1 All of the matters listed in Rule 10.1.2.
- 10.4.2.2 Any adverse effects of the proposed subdivision on:
- (a) Any historic heritage or archaeological site; or
  - (b) Any protected tree; or
  - (c) Any Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local rūnanga, and in the case of Wāhi Taonga Management Area C39(a), the New Zealand Historic Places Trust Pouhere Taonga; or
  - (d) Any significant ecological site;
- 10.4.2.3 The effects considered under Rule 10.4.2.2 include (but are not limited to):
- (a) Any effects of the subdivision of land on the site, including separating the site between allotments which may result in separate ownership or management of the site;
  - (b) Effects on access to the site and whether any restrictions on access to the site may detract from or help maintain its values;
  - (c) Alternative boundaries for the new allotments created which may better maintain the site in one allotment or access to the site, if access is desirable;
  - (d) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that activities involving historic heritage or archaeological sites, trees or buildings, or Sites of Significance to Tāngata Whenua listed in Appendix 5, may require a resource consent application under the Plan, or in the case of an archaeological site, an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga; and
  - (e) Any positive effects which may offset any adverse effects.

## **10.5 SUBDIVISION – INTENSIVE LIVESTOCK PRODUCTION ACTIVITIES**

### **Restricted Discretionary Activities – Subdivision – Intensive Livestock Production Activities**

- 10.5.1 Any subdivision of land which does not comply with Rule 10.1.1.4 shall be a restricted discretionary activity.
- 10.5.2 Under Rule 10.5.1 the Council shall restrict its discretion to consideration of:
- 10.5.2.1 All the matters listed in Rule 10.1.2;
- 10.5.2.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;

- 10.5.2.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.
- 10.5.2.4 Any positive effects which may offset any adverse effects; and
- 10.5.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

## 10.6 SUBDIVISION AND ROAD ACCESS

### Restricted Discretionary Activities — Subdivision and Road Access

- 10.6.1 Any subdivision of land which does not comply with Rule 10.1.1.5 shall be a restricted discretionary activity if all of the following standards and terms are met:
  - 10.6.1.1 The allotment has access to a legal road (whether formed or unformed) and
  - 10.6.1.2 that access is not obtained by crossing a railway line.
- 10.6.2 Under Rule 10.6.1, the Council shall restrict its discretion to consideration of:
  - 10.6.2.1 All of the matters listed in Rule 10.1.2.
  - 10.6.2.2 For access on to a Strategic Road:
    - (a) Whether the access will adversely affect the safe and efficient flow of traffic along the Strategic Road, including any cumulative effects of multiple vehicular accessways on to the Strategic Road;
    - (b) The number, design and siting of any vehicular accessway(s) or vehicle crossing(s);
    - (c) Whether the allotments created can be designed to have legal access on to an alternative legal road other than a Strategic Road, and whether this alternative access is appropriate;
  - 10.6.2.3 For access on to an unformed or unmaintained road:
    - (a) The standard to which the road, any vehicular accessway, and any vehicle crossing will be formed or maintained to serve the activity;
    - (b) Who will be responsible for forming or maintaining the road to the required standard; and
  - 10.6.2.4 Any positive effects which may offset any adverse effects.

### Non-Complying Activities — Subdivision and Road Access

- 10.6.3 Any subdivision of land which does not comply with Rule 10.6.1 shall be a non-complying activity.

## 10.7 SUBDIVISION – VEHICULAR ACCESSWAYS AND VEHICLE CROSSINGS

### Discretionary Activities – Subdivision – Vehicular Accessways and Vehicle Crossings

- 10.7.1 Any subdivision of land which does not comply with Rule 10.1.1.6 shall be a discretionary activity.

## 10.8 SUBDIVISION AND TRANSMISSION LINES

### Restricted Discretionary Activities – Subdivision and Transmission Lines

- 10.8.1 Any subdivision of land which does not comply with Rule 10.1.1.8 shall be a restricted discretionary activity.

- 10.8.2 The Council shall restrict the exercise of its discretion to the following matters:

- 10.8.2.1 Location of building platforms: the extent of separation between building platforms and existing lines, taking into account the requirements of the NZECP:34 (New Zealand Electrical Code of Practice for Electrical Safety Distance) or any subsequent code of practice.

- 10.8.2.2 Within 20 metres of the centreline of a transmission line:

- (a) Subdivision design: the degree to which the subdivision design, including the location of roads and reserves recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
- (b) Location of proposed vegetation and tree planting: the extent of separation between the location of proposed trees and existing lines, taking into account the likely mature height of the trees, and whether they have a potential to interfere with the lines.
- (c) Extent and mode of earthworks: whether appropriate safeguards are in place to avoid contact with or flashovers from the lines, and effects on the stability of support structures.

**Note:** Consultation with Transpower New Zealand Limited is advised when considering construction within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP:34 contains restrictions on the location of structures and activities in relation to the lines.



## 10.9 SUBDIVISION AND ESPLANADE RESERVES OR STRIPS

### Restricted Discretionary Activities – Subdivision and Esplanade Reserves or Strips

- 10.9.1 Any subdivision of land creating allotments of less than 4 hectares which does not comply with Rule 10.1.1.9 in relation to land adjoining rivers and lakes listed in Appendix 17, or any other subdivision of land adjoining a lake with an area of 8 hectares or more, or a river with a bed of average width of 3 metres or more where the lake or river involved is not listed in Appendix 17 shall be a restricted discretionary activity.
- 10.9.2 The Council shall restrict its discretion to the following matters:
- 10.9.2.1 Whether a reserve or strip of lesser width than that set out in Appendix 17 is sufficient to protect the silent file areas or to protect conservation values, to enable public access, or to enable public recreational use.
  - 10.9.2.2 Whether the non-provision of public access to or along an esplanade reserve or strip adjoining a waterbody listed in Appendix 17 is necessary in order to ensure compatibility with conservation values, or whether the non provision of an access strip to an esplanade reserve or strip can be justified because of the availability of alternative access to the esplanade reserve or strip.
  - 10.9.2.3 Whether an esplanade strip is necessary to protect the natural character or silent file areas of land adjoining any river or lake other than those listed in Appendix 17. In such cases, there shall be no public access.
  - 10.9.2.4 The extent to which the “Criteria for Taking Land instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP will meet the needs of present and future generations.

## 10.10 SUBDIVISION OF LOTS SMALLER THAN THE MINIMUM SIZE

### Restricted Discretionary Activities – Subdivision of Lots Smaller than the Minimum Size

#### Note:

1. Rule 10.10 applies to the subdivision of land where the allotments created may have a dwelling erected on them. Rule 10.10 may also be used for the subdivision of an allotment(s) which contains a dwelling(s). It may be used to provide for alternative subdivision layouts (e.g. clustering) to those provided for under Rule 10.1.1.11.
2. People wishing to subdivide land under Rule 10.10.1 are strongly advised to read the Council’s pamphlet on subdividing land and erecting houses in the Rural Zone.

10.10.1 Any subdivision of land which does not comply with Rule 10.1.1.11 shall be a restricted discretionary activity if:

10.10.1.1 Any allotment created is located outside the area shown on the Planning Maps as the Inner Plains;

10.10.1.2 The balance area of land needed to comply with the minimum area in Rule 10.1.1.11, Table C10.1, does not include:

- (a) The bed of any lake or river;
- (b) Any legal road;
- (c) Land which is vested in any form of reserve; or
- (d) Any other land which, due to its legal tenure, could not be used to erect a dwelling;

**Note:** Rule 10.10.1.2 does not apply to land classified in the District Plan as an area of Outstanding Landscape which (if not for the District Plan provisions) could have had a dwelling erected on it. Nor does it apply to land held in pastoral lease.

10.10.1.3 The balance area of land required to comply with the minimum area under Rule 10.1.1.11, Table C10.1, adjoins the allotment on which a dwelling may be erected, along at least one property boundary;

10.10.1.4 The balance area of land required to comply with the minimum area under Rule 10.1.1.11, Table C10.1, is:

- (a) included within the area of land subject to the subdivision consent application, and is subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land; or
- (b) not included within the area of land subject to the subdivision consent application, and is subject to a Memorandum of Encumbrance or other mechanism to prevent the erection of any dwelling on that land.

10.10.2 Under Rule 10.10.1, the Council shall restrict its discretion to consideration of:

10.10.2.1 All the matters listed in Rule 10.1.2.

10.10.2.2 Whether any allotment on which a dwelling(s) is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;

10.10.2.3 The maximum number of small allotments which may be located together under this rule, having regard to Rule 3.10.3.6;

10.10.2.4 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;

10.10.2.5 The shape and location of the balance land to be kept free of dwellings;

10.10.2.6 Within the area shown on the Planning Maps as the Port Hills, the location of any allotment on which a dwelling may be erected, having regard to Rule 10.3.2.2;

10.10.2.7 For Rule 10.10.1.4, whether the mechanism proposed to ensure that the land is free of any dwelling is appropriate considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;
- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land; and

**Note:** In relation to Rule 10.10.2.7, see the Council's Pamphlet for more information on the types of mechanisms available.

10.10.2.8 Any positive effects which may offset any adverse effects.

## **Non-Complying Activities — Subdivision of Lots Smaller than the Minimum Size**

10.10.3 Any subdivision of land which does not comply with Rule 10.10.1 shall be a non-complying activity, unless it complies with Rule 10.11.

## **10.11 SUBDIVISION AND BOUNDARY ADJUSTMENTS**

### **Controlled Activities — Subdivision and Boundary Adjustments**

10.11.1 The subdivision of land by the altering of boundaries between allotments shall be a controlled activity provided all of the following standards and terms are met:

10.11.1.1 The allotments subject to the boundary adjustment shall adjoin one another.

10.11.1.2 There shall be no increase in the number of allotments created as a result of the boundary adjustment.

10.11.1.3 No allotment shall be created which is smaller than the smallest allotment existing prior to the boundary adjustment.

10.11.1.4 The boundary adjustment shall not result in any increase in the potential number of dwellings which may be erected on any allotment subject to the boundary adjustment, in compliance with Rule 3.10 than the number which could have been erected on that allotment prior to the boundary adjustment.

10.11.2 Any boundary adjustment which complies with Rule 10.11.1 shall not be notified and shall not require the written approval of affected parties.

10.11.3 The Consent Authority shall retain its control over all of the following matters:

10.11.3.1 All those matters listed in Rule 10.1.2.

10.11.3.2 The mechanism(s) which shall be used to ensure the boundary adjustment does not increase the potential number dwellings able to be erected on any allotment subject to the boundary adjustment.

## Non-Complying Activities – Subdivision and Boundary Adjustments

10.11.4 Any boundary adjustment which does not comply with Rule 10.11.1 shall be a non-complying activity, unless it complies with one of the rules for subdivision under Rules 10.1 to 10.10, in which case the activity shall be assessed under that rule.

### Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
10.2	Flood Areas	3.1	3.1.1	3.1.2 to 3.1.4, 3.1.8
10.3	Outstanding Landscape Areas	1.4	1.4.1	1.4.1 to 1.4.3, 1.4.5 to 1.4.32.
10.4	Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua	3.3	3.3.1 and 3.3.2	3.3.2 to 3.3.4, 3.3.7, 3.3.8
10.6	Road Access	2.1	2.1.1	2.1.3, 2.1.4
10.7	Vehicular Access and Vehicle Crossings	2.1	2.1.1	2.1.1, 2.1.2, 2.1.5 to 2.1.7
10.8	Transmission Lines	2.2	2.2.1 and 2.2.2	2.2.1 to 2.1.3
10.9	Esplanade Reserves or Strips	1.3, 2.3	1.3.2, 2.3.2	1.3.11, 2.3.5 and 2.3.6
10.10	Lots Smaller than the Minimum Size	4.1	4.1.1 to 4.1.3	4.1.1 to 4.1.7, 4.1.11 and 4.1.12

## Reasons for Rules

Rule 10 manages the subdivision of land. Subdivision has the meaning set out in section 218 of the RMA, and includes unit titles, cross leases and the leasing of any building or part of any building for a period of 35 years or more. District councils may control subdivision under the RMA (section 31(2)) and the subdivision of land requires a resource consent unless the activity is a permitted activity under the Plan (section 11).

Subdivision, per se, has few effects on the environment. However, subdivision is a precursor to other activities, particularly the erecting of dwellings. There is a popular expectation amongst New Zealanders that if they buy an allotment, they should be able to erect a house on it.

Any subdivision of land requires a resource consent under this Plan. The Plan manages subdivision for three reasons:

- To ensure that any allotment created is in an appropriate location, of an appropriate size and shape, and has appropriate legal access and connections to utilities, for its intended purpose;
- To ensure that any subdivision does not result in land uses which are non-complying with the Plan or which will affect adjoining properties due to the size of the allotment on which the activity is taking place being reduced.
- To ensure that where allotments are created that are not of a sufficient size to enable a house to be erected on the allotment, that an appropriate mechanism is used to alert prospective buyers of the allotment.

Rule 10.1 lists standards and terms by which a subdivision is a controlled activity. The minimum allotment size is the same as the minimum allotment size to erect a dwelling as a permitted activity, under Rule 3.10 of the Plan. There are matters that Council have reserved control over such as the need to ensure that any subdivision within any Greenfield area that is subject to a specific ODP policy or for which an approved ODP is contained in the District Plan, does not compromise the ability to achieve the future intensification of that area in accordance with the ODP. The rules provide for subdivisions which cannot comply with Rule 10.1, including subdivision of allotments smaller than the minimum size, as restricted discretionary activities or discretionary activities, where they comply with standards and terms.

Rule 10.1.1.4 The 300 metre buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rule 10.8 addresses the establishment of rural lots and building sites close to high voltage transmission lines. The rule requires subdivision within a 20 metre corridor parallel to such lines to be subject to a restricted discretionary activity application. This enables access to these lines for maintenance to be protected if necessary, and to ensure tree planting, building and earthworks, do not compromise the lines. It also enables matters of public safety and health to be addressed.

Rule 10.10 provides for dwellings on allotments smaller than the minimums stated in Rule 10.1.1.11, provided that the balance area of land needed to comply with the minimum is kept free of dwellings. This may be done using several methods, for example, by placing some form of Covenant over part of the land, or by placing a Consent Notice over the whole allotment, to prevent dwellings being erected. The land subject to these mechanisms may be farmed, forested or otherwise used, and can be bought or sold separately from the allotment on which the dwelling is erected, but it cannot have a dwelling erected on it. The reason for this rule is to allow people to erect houses on small allotments, while still maintaining low residential density in the Rural zone. Large minimum allotment sizes can result in inefficient land uses. For example,

where a person has to sell or buy more land than they want in order to reside in the rural area; or where a person buys a farm and requires the land but not the house. Large minimum allotment sizes can also be awkward if people wish to have the dwelling in separate ownership from the rest of the property, for business or family reasons.

The rule does not stipulate the method to be used to keep the balance area of land free of dwellings. Different methods may be appropriate in different cases. The rule does require the method be enforced as a condition on the subdivision or land use consent, if the land to be kept free of dwellings is part of the allotment which is to be subdivided. The Council retains its discretion to determine whether the method nominated by the applicant is appropriate. (For erecting dwellings on existing allotments, see Rule 3.10)

Rule 10.10 also provides for a dwelling on a smaller allotment in the situation where land which is not subject to the subdivision is used to comply with the minimum allotment areas in Rule 10.1.1.11. This may occur where a person owns several allotments, or has purchased the 'development rights' from an adjoining property owner, and uses his/her land to provide the additional minimum area needed. In these cases, the application needs to include a Memorandum of Encumbrance or some other mechanism to be registered on the other allotment as part of the resource consent application. It will be a condition of the subdivision or land use consent that the proposal be carried out in accordance with the application which is submitted (including the proposed Memorandum of Encumbrance or other mechanism).

The Council has produced a pamphlet to help explain how these rules work and their advantages and disadvantages. Applicants are strongly advised to refer to it.

Rule 10.10 does not apply to land within the area shown on the Planning Maps as the Inner Plains. The minimum allotment size in the Inner Plains is 4 hectares. Council believes that residential density in this area is sufficiently high to require each dwelling to have 4 hectares. It is considered that 4 hectares allotments will avoid adverse effects of on-site effluent treatment and disposal on groundwater, and potential 'reverse sensitivity' effects on rural activities; and maintain a rural character that is distinct from townships (see Part B, Section 4.1).

Rule 10.11 provides for boundary adjustments. The boundary adjustment provisions provide an easier mechanism for the boundaries to be adjusted between existing allotments. Boundary adjustments can be useful for rationalising boundaries or selling properties between neighbours. They can also be useful for rationalising the allotments within one property, for example, to reorganise a property made up of several small allotments into a more rational mix that better suits the management of the property.

Rule 10.1.1.11 which controls the minimum allotment size for subdivision does not apply to boundary adjustments, which provides some flexibility to adjust existing small allotments. It also provides an alternative mechanism to Rule 10.10 for creating smaller allotments for house sites. However, Rule 10.11.1.4 manages residential density, by ensuring the boundary adjustment provisions cannot be used to create additional potential house sites at a higher level than those allowed by the residential density rules set out in Rule 3.10.

## G

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

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

**Ground Level:** means the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new building work on the land has commenced.

## H

**Hazardous Substance:** includes, but is not limited to, any substance as defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

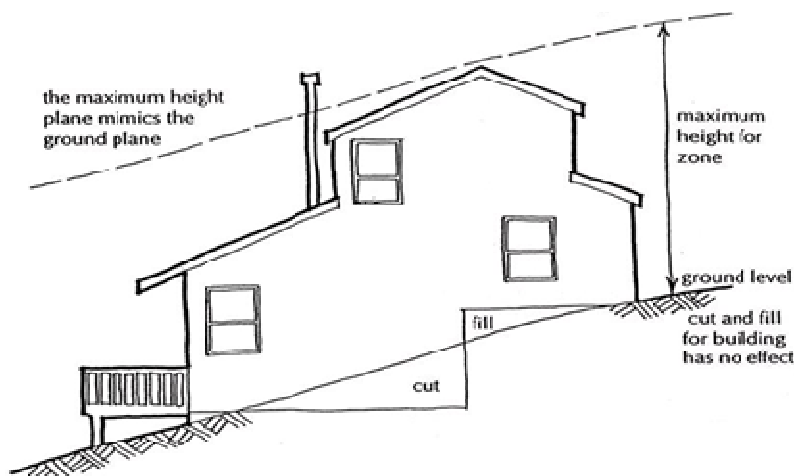
**Heavy Vehicle:** includes any vehicle which requires a heavy licence under section 5 of the Transport Act 1986.

**Height:** in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point. For the purpose of calculating height, no account shall be taken of any:

- a) radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m;
- b) chimney or flue not exceeding 1m in any direction;
- c) utility, or part of a utility with a horizontal dimension less than 25mm.

### Measurement of Height:

For the purpose of applying rules in relation to height, the following diagram may be used to understand the application of the height rule.



**Heritage Site:** includes any land, building or structure which is listed in Appendix 3 and shown on the Planning Maps as a Heritage Site.

**Historic Heritage:** means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- archaeological;
- architectural;
- cultural;
- historic;
- scientific;
- technological; and

Includes -

- historic sites, structures, places, and areas; and
- archaeological sites; and
- sites of significance to Maori, including wahi tapu; and
- surroundings associated with the natural and physical resources.

**Home Based Occupation:** includes the use of a site for an occupation, business, trade or profession in conjunction with the use of the same site for residential activities. A home based occupation is undertaken by a person(s) permanently residing on the site.

## I

**Improved Pasture:** for the purposes of administering indigenous vegetation clearance rules, improved pasture shall mean an area of pasture where species composition and growth has clearly been modified and enhanced for livestock grazing by cultivation or topdressing and over-sowing, or direct drilling, and where exotic pasture species are obvious.

**Indigenous Vegetation:** means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes, coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained. Where structural dominance occurs (that is indigenous species are the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.

**Industrial Activity:** means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying and, for the avoidance of doubt, harvesting activities associated with plantation forestry. For the purpose of this definition an industrial activity is further defined as being either of the following:

- (a) Rural Based Industrial Activity: means an Industrial Activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticultural and crops.

Or

- (b) Other Industrial Activity: means any other Industrial Activity that is not defined as a "rural based industrial activity", as stated in (a) above.

**Intensive Livestock Production:** means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.



**Intensive Piggery Production Activity:** means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.

**Internal Boundary:** refer to Boundary.

## K

**Kitchen:** means a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).

## L

**Landscaping:** means the visual improvement of an area through designed live planting of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil, or for any earthworks associated with the erection or installation of a wall.

**L<sub>10</sub>:** means the L<sub>10</sub> exceedence level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time.

**L<sub>dn</sub>:** means the night-weighted sound exposure level in dBA also known as the day-night average sound level and is the 24 hour sound exposure level in A-frequency weighted decibels (dBA) for any day with the period 10pm to 7am the following day “weighted” by 10 dB to represent the increased sensitivity of people to night-time noise. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Leq:** means the sound level averaged over a stated time period which has the same A-weighted sound energy as the time varying sound during the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**L<sub>max</sub>:** means the maximum A-frequency-weighted sound level (dBA L<sub>max</sub>) during a stated time period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

## M

**Mahinga Kai Site:** includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site.

**Maintenance of gardens lawns or public spaces:** means carrying out any work to preserve existing gardens lawns or public spaces in such a way that the scale or nature of the gardens lawns or public spaces is not altered. Maintenance does not include upgrading.

**Mineral Exploration:** has the same meaning as “exploration” in section 2 of the Crown Minerals Act 1991. \*

**Mining:** has the same meaning as “mining” in section 2 of the Crown Minerals Act 1991. \*

**Monofill:** includes any landfill which is designed and operated to accept waste associated with one specific activity or form of waste. For the purposes of Rule 7, a monofill does not include any landfill which accepts hazardous waste.

**Municipal Solid Waste:** includes any non-hazardous solid waste from any combination of domestic, commercial and industrial sources. It includes putrescible waste, garden waste, uncontaminated biosolids and contaminated waste, which is sterilised to a standard acceptable to the Department of Health and does not contain liquids or hazardous waste, which exceeds 200ml/tonne or 200g/tonne.

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

## N

**Noise Limit:** means a  $L_{10}$ ,  $L_{eq}$  or  $L_{max}$  sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Noticeboard:** means a structure or device upon which notices can be placed or attached that are of community interest, which are intended to be read by people stopping at the notice board rather than by people passing by.

**Notional Boundary:** means a line 20m from any side of a rural dwelling or the legal boundary where this is closer to the dwelling.

## P

**Papakāinga Housing:** includes any dwelling(s) which is/are erected to house members of the same family, iwi, or hapū, on land which is owned by that family, iwi or hapū, and which is Māori Land within the meaning of section 129 of Te Ture Whenua Māori Act 1993.

**Place of Assembly:** means any land and building used for the gathering of people. It does not include residential accommodation or places of work.

**Planned Upgrade:** includes any work proposed to form, install or upgrade any road or other utility which has been planned to occur within the next ten years, as outlined by the Council in the relevant Asset Management Plan(s) or Long Term Financial Strategy.

**Plantation:** means any group of trees planted on a site, whether intended to be harvested or not, which are not classed as amenity plantings or shelterbelts. A plantation may be comprised of exotic or indigenous species and includes but is not limited to: forests planted for harvesting, conservation, soil erosion control, pest or wilding tree management, and any orchard, vineyard or woodlot which does not comply with the definition of amenity planting (refer also to the definition of Existing Plantation).

**Point Strip:** includes any strip of land adjoining the site or end of a road, the purpose of which is to prevent access on to that road from land adjoining the point strip. A point strip is usually (though not exclusively) up to 200mm wide.

**Principal Building:** includes any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include dwellings but do not include accessory buildings.

**Project:** for the purposes of Rule 1.6.1.2 the term 'project' includes all earthworks undertaken as part of, or ancillary to, the completion of one particular activity or the construction of a building or structure, whether that activity is undertaken or the building or structure is erected continuously or in discrete stages; and whether it occurs in one continuous area or is separated by land which

is not disturbed by earthworks. For example: the construction of one road or track from destination (a) to (b) is one project, as is the disturbance of soil for geological surveys over an identified area.

**Property:** means all land and adjoining land which is held in the same ownership. Any property may include one or more allotments.

**Protected Tree:** A tree, or group of trees, which are of significance to the District, and are listed in the protected tree schedule in Appendix 4.

These trees fall into two categories:

- Category A: trees that have particularly high levels of significance, particularly in relation to heritage values, and score the highest under the evaluation criteria.
- Category B: trees that have significance for a range of reasons (e.g. landscape importance) and have a moderate score under the evaluation criteria.

**Public Waste Collection Service:** includes any waste collection service which is provided by the local authority using its functions under the Local Government Act 1974.

## Q

**Quarrying:** means to take, mine or extract, by whatever means, any rock, stone, gravel or sand existing in its natural state in land. "To quarry" has a corresponding meaning.

## R

**Radio Communication Facility:** means any transmitting or receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.

**Recreational Facility:** includes the use of any land, building or structure for the primary purpose of recreation or entertainment and is available to be used by members of more than one household.

**Relocated Building:** includes any building that is removed from one site and relocated to another part, in whole or in parts. It does not include any new building which is designed for, or intended to be used on, a site but which is erected off the site, in whole or in parts, and transported to the site.

**Research:** means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.

**Residential Activity:** means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site;
- b) Emergency and/or refuge accommodation; and

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

‘Residential Activity’ does not include:

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

**Restaurant:** means any land and/or buildings, or part thereof, principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.

**Riparian Margin/Zone:** means a strip of land of varying width adjacent to a waterbody which contributes to the natural functioning, quality and character of the waterbody, the land margin and their ecosystems.

**Road:** shall have the same meaning as defined in section 315 of the Local Government Act 1974.  
\*

**Road Boundary:** refer to Boundary.

**Rural Activity:** means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and intensive livestock production and may include a dwelling.

## S

**Sensitive Activity:** includes any of the following activities:

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

**Shelterbelt:** means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are not more than 20 metres in width and are not clearfelled.

**Sign:** means any device or structure which is visible from any public space and is used to: identify any site or building; provide directions or information; or promote any goods, services, or forthcoming event. A sign does not include any window display, or any property identification signs which do not exceed an area of 0.2 m<sup>2</sup> (including rural numbers, dairy company numbers, street/road numbers/property names and property owners’ names as long as those property identifiers do not include any advertising).

**Silent File Area:** includes any land which is listed in Appendix 5 and shown on the Planning Maps as a Silent File Area.

**Site:** means the area of land on which a particular activity and any ancillary activities by a person or party is/are undertaken. A site may include all or part of an allotment or more than one allotment.

**Skyline:** means the ridgelines of any mountain or hill range which are silhouetted against the sky and which do not have any other hill, mountain or mountain range behind them which is higher.

**Solid Waste:** includes any material which is discarded as being spent, useless, worthless or in excess, and includes liquid or gaseous waste which is stored in containers.

**Sound Exposure Level:** means the A-frequency weighted sound pressure level in decibels which, if maintained consistent for a period of 1 second, would convey the same sound energy to the receiver as is actually received from a given noise event over the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

**Strategic Road:** includes any road listed as a Strategic Road in Appendix 9.

**Stopbank:** means an embankment constructed for the purpose of preventing flooding.

## **T**

**Telecommunication Facility:** means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication Line:** means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor and also includes any part of a line.

**Temporary Accommodation:** includes the use of any building to house any person for residential or business activities on a site, while construction work is being undertaken on the site. Temporary accommodation may be provided for persons occupying the site on which construction work occurs, or for persons involved in the construction work.

**Temporary Activity:** includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period. For the purposes of Rule 9.13.1 a temporary activity includes casual labour for seasonal activities such as crop harvesting and fruit picking, provided it complies with one of the time periods specified in the definition.

**Temporary Military Training Activity:** means a temporary activity undertaken for Defence Purposes. Defence purposes are those in accordance with the Defence Act 1990.

**Temporary Sign:** includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation which is associated with an activity on the site on which the sign is erected. Any temporary sign shall not be erected on any site for more than 6 consecutive calendar months at any one time, or for a collective period of more than 6 calendar months in any 2 year period, except that for any

school or church anniversary event the temporary sign maybe displayed for up to 12 months prior to the event.

**Tertiary Education:** means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreation facilities.

**Township:** means an urban area within the District which comprises a Living zone(s) and in some situations a Business zone(s).

**Track:** includes any area of land which is formed or used principally to traverse an area of land by foot, animals, or vehicles and includes any road. A track will have access to or from a formed road, or access to another track which has access to a formed road. For the purpose of Rule 1 - Earthworks, a track does not include multiple strips of land of up to 10m in width which run parallel to one another over a site.

**Travelling Accommodation:** means the use of land and buildings for temporary residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guests. Travelling accommodation includes motels, holiday flats, motor and tourist lodges and hostels.

**Tree:** any woody perennial plant, typically with a distinct trunk (but sometimes multi-stemmed) from which branches arise well above ground level to form a crown, and includes other plants of a tree-like size and form such as palms.

## U

**Utility:** includes the use of any structure, building or land for any of the following purposes:

- (a) The generation, transformation and/or transmission of energy;
- (b) Any telecommunication facility or telecommunication line;
- (c) Any radio communication facility;
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;
- (e) The drainage, reticulation or treatment of stormwater, waste water or sewage;
- (f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;
- (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or
- (h) Meteorological facilities for the observation, recording and communication of weather information.

**Utility Building:** includes any building or part of any building which is a utility or which is used principally to house or support a utility; and that building is 10m<sup>2</sup> or more in gross floor area and 2.5m or greater in height.

**Utility Structure:** includes any device, equipment or other facility which is used principally to house or support a utility including any antenna, mast, pole or pylon; or any structure housing a utility which is less than 10m<sup>2</sup> in gross floor area or less than 2.5m in height.

## V

**Vehicle Crossing:** includes any formed vehicle entrance or exit point from any site on to any road, and includes that part of the road boundary across which the vehicle access is obtained and any culvert, bridge or kerbing.

**Vehicle Movement:** means a single motor vehicle journey to or from a particular site. “Vehicle trip” has the same meaning.

**Vehicular Accessway:** means that part of any site which is used to provide vehicular access into or through the site, but does not include a “road” within the meaning of section 315 of the Local Government Act 1974.

**Vertebrate Toxic Agent:** means any substance listed in Schedule 1 of the “Environmental Risk Management Authority Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004 (as amended)” and includes 1080 (Sodium fluoroacetate).

## W

**Wāhi Taonga Management Area:** includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Management Area.

**Wāhi Taonga Site:** includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site.

**Waterbody:** means fresh water or geothermal water in a river, lake, stream, pond (but excluding any artificial pond), wetland or aquifer or any part therefore that is not located within the coastal marine area. The terms “river”, “lake” and “wetland” are also defined in this Plan.

## LEGISLATION REFERRED TO IN THE DEFINITIONS SECTION

The following are sections of legislation referred to in the Definitions section and marked by an asterisks (\*).

They do not form part of the Plan but have been included to be of assistance to readers.

**Airport:** has the same meaning as defined in section 2 of the Act.

**Allotment:** in section 218 of the Act.

(2) Means—

- (a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
  - (i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
  - (ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- (b) Any parcel of land or building or part of a building that is shown or identified separately—
  - (i) On a survey plan; or
  - (ii) On a licence within the meaning of Part VIIA of the Land Transfer Act 1952; or
- (c) Any unit on a unit plan; or
- (d) Any parcel of land not subject to the Land Transfer Act 1952.

(3) For the purposes of subsection (2), an allotment that is—

- (a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
- (b) Not subject to that Act and was acquired by its owner under one instrument of conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

[(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.]

**Amenity Values:** has the same meaning as defined in section 2 of the Act

**Archaeological site:** in section 2 of the Historic Places Act 1993.

“Means any place in New Zealand that—

- (a) Either—
  - (i) Was associated with human activity that occurred before 1900; or
  - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand:



## APPENDIX 5

**SCHEDULE OF SITES OF SIGNIFICANCE TO TĀNGATA WHENUA**

<b><u>WĀHI TAONGA SITES</u></b>					
<b>Site No.</b>	<b>Description</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C2	Rock Shelter	Near West Coast Road – Castle Hill	Lot 2 DP 43207	High Country	29
C3	Rock Shelter	Near West Coast Road – Castle Hill	Lot 2 DP 43207	High Country	29
C4	Rock Shelter	Near West Coast Road – Castle Hill	Lot 2 DP 43207	High Country	29
C5	Rock Drawings	Near West Coast Road – Castle Hill	Adjacent to Lot 1 DP 43207	High Country	29
C6	Rock Shelter	Near West Coast Road – Castle Hill	Lot 1 DP 43207	High Country	29
C7	Rock Drawing	Near West Coast Road – Castle Hill	Lot 1 DP 43207	High Country	29
C8	Cache	Near West Coast Road – Castle Hill	Pt Res 1577	High Country	29, 30
C9	Mounds	Near Milnes Road	Lot 2 DP 78317	Outer Plains	16
C10	Findspot	Near Steeles Road	Lot 4 DP 2619	Outer Plains	16
C11	Pa with pits	Near Plantation Road	Lot 3 DP 4463	Malvern Hills	16
C12	Ovens etc	Near Homebush Road	RS 22183	Outer Plains	16
C13	Ovens etc	Near Homebush Road	Pt Lot 1 DP 2898	Malvern Hills	16
C14	Ovens etc	Near Homebush Road	Pt Lot 1 DP 2898	Malvern Hills	16
C15	Ovens etc	Near Homebush Road	Pt Lot 1 DP 7925	Malvern Hills	16, 17
C16	Ovens etc	Near Homebush Road	Pt Lot 1 DP 7925	Malvern Hills	16
C18	Ovens etc	Near Auchenflower Road	Lot 1 DP 23595	Malvern Hills	16
C19	Ovens etc	Near Auchenflower Road	Pt Lot 1 DP 14742	Malvern Hills	16
C20	Oven	Near Auchenflower Road	Lot 1 DP 23595	Malvern Hills	16
C21	Ovens etc	Near Auchenflower Road	Pt Lot 1 DP 14742	Malvern Hills	16
C22	Ovens	Near Hartleys Road	RS 3923	Malvern Hills	16, 21
C23	Water ditches	Near Minchins Road	Lot 4 DP 77694	Outer Plains	22
C24	Ovens	Near Wyndale Road	Lot 2 DP 3792	Malvern Hills	21

**WĀHI TAONGA SITES**

<b>Site No.</b>	<b>Description</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C25	Oven	Near West Coast Road, Springfield	Pt RS 6471	Malvern Hills	52
C26	Pits, Ovens	Near West Coast Road, Springfield	Lot 2 DP 27958	Malvern Hills	26
C27	Swamp, Ditches	Near Kowai Bush Road	Lot 2 DP 27958	Outer Plains	26
C28	Ovens, Pits	Near Kowai Bush Road	Lot 2 DP 27958	Outer Plains	26
C29	Ovens	Near Kowai Bush Road	Lot 2 DP 27958	Outer Plains	26
C30	Oven	Near Main Rakaia Road	RS 34177	Outer Plains	3
C31	Ovens	Near Main Rakaia Road	RS 34177	Outer Plains	3
C32	Oven	Near Main Rakaia Road	RS 35727	Outer Plains	3
C33	Oven	Near Rakaia Terrace Road	Pt Lot 3 DP 2422	Outer Plains	11
C34	Oven	Near Sleemans Road	Lot 2 DP 308750	Outer Plains	11
C35	Oven	Near Timber Yard Road		Outer Plains	4
C36	Oven	Near Derrets Road	Pt Lot 1 DP 3012	Outer Plains	11,12
C37	Occupation	Rakaia Island	RS 19029	Outer Plains	1
C38	Occupation	Rakaia Island	RS 19028	Outer Plains	1
C40	Oven	Rakaia Island	Res 2040	Outer Plains	1
C41	Artefact Findspot	Rakaia Island	RS 19614	Outer Plains	1
C44	Oven	Near Weedons Ross Road	Near Lot 1 DP 59937	Inner Plains	18
C45	Ovens	Near Weedons Ross Road	Lot 1 DP 59937	Inner Plains	18
C46	Ovens	Near Weedons Ross Road/Maddisons Road	Lot 4 DP 33723	Inner Plains	18
C47	Ovens	Near Thomspens Road	Lot 7 DP 72342	Inner Plains	18
C49	Midden	Near Lakeside Ridge Road	Pt Lot 3 DP 5320	Outer Plains	4
C50	Oven	Near Southbridge Sedgemere Road	Lot 2 DP 78242	Outer Plains	4
C51	Artefact Findspot	Near Lakeside Ridge Road	Lot 1 DP 55944	Outer Plains	4
C52	Occupation	Near Leeston Lake Road	Pt Lot 8 DP 1305	Outer Plains	4
C53	Ovens	Near The Lake Road	Lot 2 DP 50322	Outer Plains	4
C54	Cave	Near Duck Pond Road	Pt RS 2443	Outer Plains	9
C55	Pit	Near Park Hill Road	Lot 1 DP 30859	Outer Plains	9

**WĀHI TAONGA SITES**

<b>Site No.</b>	<b>Description</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C56	Oven	Near Park Hill Road	RS 37634	Outer Plains	9
C57	Pa/Pits	Near Park Road	Adjacent to Pt Sec 13	Outer Plains	9
C58	Pit	Near Ahuriri Road	RS 33946	Outer Plains	9
C59	Ovens/Midden	Near Buckleys Road	RS 5974	Outer Plains	8
C60	Cave	Near Christchurch Akaroa Road	Lot 5 DP 59977	Outer Plains	9
C61	Artefacts	Near Christchurch Akaroa Road	Lot 2 DP 2174	Inner Plains	9
C62	Pits	Near Holmes Road	Lot 1 DP 70907	Port Hills	14
C63	Burials/Ovens	Near Christchurch Akaroa Road	Lot 1 DP 56420	Inner Plains	14
C64	Midden/Ovens etc	Near Christchurch Akaroa Road	Near Pt Lot 2 DP 17748	Inner Plains	14
C65	Oven	Near Ellesmere Road	Lot 2 DP 70049	Inner Plains	14
C69	Middens/Ovens	Near Smiths Road	RS 6685	Outer Plains	2
C70	Ovens/Middens etc	Near McEvedys Road	Farm 6 DP 287	Outer Plains	2
C71	Ovens	Near McEvedys Road	RS 3786	Outer Plains	2
C72	Burial Ground	Near Gullivers Road	Res 878 Lot 22	Outer Plains	2
C73	Ovens	Near Gullivers Road	Res 878, Lot 22	Outer Plains	2
C74	Ovens	Near Gullivers Road	Res 878, Lot 22	Outer Plains	2
C75	Burials	Near Gullivers Road	Res 878, Lot 22	Outer Plains	2
C76	Adze Cache	Near Gullivers Road, Lakeside	Lot 1 DP 56518	Outer Plains	2
C77	Pa	Near Gullivers, Lakeside	Adjacent to Res 878 Lot 18	Outer Plains	2,4
C78	Artefacts	Near Pohau Road, Lakeside	Sec 7B2 Res 889	Outer Plains	2,4
C79	Pa	Near Pohau Road, Lakeside	Lot 2 DP 68592	Outer Plains	2,4
C80	Occupation	Near Poahu Road, Fishermans Point	Res 889 Lot 6B	Outer Plains	2,4
C81	Pits	Near Poahu Road, Fishermans Point	Pt Res 806	Outer Plains	2,4
C82	Gravel Pits	Near Southbridge Sedgemere Road, Lakeside	Lot 3 DP 3743	Outer Plains	4

**WĀHI TAONGA SITES**

Site No.	Description	Location	Legal Description	Zone	Map No.
C83	Ovens	Near McConnells Road	Lot 2 DP 79824	Outer Plains	4
C84	Ovens	Near Lakeside Ridge Road	Pt Lot 3 DP 5320	Outer Plains	4
C85	Kumara Pits	Taumutu	Pt RS 9459	Outer Plains	4

**WĀHI TAONGA MANAGEMENT AREAS**

Site No.	Description	Location	Legal Description	Zone	Map No.
C17		Rakaia Island	Res 2040, RS 19033, RS 19032, Res 2039, RS 19031, RS 19030, RS 19029, RS 19028	Outer Plains	1
C39(a)	Rakaia River Moa Hunter Site Archaeological Site	Selwyn District Council Camping Ground and land immediately east of Rakaia Huts Township	Lot 1 DP 55293, Lot 2 DP 55293 and the 8.56417 hectares of Lot 1 DP 74178 as indicated on Planning Map 133	Outer Plains	133
C48		Rural Outer Plains Surrounding Rakaia Huts Township	Lot 2 DP 74178, PT Lot 1 DP 75540, Lot 1 DP 4439, PT Reserve 3047, PT Rural Section 18213, PT Reserve 4363, and the 4.37045 hectares of LOT 1 DP 74178 as indicated on Planning Map 133	Outer Plains and Living 1	133
C66		Beach from Rakaia River to Fishermans Point – Seaward of the Coastal Hazard 1 Line		Outer Plains	1,2,4
C90		Selwyn River/Waikirikiri and 20m setback for those properties adjoining the Selwyn River/Waikirikiri		Outer Plains and Malvern Hills	7,8,11, 12,13, 15,16, 17,20, 21,22
C91		Taumutu Road	Pt Lot 2 DP 6299, Pt Lot 2 DP 4745, Pt Lot 3 DP 4745, Lot 1 DP 71251, Lot 4 DP 25359, Res 879, and RS 11117, Lot 4 DP 14196, Lots 1 and 2 DP 75905, Pt RS 9459, Res 806, 878, 889, and 901 and RS 10480	Outer Plains	2,4

**WĀHI TAONGA MANAGEMENT AREAS**

<b>Site No.</b>	<b>Description</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C93		Waikewai Creek and 20 metres either side of Waikeke Creek	RS 4145, Pt RS 5106; Pt RS 3344, 4041, Sec 1 and 4c Homebrook Settlement; Lots 2 and 3 DP 72203; Pt Lot 1 DP 6240; Pt Lot 4 DP 72203; Lot 1 DP 5088; Pt Lot 1 DP 3826; Lot 1 DP 10731; Pt Lot 2 DP 3826; Pt Lots 2 and 3 DP 987; Pt Lot 1 DP 56275; Pt RS 4049; Lots 1, 2, 4, and 5 DP 23044, Pt Lot 3 DP 4745; Lot 2 DP 4745,; RS 35465; RS 7889, Pt RS 5866; RS 7889; Pt RS 6148; Lots 1,2 and 3 DP 68909; RS 35465; Lot 1 DP 71251	Outer Plains	4

**MAHINGA KAI SITES**

<b>Site No.</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C95	Near Lake Road	Secs 3, 4 and 5 Res 207	Outer Plains	4
C67	Near Leeston - Taumutu Road	Pt Lot 2 DP 6299, Pt Lot 2 DP 47451, Pt Lot 3 DP 4745	Outer Plains	2

**SILENT FILE AREAS**

<b>Site No.</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C1	Irwell Creek and 20 metres either side of Irwell Creek	Lot 1 DP 2746, Lot 1 DP 72561, Lots 1 and 2 DP 50821, Lot 4 DP 20813, Lot 5 DP 20813, Pt RS 3845, 3858, 3992, RS 3784, RS 19841, RS 4060, RS 19841, Pt RS 3350, Pt RS 3603, RS 31790, Res 352, Lot 1 DP 4587, Lot 1 DP 4587, Pt Lot 3 DP 1619, Lot 1 DP 12938, Pt Lot 3 DP 1619, Lot 3 DP 82918, Lot 5 and 6 DP 73065, Lots 6,7, and 8 DP 2058, Lot 3 DP 74752, Lot 2 DP 7585, Lot 7 DP 2412, Lots 5 and 6 DP 2412, Lot 1 DP 1861, Pt Lot 2 DP 1861, Lot 2 DP 30151, Lots 1 and 3 DP 47406, Pt Lot 2 DP 1861, Lot 1 DP 6007, Lots 2 and 3 DP 2058, Pt RS 3953, Pt RS 3305, 4456, Pt RS 3615, Lots 1 and 2 DP 16292, Pt Lots 4 and 5 DP 563, Lots 1 and 3 DP 44921, Lot 3 DP 20616, Lot 1 DP 41008, Pt Lot 1 DP 4869, Lot 2 DP 41008, Pt Lot 7 DP 563, Lots 4 and 5 DP 59722, Sec 49 Res 959, Sec 1 SO 18675, Sec 35 and 36 Res 959	Outer Plains	8
C68	Near Leeston Taumutu-Road	Lot 1 DP 71251, Lot 4 DP 25359, Res 879, and RS 11117	Outer Plains	4

**SILENT FILE AREAS**

<b>Site No.</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>
C42	Youngs Creek and Coopers Lagoon/Muriwai and 20m metres either side of Youngs Creek	RS 12202, Lots 1 and 3 DP 6299, Lot 3 DP 23044, RS 11065, Lot 5 DP 1617, Pt RS 5969, Pt RS 4064, Lots 5 and 6 DP 76317, RS 3786 and Lot 1 DP 76317; and Coopers Lagoon/Muriwai – RS 39775	Outer Plains	2
C43	Near Smiths Road	Pt Lot 4 DP 3431 and RS 6685	Outer Plains	2
C96	Lake Road South	Res 5121, Pt Sec 10 Res 684, Sec 9 Res 208	Outer Plains	4
C97	Selwyn Lake Road	Secs 34,35 and 49 Res 959 and Sec 1 SO 18675	Outer Plains	4,8
C98	Old Bridge Road	Lots 1, 2 and 3 DP 69058, Lot 1 DP 9279, Lot 1 DP 30885, Lots 1 and 4 DP 53634; Lot 1 DP 30855, RS 39538, Lot 3 DP 7957, Pt RS 3596, 5884	Outer Plains	8
C99	Duck Pond Road	Pt RS 2443	Outer Plains	9
C100	Ahuriri Lagoon	Pt Res 3598, Res 5088, Lot 3 DP 59977, Lots 1 and 2 DP 74122, Sec 3 SO 10737, Lots 1, 2 and 6 DP 30859, Lots 1 and 3 DP 52917, RS 37634 and Ahuriri Lagoon	Outer Plains	9
C101	Coopers Knob	Lot 5 DP 70453, Lot 1 DP 76974, Pt RS 1183, Pt RS 36787, Pt RS 1182, Res 5005	Port Hills	9
C102	Cass Peak	Pt Res 3735A, Res 4773, Res 3923, Lot 5 DP 79401, Lot 1 DP 70111, Res 3921	Port Hills	14

The following numbers have not been allocated: C 86-90, 92 and 94

**NOTE:**

Works 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”).