

SCHEDULE OF AMENDMENTS

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

Name	Description
PLAN CHANGE 18	HERITAGE / PROTECTED TREES
Clause 16 Amendments	Various minor changes

Please amend your District Plan by updating the following pages:

Township Volume

Amendments from 19 February 2011 to 16 March 2011

Insert Pages

Front of Township Volume - Supersedes existing Certificate of Approval	Signed Certificate of Approval as of 16 March 2011
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Replace pages - Please recycle all pages removed

Part A0 Contents <i>Amend page numbers and "Protected Trees" headings</i>	Pg 1 - 4
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Part B3 People's Health, Safety & Values – Culture & Heritage <i>Amend "Issues", add new bullets under "Strategy"</i> <i>Add new Objective B3.3.4 and new paragraph at end of "Explanation and Reasons"</i> <i>Amend Policy B3.3.8 methods</i> <i>Add new Policies "Protected Trees" B3.3.12 to B3.3.15</i> <i>Add new last bullet point under "Culture & Heritage – Anticipated Environmental Results"</i> <i>Amend ref to "Heritage Fund" (Clause 16 amendment)</i>	B3-019 – B3-058
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Part C3 Living Zone Rules – Heritage <i>Remove "trees" from subheadings under C3.1</i> <i>Add new Rule 3.2 "Protected Trees" before "Reasons for Rules"</i> <i>Add new heading "Heritage, Structure and Sites" after "Reasons for Rules"</i> <i>Add new last paragraph, Reason for Rules "Protected Trees"</i>	C3-001 – C3-006
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Part C6 Living Zone Rules - Utilities <i>Amend Note 1, adding reference to Rule 3 (Heritage)</i>	C6-001 – C6-002
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Part C12 Living Zone Rules - Subdivision <i>Amend 12.1.4.16, adding reference to Appendix 4 (Protected Trees)</i> <i>Amend 12.2.2.8(b), adding reference to Appendix 4 (Protected Trees)</i> <i>Amend 12.3.2.5 adding reference to Appendix 4 (Protected Trees)</i> <i>Amend 3rd column – All Townships, Table C12.1 (Clause 16 Amendment)</i> <i>Amend Phone number C12.1.3.41 (c) 3rd bullet point (Clause 16 amendment)</i>	C12-007 – C12-008 C12-013 – C12-016 C12-023 – C12-024 C12-027 – C12-028
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Part C15 Business Zone Rules – Heritage	C15-001 – C15-006
<i>Rename C15.1, "Protected Trees"</i>	
<i>Delete existing rules and insert new rules</i>	
<i>Amend "Reasons for Rules" – change to "Protected Trees" and amend first two paragraphs</i>	
Part C16 Business Zone Rules – Buildings	C16-005 – C16-006
<i>Add the word "discretionary" to body of text, Rule 16.6.3 (Clause 16 amendment)</i>	
<i>Delete Rule 16.6.7 (Clause 16 amendment)</i>	
Part C18 Business Zone Rules – Utilities	C18-001 – C18-002
<i>Amend Note 1, adding reference to Rule 15 (Heritage)</i>	
Part C24 Business Zone Rules – Subdivision	C24-007 – C24-008
<i>Amend 24.1.4.16, adding reference to Appendix 4 (Protected Trees)</i>	C24-011 – C24-012
<i>Amend 24.2.2.7(b) adding reference to Appendix 4 (Protected Trees)</i>	C24-015 – C24-016
<i>Amend 24.3.2.5 adding reference to Appendix 4 (Protected Trees)</i>	
Part D Definitions	D-007-D-016
<i>Add Definitions for "Protected Tree" and "Tree"</i>	
Part E Appendix 3 – Schedule of Heritage Items	E3-001 – E3-002
<i>Change location for H5, Police Lock-up Darfield, to South Tce</i>	
Part E Appendix 4 – Schedule of Heritage Trees	E4-001 – E4-012
<i>Change name of Schedule to "Protected Trees"</i>	
<i>Remove old schedule and replace with new one</i>	



CERTIFICATE OF APPROVAL

The Council resolved on 22 February 2011 to approve those parts of the Selwyn District Plan relating to Plan Change 18 (*Protected Trees*) would be made operative on the 16th March 2011. Provisions which are not yet operative are detailed on the following page.

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

Sealed with the Common Seal of the Selwyn District Council

in the presence of:

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

Mayor
K Coe

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

Chief Executive
P Davey



Dated at Rolleston this 2 day of March 2011

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : 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
Telecom	Township and Rural Volumes All Telecom designations are not operative

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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 HERITAGE – ISSUE

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

What Are Heritage Values?

The term “heritage values” is not defined in the Act. Sites, areas or buildings may have heritage 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. 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.

Heritage and Cultural Values 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 have cultural or heritage values to individuals, families, iwi, runanga 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 of Waahi Taonga and 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 4.1 explains the tāngata whenua of Selwyn District and the role of Māori in resource management under the Act.

Waahi Taonga and Waahi 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 the protection for future generations.

Waahi tapu and waahi 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 waahi taonga and waahi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Waahi taonga and waahi 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 waahi taonga and waahi 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 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.

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 Heritage Or Cultural Values

Sites and buildings with heritage or cultural 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 waahi taonga and waahi tapu sites.

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

- Recognising and protecting the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and waahi taonga (section 6(e)).
- Having particular regard to recognising and protecting the heritage values of sites, buildings, places or areas (section 7(e)).

As well as the specific duties under section 6 and 7 of the Act, maintaining sites and buildings with heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community; and
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Many of the sites and buildings with heritage or cultural values are privately owned. Some waahi taonga and waahi tapu sites are on land not owned by tāngata whenua for whom they have value. These sites and buildings often have other uses and values. Any measures in the District Plan to protect the heritage and cultural values of sites must:

- Recognise the costs to landowners if they cannot reasonably use buildings or sites.
- Be practical, easy and inexpensive for landowners to comply with, to be successful.

Part of promoting 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...”.

In addition, section 32 (4)(a) 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 waahi 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 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 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 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. In addition the Trust is an affected party for resource consents involving places of heritage values.

CULTURE AND 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 or heritage values between owners; local communities; local runanga 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 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 waahi 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 heritage protection as many sites and buildings that have cultural or 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.

The role of the Council, local runanga and community interest groups is to recognise, encourage and assist the work of landowners, not to take control out of their hands.

Objective B3.3.2 reflects the duty under section 6(e) of the Act to recognise and protect sites of waahi tapu and other cultural importance to Māori. It is achieved through policies and methods which encourage local runanga and landowners to develop protocols for activities in areas with such sites. This is the preferred approach indicated by local runanga. The District Plan also contains rules to manage earthworks, buildings and other activities in waahi taonga sites and management areas and in silent file areas.

Objective B3.3.3 reflects the duty under section 7(e) of the Act to have particular regard to the protection of the heritage values of sites, areas and buildings. 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.

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 HERITAGE — POLICIES AND METHODS

MĀORI SITES

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 Waahi 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 waahi 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 waahi taonga sites, waahi taonga management areas and mahinga kai sites, from damage or destruction, whenever practical.

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.

Policy B3.3.3 relates to silent file areas. Silent file areas may contain sites of immense cultural importance to local runanga. 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 runanga, 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.

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. In deciding whether any disturbance of land in a silent file area is appropriate, the Council shall refer to local runanga 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 waahi taonga sites, waahi taonga management areas and mahinga kai sites. These sites are listed in Appendix 5 and shown on the Planning Maps. Waahi taonga sites are sites of traditional occupation or use by local runanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. 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 waahi 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.

Waahi Taonga Management Areas are large areas which contain many waahi taonga sites. There are four areas in the District at Rakaia Island, Taumutu, along the coast from the Rakaia River to Fisherman's Point, and along the bed of the Waikirikiri/Selwyn River. The Council wishes to foster a partnership between local runanga, landholders and Environment Canterbury (coast and Waikirikiri/ Selwyn Riverbed) for the appropriate management of these areas.

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.

In deciding whether protecting any waahi taonga site, waahi taonga management area or mahinga kai site is practical, the Council shall refer to local runanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. 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.

Where a landholder requires a resource consent to undertake an activity in a silent file area, a waahi 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 B3.3.9). 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 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.
- Waahi tapu and waahi taonga sites are protected.
- Sites and buildings with significant heritage values are used and maintained.
- Recognition of and protection for trees of significant value to the community and environment.

CULTURE AND 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.

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.

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.

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.

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 B3.4.2 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

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; and
- have safe and easy access for residents to associated services and facilities

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.

Method

District Plan Rules

- Living zones

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 B3.4.38 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 B3.4.39 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.

3 LIVING ZONE RULES — HERITAGE

3.1 HERITAGE STRUCTURES AND SITES

Permitted Activities — Heritage Structures and Sites

3.1.1 The following activities shall be permitted activities:

Maintenance of Heritage Structures and Sites

- 3.1.1.1 The maintenance of any building, structure or site listed in Appendix 3. For the purposes of this rule maintenance means:
- (a) Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
 - (b) The replacement of any materials which form part of the original heritage values of the building, structure, or site, provided that these materials are of the same or similar appearance and character as the original materials;
 - (c) Any repainting of existing painted surfaces;
 - (d) 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 Structures and Sites

3.1.2 Any activity which does not comply with Rule 3.1.1 shall be a restricted discretionary activity.

3.1.3 Under Rule 3.1.2 the Council shall restrict its discretion to consideration of:

Heritage Values

- 3.1.3.1 The heritage value(s) of the listed item including the extent to which it may already have been modified by previous additions or alterations.
- 3.1.3.2 Any adverse effects of the proposed activity on the heritage values of the listed item.

Positive Effects (Buildings, Structures and Sites only)

- 3.1.3.3 Any positive effects of the activity on the heritage values of the site, structure or building. Positive effects may include any restoration or enhancement of heritage values, prolonging the use and thus continuing the maintenance of the site or building, or maintaining or improving public access to increase appreciation of the heritage item.

Costs

- 3.1.3.4 The costs to the applicant of not allowing the proposed activity.

Alternatives (Buildings, Structures and Sites only)

- 3.1.3.5 Any alternative options which may better maintain the heritage values of the site, structure or building and the relative costs of alternatives.
- 3.1.3.6 Any other activity the applicant or owner has undertaken to maintain or enhance heritage values in the District and the appropriateness of any such activity as a mitigation measure.

Discretionary Activities – Heritage Structures and Sites

- 3.1.4 Any activity involving the removal or demolition of any building or structure (except those classified as “Category 1” under the HPT Category in Appendix 3) shall be a discretionary activity.

Non-Complying Activities – Heritage Structures and Sites

- 3.1.5 Any activity involving the removal or demolition of any building or structure classified as “Category 1” under the HPT Class in Appendix 3 shall be a non-complying activity.

Notes

- 1. The consent authority may request technical advice from the New Zealand Historic Places Trust Pouhere Taonga, in deciding on any resource consent application under Rule 3.1.2 where it affects a listed building, structure or site.
- 2. Earthworks affecting any archaeological site require the consent from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B Section 3.3, “Archaeological Sites”).

3.2 PROTECTED TREES

Permitted Activities – Protected Trees

- 3.2.1 In relation to trees listed in Appendix 4, the following activities shall be permitted activities:
 - 3.2.1.1 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.
 - 3.2.1.2 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.
 - 3.2.1.3 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).

3.2.1.4 The use of the land immediately around the protected tree, within the distances defined below 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 10 metres 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..

3.2.1.5 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.

3.2.1.6 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

- 3.2.2 In relation to trees listed in Appendix 4, the following activities shall be controlled activities:
- 3.2.2.1 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 potentially hazardous or dangerous.
 - 3.2.2.2 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.
- 3.2.3 Under Rule 3.2.2. the Council shall restrict its discretion to consideration of:
- 3.2.3.1 The condition and future useful life expectancy of the tree including any potential hazard to persons or property.
 - 3.2.3.2 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
 - 3.2.3.3 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

- 3.2.4 In relation to trees listed in Appendix 4, the following activities shall be restricted discretionary activities:
- 3.2.4.1 Any activity which does not comply with Rule 3.2.1.1, 3.2.1.2 or 3.2.1.3.
 - 3.2.4.2 Any activity which does not comply with Rule 3.2.1.5 in relation to any tree listed as a Category B tree in Appendix 4.
 - 3.2.4.3 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.
 - 3.2.4.4 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.
 - 3.2.4.5 Destruction or removal of any tree listed as a Category B tree in Appendix 4.

- 3.2.5 Under Rule 3.2.4 the Council shall restrict its discretion to consideration of:
- 3.2.5.1 Any adverse effects of the proposed activity on the values of the listed tree.
 - 3.2.5.2 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.
 - 3.2.5.3 The costs to the applicant of not allowing the proposed activity.
 - 3.2.5.4 Whether the applicant has the ability to undertake a complying development without the work detrimentally affecting the tree.
 - 3.2.5.5 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
 - 3.2.5.6 The effect of any building or structure on the visibility of the tree from a road or public place.
 - 3.2.5.7 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.
 - 3.2.5.8 Whether the tree or trees seriously restrict the development of the site for its zoned purposes.
 - 3.2.5.9 Whether the tree or trees inhibits the growth of more desirable specimens nearby.
 - 3.2.5.10 Whether the tree still retains the essential characteristics for which it was originally protected.
 - 3.2.5.11 Whether a tree to be removed is capable of being successfully transplanted.
 - 3.2.5.12 Any substitute or compensating tree planting proposed.
 - 3.2.5.13 Whether the particular species of tree has been legally declared a noxious plant.

Non-Complying Activities – Protected Trees

- 3.2.6 In relation to trees listed in Appendix 4, the following activities shall be non-complying activities:
- 3.2.6.1 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.
 - 3.2.6.2 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 at the 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.

Reasons for Rules

Heritage Structures and Sites

The buildings, structures and sites listed in Appendix 3 and the trees listed in Appendix 4 have been assessed as having important heritage or cultural values to Selwyn District. Rule 3 provides an opportunity to ensure that changes to those items maintain or enhance their heritage values whenever practical. A higher level of protection is given to buildings and structures classified as “Category I” under the HPT listing in Appendix 3.

The Plan’s policies recognise that an essential part of maintaining the heritage values of buildings is to encourage their ongoing economic use, and thus their maintenance. This often means buildings being modified to suit a new use. The emphasis is on ensuring modifications maintain or enhance the heritage values of the building where feasible and practical, rather than disallowing changes. Maintenance work is defined in the rule so that it can be undertaken without the need for a resource consent, but is limited to a scale which ensures heritage values are not compromised.

Costs to the owners of these sites, where they are required to go through a resource consent process, are mitigated. The consent authority has a commitment to lessen the cost to the owners of heritage items by not charging for the processing of resource consent applications for heritage items. The consent authority will also consider the costs incurred by the owners, including the “opportunity costs” if the activity is not allowed to proceed. (See Part B, Section 3.3 for a full explanation of heritage “issues” and protection).

Protected Trees

The trees listed in Appendix 4 have been assessed as having significant values to the Selwyn District. Rule 3.2 provides an opportunity to ensure that these listed trees are adequately protected.

The consent authority will also consider the costs incurred by the owners, including the “opportunity costs” if the activity is not allowed to proceed. (See Part B, Section 3.3 for a full explanation of heritage “issues” and protection).

6 LIVING ZONE RULES – UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 2 (Earthworks), except where the provisions of Rule 3 (Heritage) apply.
2. The rules in this Plan are applicable to activities generally, including utilities. However, the following rules do not apply to utilities:

Land Use Rules for Living Zones:

- Rule 4.12 (Setbacks from Waterbodies)
- Rule 11 (Landscape Management, Alpine Villages)
- Rule 4.2 (Landscaping)
- Rule 4.8 (Building Height)
- Rule 4.9 (Building Position)
- Rule 4.7 (Site Coverage)

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

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

6.1 UTILITIES – ACTIVITIES

Permitted Activities – Utilities – Activities

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

- 6.1.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
- (a) The replacement of support structure cross arms;
 - (b) The reconductoring or replacement of lines;
 - (c) The resagging of conductors or lines;
 - (d) The addition of longer or more efficient insulators or mountings;

- (e) The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;
- (f) The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- (g) Pole replacement;
- (h) Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- (i) The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- (j) An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.

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

- (a) Exposures comply with NZS2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
- (b) Prior to commencing any radiofrequency emissions, the following is sent to and received by the Selwyn District Council:
 - Written notice of the location of the facility or proposed facility; and
 - A report prepared by a radio engineer/technician or physical scientist containing a prediction of whether the New Zealand standard will be complied with (note – this requirement shall not apply to the holder of an amateur radio license).
- (c) If the report provided to the Council under condition 6.1.1.2(b) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within three months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.

6.1.1.3 Any power frequency electric and magnetic fields created which do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public.

Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.

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

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

2A (Blakes Road) Zone and connecting into the existing Prebbleton footpath of Blakes Road is laid and formed.

- 12.1.3.35 For the Living 2A (Deferred) 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.
- 12.1.3.36 Until either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a deferred living or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/ stormwater from a particular area of land subject to a deferred living the rules of the Rural Zone (Inner Plains) shall apply to that land; and
- 12.1.3.37 Upon either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a deferred living zone, or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the relevant living zone will apply to that land, and the rules of the Rural Zone (Inner Plains) will cease to apply, without further formality.
- 12.1.3.38 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.

Springston

- 12.1.3.39 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

12.1.3.40 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

12.1.3.41 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.

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

12.1.3.43 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.

Township	Zone	Average Allotment Size Not Less Than
	Living 1A	The size needed for on-site effluent disposal but not less than 800m ²
Southbridge	Living 1	650m ²
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Springston	Living 1	800m ²
	Living 1A	800m ²
Tai Tapu	Living 1A	800m ²
	Living 2A	5,000m ²
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
West Melton	Living 1	1,000m ²
	Living 1B	2,800m ²
	Living 2	5,000m ²
	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 ² and maximum lot area of 3000m ² (Appendix 20A)
	Living WM Low Density	Minimum lot area of 3000m ² and maximum lot area of 5000m ² (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 ²
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"> - mitigate adverse effects; or - maintain the heritage values of the site
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area
All Living Zones	Calculating <u>Allotment</u> Sizes	

Township	Zone	Average Allotment Size Not Less Than
		<p>The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u>, reserves or to house <u>utility structures</u>, or which are subject to a designation.</p> <p>Any <u>allotment</u> which is twice or more the size of the average <u>allotment</u> required in the zone, shall be calculated as being:</p> <p>2 x average <u>allotment</u> size for that zone – 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
All <u>Townships</u>	<u>Allotment</u> sizes for Flats/Townhouses – Living 1	<p>In any Living 1 Zone, where two or more <u>dwellings</u> have been erected on an <u>allotment</u> the average <u>allotment</u> size per <u>dwelling</u> shall be 0.5 x the average <u>allotment</u> size listed in this table for the Living 1 Zone in that <u>township</u>.</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:

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

Water

12.1.4.2 The provision of water for firefighting; and

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

- Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
- The need for the protection zone to be confined to within the boundaries of an allotment; and
- 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:

- The number of allotments; and
- The type of accommodation (permanent or holiday); and
- 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.

Roads, Reserves and Walkways/Cycleways

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

12.1.4.12 The provision, location, coordination, layout and formation of any land required for reserves, which is to comply with the 'Criteria for Taking Land Instead of Cash' clause of the 'Reserves Specific Issues regarding Development Contributions Assessment' in the Development Contribution Policy; and

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

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

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

Special Sites

- 12.1.4.15 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 12.1.4.16 If the land to be subdivided contains any place or item which is listed in Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation, or in Appendix 4 as a Protected Tree:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

Size and Shape

- 12.1.4.17 The size and shape of allotments in accordance with Rules 12.1.3.5 and 12.1.3.6; and
- 12.1.4.18 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3; and.
- 12.1.4.19 The shape and alignment of allotments with respect to the potential that dwellings erected on them will have to gain orientation to the sun; and
- 12.1.4.20 If any allotment is to be created which is too small to enable a dwelling to be erected on it as a permitted activity under the district plan rules. The mechanism(s) used to alert any prospective buyer(s) of the allotment.

Note: The consent authority shall consider a dwelling as being a minimum of 150m² in gross floor area, when using its discretion under Rules 12.1.4.17 to 12.1.4.20 for compliance with District Plan rules.

Utilities and Facilities

- 12.1.4.22 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:
- (a) Vest in Selwyn District Council as owner or manager; or
 - (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and
- 12.1.4.23 For other utilities and facilities:

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 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

12.2.2.4 The methods for disposing of stormwater;

12.2.2.5 Any adverse effects of stormwater disposal on any land drainage scheme administered by the Selwyn District Council; and

12.2.2.6 The quantity and rate of stormwater discharged in to any land drainage scheme administered by the Selwyn District Council.

On Site Effluent Disposal

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

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

Special Sites

12.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:

- (a) Any waterbody excluding aquifers; or
- (b) Any site listed in Appendix 3 or 4; 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

12.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities — Subdivision – Access, Reserve and Utility Allotments

12.3.1 Subdivision of land to create allotments used solely for:

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

Shall be a controlled activity which need not be notified or served on the persons prescribed in regulations (except where any part on an allotment intended to be used for utility structures lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines. In that case, and subject to S94(2) of the Act, notice of the application shall be served on the appropriate network utility operator). The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.3.2.

Subdivision of land to create allotments used solely for utility buildings and utility structures shall be a controlled activity, which shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.3.2.

12.3.2 Matters over which the Council has reserved control:

Access

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

12.3.2.2 If legal access is to be to a Strategic Road listed in Appendix 7:

- (a) Any adverse effects, including cumulative effects, on traffic safety and flow; and
- (b) Whether access can be obtained of an alternative road; and
- (c) The design and siting of any vehicular accessway or vehicle crossing.

Size and Shape

12.3.2.3 The size and shape of any allotment created by the subdivision considering:

- (a) The proposed use of the site; and
- (b) Any adverse effects of surrounding land uses on the site.

Special Sites

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

Utilities

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

Easements

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

Point Strips

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

15 BUSINESS ZONE RULES — HERITAGE

15.1 PROTECTED TREES

Permitted Activities — Protected Trees

15.1.1 In relation to trees listed in Appendix 4, the following activities shall be permitted activities:

15.1.1.1 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.

15.1.1.2 Normal cultivation of the soil for recreational, horticultural or agricultural purposes or the growing of crops or ornamental vegetation within 10m of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

15.1.1.3 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).

15.1.1.4 The use of the land around the protected tree, within the distances defined below 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 10 metres 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.
- 15.1.1.5 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.
- 15.1.1.6 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

- 15.1.2 In relation to trees listed in Appendix 4, the following activities shall be controlled activities:
- 15.1.2.1 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 potentially hazardous or dangerous.
 - 15.1.2.2 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.
- 15.1.3 Under Rule 15.1.2 the Council shall restrict its discretion to consideration of:
- 15.1.3.1 The condition and future useful life expectancy of the tree including any potential hazard to persons or property.
 - 15.1.3.2 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
 - 15.1.3.3 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

- 15.1.4 In relation to trees listed in Appendix 4, the following activities shall be restricted discretionary activities:
- 15.1.4.1 Any activity which does not comply with Rule 15.1.1.1, 15.1.1.2 or 15.1.1.3.
 - 15.1.4.2 Any activity which does not comply with rule 15.1.1.4 in relation to any tree listed as a Category B tree in Appendix 4.
 - 15.1.4.3 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.
 - 15.1.4.4 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.
 - 15.1.4.5 Destruction or removal of any tree listed as a Category B tree in Appendix 4.
- 15.1.5 Under Rule 15.1.4 the Council shall restrict its discretion to consideration of:
- 15.1.5.1 Any adverse effects of the proposed activity on the values of the listed tree.
 - 15.1.5.2 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.
 - 15.1.5.3 The costs to the applicant of not allowing the proposed activity.
 - 15.1.5.4 Whether the applicant has the ability to undertake a complying development without the work detrimentally affecting the tree.
 - 15.1.5.5 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
 - 15.1.5.6 The effect of any building or structure on the visibility of the tree from a road or public place.
 - 15.1.5.7 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.
 - 15.1.5.8 Whether the tree or trees seriously restrict the development of the site for its zoned purposes.
 - 15.1.5.9 Whether the tree or trees inhibits the growth of more desirable specimens nearby.

- 15.1.5.10 Whether the tree still retains the essential characteristics for which it was originally protected.
- 15.1.5.11 Whether a tree to be removed is capable of being successfully transplanted.
- 15.1.5.12 Any substitute or compensating tree planting proposed.
- 15.1.5.13 Whether the particular species of tree has been legally declared a noxious plant.

Non-Complying Activities – Protected Trees

- 15.1.6 In relation to trees listed in Appendix 4, the following activities shall be non-complying activities:
 - 15.1.6.1 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.
 - 15.1.6.2 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.

15.2 HERITAGE BUILDINGS, STRUCTURES OR SITES

Permitted Activities – Heritage Buildings, Structures or Sites

- 15.2.1 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:
 - 15.2.1.1 The replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
 - 15.2.1.2 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;
 - 15.2.1.3 Any repainting of existing painted surfaces;

- 15.2.1.4 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, Structures or Sites

- 15.2.2 Any activity which does not comply with Rule 15.2.1 shall be a restricted discretionary activity, except for the demolition or removal of any building or structure in Appendix 3.
- 15.2.3 Under Rule 15.2.2, the Council shall restrict its discretion to consideration of:
- 15.2.3.1 The heritage value(s) of the listed item, including the extent to which it has already been modified by additions or alterations;
 - 15.2.3.2 Whether the proposed activity will adversely affect the heritage values of the listed item;
 - 15.2.3.3 Any positive effects of the proposed activity on the heritage values of the listed item, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the listed item for ongoing use; and any proposal to provide public access to the heritage item;
 - 15.2.3.4 The costs to the applicant or owner of not allowing the proposed activity;
 - 15.2.3.5 Any alternative options which may better maintain the heritage values of the listed item and the relative costs of the alternatives;
 - 15.2.3.6 Any other activity the applicant or owner has undertaken to maintain or enhance heritage values of the listed item and the appropriateness of that activity as a mitigation measure.

Discretionary Activities — Heritage Buildings, Structures or Sites

- 15.2.4 Any demolition or removal of any building or structure (except those classified as “Category I” under the Historic Places Trust Category in Appendix 3) shall be a discretionary activity.

Non-Complying Activities — Heritage Buildings, Structures or Sites

- 15.2.5 Any demolition or removal of any building or part of any building which is listed as “Category 1” under the Historic Places Trust Category in Appendix 3 shall be a non-complying activity.

Notes

1. The consent authority may request technical advice from the Historic Places Trust Pouhere Taonga in deciding on any resource consent application under Rule 15.2.5 where it affects a listed building, structure or site.
2. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B Section 3.3, “Archaeological Sites”).

Reasons for Rules

Protected Trees

The trees listed in Appendix 4 have been assessed as having significant values to Selwyn District. Rule 15.1 provides an opportunity to ensure that these listed trees are adequately protected.

The consent authority will also consider the costs incurred by the owners, including the “opportunity costs” if the activity is not allowed to proceed. (See Part B, Section 3.3 for a full explanation of heritage “issues” and protection).

Heritage Buildings, Structures or Sites

The buildings, structures and sites listed in Appendix 3 have been assessed as having important heritage or cultural values to Selwyn District. Rule 15.2 provides an opportunity to ensure that changes to those items maintain or enhance their heritage values whenever practical. A higher level of protection is given to buildings and structures classified as “Category I” under the HPT listing in Appendix 3.

The Plan’s policies recognise that an essential part of maintaining the heritage values of buildings, is encouraging their ongoing economic use and thus maintenance. This often means buildings being modified to suit a new use. The emphasis is on ensuring modifications maintain or enhance the heritage values of the building, where feasible and practical, rather than disallowing changes. Maintenance work is defined in the rule so that it can be undertaken without the need for a resource consent, but is limited to a scale which ensures heritage values are not compromised.

Costs to the owners of these sites, where they are required to go through a resource consent process, are mitigated by the consent authority’s commitment not to charge for processing these resource consents, and to consider costs incurred by the owners, including “opportunity costs” if the activity is not allowed to proceed. (See Part B, Section 3.3 for a full explanation of heritage “issues” and protection).

16.6 BUILDINGS AND BUILDING HEIGHT AND REFLECTIVITY

Permitted Activities — Buildings and Building Height and Reflectivity

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

Table C16.1 – Maximum Heights of Buildings and Structures

Zone	Building	Structure
Business 1 Zone	10 metres	25 metres
Business 1 Zone in Prebbleton (except Lots 1 and 2 DP 17591 and Lot 1 DP 13679)	8 metres (plus roof allowance)	25 metres
Lots 1 and 2, DP 17591 and Lot 1 DP 13679 in the Business 1 Zone at Prebbleton	10 metres (plus roof allowance)	25 metres
Business 1A Zone	8 metres	20 metres
Business 2 Zone	15 metres	25 metres
Business 3 Zone	30 metres	30 metres

Notes:

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

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

16.6.2 Any building or structure which complies with the maximum height standards set out in Table C16.2 shall be a permitted activity.

Table C16.2 – Maximum Heights of Buildings and Structures

Zone	Building	Structure
Business 2A Zone	15 metres	25 metres

Notes:

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

Restricted Discretionary Activities — Buildings and Building Height and Reflectivity

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

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

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

Note:

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

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

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

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

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

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

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

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

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

Discretionary Activities — Buildings and Building Height

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

18 BUSINESS ZONE RULES – UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 14 (Earthworks), except where the provisions of Rule 15 (Heritage) apply.
2. The rules in this Plan are applicable to activities generally, including utilities. However, the following rules do not apply to utilities:

Land Use Rules for Business Zones:

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

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

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

18.1 UTILITIES – ACTIVITIES

Permitted Activities – Utilities Activities

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

- 18.1.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:

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

- (f) The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- (g) Pole replacement;
- (h) Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- (i) The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- (j) An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.

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

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

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

- (c) If the report provided to the Council under condition 18.1.1.2(b) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within three months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.

18.1.1.3 Any power frequency electric and magnetic fields created do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public.

Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.

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

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

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, coordination, layout and formation of any land required for reserves, which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP; and
- 24.1.4.13 The provision of footpaths, lighting and street furniture; and
- 24.1.4.14 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways.

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

Special Sites

- 24.1.4.15 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 24.1.4.16 If the land to be subdivided contains any place or item which is listed in Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation, or in Appendix 4 as a Protected Tree:
 - (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.

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 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

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

Special Sites

- 24.2.2.7 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody (excluding aquifers); or
 - (b) Any site listed in Appendices 2 or 3 or 4; 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

Special Sites

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

Utilities

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

Easements

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

Point Strips

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

High Voltage Transmission Lines

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

Esplanade Reserves and Strips

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

Reasons for Rules

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

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

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

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

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

Outline Development Plans are required in a number of circumstances where the area to be developed is large, or is in multiple ownership. The purpose of Outline Development Plans is to ensure coordinated development, particularly in terms of roading, pedestrian and cycle links; to

M

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

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 m² (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).

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 10m² 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 10m² 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

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:

Community Infrastructure: in section 197 of the Local Government Act 2002 means:

- (a) land, or development assets on land, owned or controlled by the territorial authority to provide public amenities; and
- (b) includes land that the territorial authority will acquire for that purpose.

Development Contribution: in section 197 of the Local Government Act 2002 means a contribution:

- (a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- (b) calculated in accordance with the methodology; and
- (c) comprising—

money; or

land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or

both.

Hazardous Substance: in section 2 of the Hazardous Substances and New Organisms Act 1996.

“Means, unless expressly provided otherwise by regulations, any substance -

- a) with one or more of the following intrusive properties:
 - i) Explosiveness
 - ii) Flammability
 - iii) A capacity to oxidise
 - iv) Corrosiveness
 - v) Toxicity (including chronic toxicity)
 - vi) Ecotoxicity, with or without bioaccumulation; or
- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.”

Mineral Exploration: as “exploration” in section 2 of the Crown Minerals Act 1991.

“Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and ‘to explore’ has a corresponding meaning.”

Mining: as “mining” in section 2 of the Crown Minerals Act 1991.

“Means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and ‘to mine’ has a corresponding meaning.”

Network Infrastructure: in section 197 of the Local Government Act 2002 means:

“The provision of roads and other transport, water, wastewater, and stormwater collection and management.”

Road: in section 315 of the Local Government Act 1974.

"Means the whole of any land which is within a district, and which—

- (a) Immediately before the commencement of this Part of this Act was a road or street or public highway; or
- (b) Immediately before the inclusion of any area in the district was a public highway within that area; or
- (c) Is laid out by the council as a road or street after the commencement of this Part of this Act; or
- (d) Is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- (e) Is vested in the council as a road or street pursuant to any other enactment;—

and includes—

- (f) Except where elsewhere provided in this Part of this Act, any access way or service lane which before the commencement of this Part of this Act was under the control of any council [[or is laid out or constructed by or vested in any council as an access way or service lane]] or is declared . . . by the Minister of Works and Development as an access way or service lane after the commencement of this Part of this Act [[or is declared by the Minister of Lands as an access way or service lane on or after the 1st day of April 1988]]:
- (g) Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in [[the Public Works Act 1981]] or in any regulations under that Act, does not include a motorway within the meaning of that Act:

Wetland: in section 2 of the Act:

"Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions."

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APPENDIX 3

SCHEDULE OF HERITAGE ITEMS

Ref	HPT Category	Name	Location	Legal Description	Valuation No.	Zone	Map No.
H1		Chapel	Arthur's Pass Village	Sec 127 Arthurs Pass	2427002801	Liv 1	48
H2		Tunneller's Cottage	Arthur's Pass Village	Sec 20 Arthurs Pass	2427002900	Liv 1	48
H3		Tunneller's Cottage	Arthur's Pass Village	Sec 2 Arthurs Pass	2427001100	Liv 1	48
H4		St Theresa's Church	Homebush Rd, Coalgate	Lots 6/8 DP218	2422032900	Liv 1	58
H5		Police Lock-up Darfield	South Tce, Darfield	Pt RS2978	2418014000	Liv 1	69
H6		Darfield War Memorial	McLaughlins Road, Darfield	RS 40642, 40644, 40645, 40647	2418025801	Bus 1	68
H7		Doyleston Library	Leeston Road, Doyleston	Pt Lot 75 DP105	2410034700	Liv 1	130
H8		St Thomas' Anglican Church	Leeston-Dunsandel Road, Dunsandel	Pt RS 9064	2412037300	Liv X	92
H9		Cottage – Sod Ruins	Leeston-Dunsandel Road, Dunsandel	Lot 1 DP 65151	2412037400	Liv X	92
H10		Methodist Church (Gift Shop)	Main South Rd, Dunsandel	Pt RS 8803	2412007300	Bus 1	92, 21
H11		Dunsandel War Memorial	Leeston-Dunsandel Road, Dunsandel	Res 316	2412037200	Liv 1	92
H12	II	Old Library & Gateposts	Homebush Rd, Glentunnel	Pt RS 14493	2422028400	Liv 1	57
H13		Miners Cottage	Railway Tce, Glentunnel	Lot 4 DP 2806	2422028602	Liv 1	57
H14		Miners Cottage	Railway Tce, Glentunnel	Lot 3 DP 2806	2422028601	Liv 1	57
H15		Miners Cottage	Railway Tce, Glentunnel	Lot 2 DP 2806	2422028600	Liv 1	57
H16		Miners Cottage	Railway Tce, Glentunnel	Lot 1 DP 2806	2422028700	Liv 1	57

Ref	HPT Category	Name	Location	Legal Description	Valuation No.	Zone	Map No.
H17		St George's	Courtenay Rd, Kirwee	Lot 14-15 DP 434	2419028500	Liv 1	82
H18		Leeston War Memorial	High St, Leeston	Road Reserve	N/A	Liv 1	127
H19		Old Court House/RSA	Feredays Rd, Leeston	Pt Lot 1 DP 17659	2416023500	Bus 1	129
H20		St John's Anglican Church	High St, Leeston	Lot 7 DP DR 1/18	2416009400	Liv 1/ Bus 1	127
H21		Catholic Church	Feredays Rd, Leeston	Lots 7-8, 18-19 DP 101	2416021000A	Liv 1	129
H22	II	House No.1	Chapman St, Leeston	Pt Lot 1 DP 13004	2416021200	Liv 1	129
H23		Ellesmere Brass Band Hall	High St, Leeston	Pt RS 5787	2416002500	Liv 1	127
H24		Pioneer Hall	Kildare Tce & Gerald St, Lincoln	Gaz 1919-3135, Pt RS 3761, RS 39900	2404150700	Liv 1	113
H25		Coronation Library	Gerald St, Lincoln	Gaz 1919-3135, Pt RS 3761, RS 39900	2404150700	Liv 1	113
H26	II	St Stephen's Anglican Church	Edward St, Lincoln	Pt RS 1532	2404147800	Liv 1	113
H27		Liffey Cottage	James St, Lincoln	Lot 1 DP 83459, Lot 1 DP 81241	2402142801	Liv 1	110, 111
H28		The Gables' House (old Manse)	Gerald St, Lincoln	Lot 3 DP 55189	2404104000	Liv 1	113
H29		Lincoln Union Church (Presbyterian)	James St, Lincoln	Lot 2 DP 83459	2404142800	Liv 1	110
H30	I	Memorial Hall	Lincoln University	Lot 4 DP 6070	2405239300	Bus 3	112
H31	I	Ivey Hall	Lincoln University	Lot 4 DP 6070	2405239300	Bus 3	112
H32		Lincoln Doctor House	Edward St, Lincoln	Lot 3 Pt Lot 2 DP 21148, Lot 1 DP 50673, Pt RS 1532	2404147600	Liv 1	113
H33		Home – William & Mary Tod	East Belt, Lincoln	Lot 2 DP 30031	2404143700	Liv 1	113, 114

APPENDIX 4

SCHEDULE OF PROTECTED TREES

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T01	Strawberry Tree /Arbutus unedo	Presbyterian Church, Lee Street, Southbridge	Lot 1 DP 74959	Liv 1	131	44	B
T02	Copper Beech /Fagus sylvatica purpurea	45 High Street, Southbridge	PT RS 5861	Liv 1	131	34	B
T03	English Oak /Quercus robur	45 High Street, Southbridge	PT RS 5861	Liv 1	131	38	B
T04	Wellingtonia / Sequoiadendron giganteum	67 High Street, Southbridge	LOT 1 DP 49280	Liv 1	131	52	B
T05	Pin Oak /Quercus palustris	St John Street, Southbridge	PT LOT 19 DP 712	Bus 2	132	34	B
T06	English Oak /Quercus robur	Broad Street, Southbridge	LOT 1 DP 373810	Liv 1	132	32	B
T07	Wellingtonia / Sequoiadendron giganteum	St John Street, Southbridge	PT RS 4477	Bus 2	4, 132	40	B
T09	Common Lime /Tilia x vulgaris	Southbridge School, Hastings Street, Southbridge	LOT 1 DP 80498	Liv 1	4, 131	30	B
T10	Chinese Poplar /Populus yunnanensis	Southbridge School, Hastings Street, Southbridge	LOT 2 DP 18297	Liv 1	4, 131	34	B
T11	Walnut /Juglans regia	Children's playground, High Street, Southbridge	PT RS 3344,4041	Bus 1	4, 131	32	B
T12	Golden Ash /Fraxinus excelsior 'jaspidea'	Leeston Park, Leeston	LOT 4 DP 1221	Liv 1	4, 129	36	B
T13	Pin Oak /Quercus palustris	Leeston Park, Leeston	LOT 6 DP 1221	Liv 1	4, 129	46	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T14	Common Lime /Tilia x vulgaris	Leeston Park, Leeston	PT LOT 2 DP 1221	Liv 1	4, 129	38	B
T15	Indian Cedar /Cedrus deodara	St David's Methodist Church, High Street, Leeston	LOT 1 DP 62985	Bus 1	4, 127	48	B
T16	Indian Cedar /Cedrus deodara	St David's Methodist Church, High Street, Leeston	LOT 1 DP 62985	Bus 1	4, 127	40	B
T17	Wellingtonia / Sequoiadendron giganteum	Springfield Church, SH 73, Springfield	PT RS 20516	Outer Plains	21, 52	58	B
T18	Monterey Pine /Pinus radiata	Porter's Pass, 500m from SH 73	RS 33889	High Country	25	48	B
T19	Red Oak /Quercus rubra	All Saints Garrison Church, Burnham	PT RES 1160	Outer Plains	13	48	B
T20	Red Oak /Quercus rubra	East Corner of Buckleys Rd, Queens Dr	PT RES 1160	Outer Plains	13	54	B
T21	Monterey Cypress / Cupressus macrocarpa	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	64	A
T22	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	48	B
T23	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T24	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T25	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T26	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T27	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T28	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T29	English Oak /Quercus robur	Kirwee Monument, Kirwee	PT Coal Tramway Reserve	Outer Plains	4, 84	30	B
T30	Common Ash /Fraxinus excelsior	Cnr Main South Road & Hororata Dunsandel Road, Dunsandel	Road Reserve	Outer Plains	7, 92	40	B
T31	Western Yellow Pine/Pinus ponderosa	Sheffield Domain, Sheffield	RS 42314	Outer Plains	36, 53	42	B
T32	Western Yellow Pine/Pinus ponderosa	Sheffield Domain, Sheffield	RS 42314	Outer Plains	36, 53	42	B
T33	English Oaks (58)/Quercus robur	Tai Tapu School, School Road,Tai Tapu	LOT 2 DP 301911	Liv 1A	9, 125	40	B
T34	Wellingtonia / Sequoiadendr on giganteum	Darfield primary school, Ross Street, Darfield (Planted 1883)	PT RES 2551	Bus 1	17, 72	46	B
T35	Wellingtonia / Sequoiadendr on giganteum	Darfield primary school, Ross Street, Darfield (Planted 1883)	PT RES 2551	Bus 1	17, 72	46	B
T36	English Oak /Quercus robur	Darfield War Memorial, Darfield	RS 40645	Bus 1	17, 68	34	B
T37	English Oak /Quercus robur	Beethams and Leeston Roads, Doyleston	LOT 1 DP 30700	Outer Plains	4, 130	48	B
T38	Tasmanian Blue Gum/ Eucalyptus globulus	Cnr Goulds & Lowes Roads, Rolleston	Road Reserve	Liv 1	13, 101	44	B
T39	Necklace Poplar /Populus x deltoides	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T40	Wellingtonia / Sequoiadendr on giganteum	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	70	A
T41	Douglas Fir/ Psuedotsuga menziesii	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T42	Norway Spruce /Picea abies	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T43	Caucasian Fir /Abies nordmanniana	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	48	B
T44	Western Hemlock Fir /Tsuga heterophylla	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	80	A
T45	Bhutan Pine /Pinus wallichiana	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T46	Monterey Cypress /Cupressus macrocarpa	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T47	Indian Cedar /Cedrus deodara	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T48	Common Lime /Tilia x vulgaris	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	52	B
T49	Atlas cedar /Cedrus atlantica	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T50	Monterey Cypress /Cupressus macrocarpa	Homebush Station, Homebush Road	PT Lot 1 DP 7925	Malvern Hills	16	104	A
T51	Monterey Pine /Pinus radiata	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	60	A
T52	Santa Lucia Fir/Abies bracteata	Adam's Estate, Adams Road, Greendale	PT RS 8795	Outer Plains	12	76	A
T53	Blue Atlas Cedar/ Cedrus atlantica glauca	Adam's Estate, Adams Road, Greendale	PT RS 8795	Outer Plains	12	36	B
T54	Wellingtonia/ Sequoiadendron giganteum	Cnr Fitz Place & Edward Street, Lincoln	PT RS 1532	Liv 1	14, 113	52	B
T55	English Oak /Quercus robur	Cnr Leister Terrace & Edward Street, Lincoln	LOT 1 DP 57207	Liv 1	14, 113	40	B
T56	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T57	English Oak /Quercus robur	Liffey Reserve, Leinster Terrace	RES 3761	Liv 1	14, 113	48	B
T58	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B
T59	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B
T60	Tasmanian Blue Gum/Eucalyptus globulus	Liffey Reserve, Kildare Terrace	RS 39900	Liv 1	14, 113	36	B
T61	English Ash /Fraxinus excelsior	Union Church Grounds, James Street, Lincoln	LOT 2 DP 83459	Liv 1	14, 110	60	A
T62	Big Cone Pine /Pinus coulteri	Terrace Station	LOT 1 DP 400673	Outer Plains	11, 16	54	B
T63	Manna Gum /Eucalyptus viminalis	Terrace Station	LOT 1 DP 400673	Outer Plains	11, 16	64	A
T64	<i>Not allocated</i>						
T65	<i>Not allocated</i>						
T66	Algerian Oak/ Quercus canariensis	Terrace Station	LOT 2 DP 400673	Outer Plains	11, 16	76	A
T67	White Ash/ Eucalyptus fraxinoides	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	38	B
T68	Wellingtonia/ Sequoiadendron giganteum	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	39	B
T69	Field Maple /Acer campestre	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	70	A
T70	Wellingtonia/ Sequoiadendron giganteum	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	62	A
T71	Western Yellow Pine/ Pinus ponderosa	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	70	A
T72	Manna Gum/ Eucalyptus viminalis	Rakaia Terrace Road, Te Pirita	PT LOT 1 DP 15130	Outer Plains	6	52	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T73	English Oak /Quercus robur (five trees)	Waihora Park Reserve	SECT 1 SO 18388	Outer Plains	9	36	B
T74	See folder for tree descriptions	A. E. Hart Arboretum, Lake Coleridge. Upper site.	Lot 1 DP 78849	High Country	19, 51		A
T75	See folder for tree descriptions	A. E. Hart Arboretum, Lake Coleridge. Lower site.	Lot 1 DP 80128	High Country	19, 51		A
T76	Wellingtonia/ Sequoiadendron giganteum	Hororata Reserve, behind reflection lake	Res 1589	Outer Plains	16	58	B
T77	Tasmanian Blue Gum/Eucalyptus globulus	Cnr Halkett and Sandy Knolls Roads	Road Reserve	Outer Plains	18	52	B
T78	Walnut /Juglans regia	Nesslea, Greendale	Lot 1 DP 59582	Outer Plains	17	80	A
T79	English Oak /Quercus robur	Gerald Street, Lincoln. Old Bartle property.	PT RS 2724	Bus 1	14, 113	32	B
T80	English Oak /Quercus robur(21 trees)	River bank, Perymans Rd, Tai Tapu	Road Reserve	Inner Plains	9, 125	42	B
T81	Tasmanian Blue Gum/Eucalyptus globulus	1197 Shands Road	Lot 1 DP 75442	Inner Plains	13	36	B
T82	Native Trees Various	Catholic Church, 1981 Telegraph Road, Darfield	PT RS 25014	Liv 1	17, 72	46	B
T83	Monterey Pine /Pinus radiata	High Peak Road, end of Whitecliffs Valley Road.	Road Reserve	High Country	16	58	B
T84	Blue Atlas Cedar / Cedrus atlantica	Beside Water race (opp Kirwee Tavern) Kirwee	PT Coal Tramway Reserve	Outer Plains	17, 84	36	B
T85	Tasmanian Blue Gum/Eucalyptus globulus (21 trees)	Old County Depot, St John St, Southbridge	RES 4918	Bus 2	4, 132	44	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T86	Tasmanian Blue Gum/Eucalyptus globulus (multiple trees)	Hoskyns Road, between Courtenay and Ansons	RES 2358 SECT 2 SO 4514	Liv 1, Outer Plains	17, 82	44	B
T87	Monterey Cypress /Cupressus macrocarpa	Pearson Reserve, Bangor Road	PT RS 39126	Liv 2	17, 68	40	B
T88	Various trees – see file	782 Weedons Road	Lot 1 DP 22179	Inner Plains	13	62	A
T89	Tasmanian Blue Gum/Eucalyptus globulus	125 Lowes Road, Rolleston	Lot 6 DP 350314	Liv 1	13, 103	34	B
T90	Tasmanian Blue Gum/Eucalyptus globulus	1055 Newtons Road, Sandy Knolls	Lot 2 DP 415649	Inner Plains	13	44	B
T91	Monterey Cypress /Cupressus macrocarpa	1055 Newtons Road, Sandy Knolls	Lot 2 DP 415649	Inner Plains	13	44	B
T92	English Oak/Quercus robur	188 Adams Road, Greendale	Lot 5 DP 705	Outer Plains	12	52	B
T93	English Oak /Quercus robur	188 Adams Road, Greendale	Lot 5 DP 705	Outer Plains	12	52	B
T94	Totara /Podocarpus totara	Old Bowling Green Reserve, Springfield	Lot 8 DP 500	Liv 1	26, 52	36	B
T95	English Oak /Quercus robur	Old Bowling Green Reserve, Springfield	Lot 8 DP 500	Liv 1	26, 52	38	B
T96	Kowhai /Sophora microphylla	10 Waimakariri Gorge Road, Waddington	Lot 42 DP 15	Liv 1	22, 54	42	B
T97	Spanish Fir /Abies pinsapo	10 Waimakariri Gorge Road, Waddington	Lot 42 DP 15	Liv 1	22, 54	62	A
T98	Douglas Fir /Psuedotsuga menziesii (2 trees)	Road reserve adjacent to 1 DP 61202 925 Whitecliffs Road	Lot Road Reserve (unformed)	Malvern Hills	16	42	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T99	Wellingtonia/ Sequoiadendron giganteum (5 trees)	Adjacent to site of old Tawera County Council Office/Depot, Springfield Road	Road Reserve	Outer Plains	21	32	B
T100	Wellingtonia/ Sequoiadendron giganteum	Site of old Tawera County Council Office/Depot, Springfield Road	Lot 2 DP 23887	Outer Plains	21	32	B
T101	Monterey Cypress / Cupressus macrocarpa	Site of old Tawera County Council Office/Depot, Springfield Road	Lot 2 DP 23887	Outer Plains	21	32	B
T102	Cabbage Tree / Cordyline australis	77 East Belt, Lincoln	Lot 3 DP 74920	Liv 1	14, 113	38	B
T103	Common Lime / Tilia x vulgaris	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B
T104	English Oak / Quercus robur	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B
T105	Cabbage Tree / Cordyline australis	174 Ridge Road, Greenpark	Lot 2 DP 83716	Outer Plains	9	40	B
T106	Bhutan Cypress/ Cupressus torulosa	Trinity Church, McLaughlins Road	Pt RS 19215	Liv 1	68	34	B
T107	English Oak/ Quercus robur (2 Trees)	27 Cairnbrae Drive, Prebbleton	Lot 105 DP 331951	Liv 1A6 (deferred)	14, 121	40	B

Notes:

1. 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.
2. The description of the location of each protected tree in this Appendix 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.

EVALUATION CRITERIA FOR PROTECTED TREES

The following evaluation criteria apply to all trees listed in the Schedule above. The individual scores in each of the evaluation factor categories are added together to give the total score. The score for each tree, as listed in the right hand column of the table, has been derived from the application of this evaluation criteria system.

Completed evaluation forms for each tree that is listed in this Appendix can be obtained on request from the Selwyn District Council.

Selwyn District Plan Protected Tree Criteria and Evaluation Sheet

Tree No.:	Location:	Legal Description:	Inspected by:
Species:	Map No.:	Area/Zone:	Date:
Height (m):	Diameter at breast height (mm):	Mean Crown diameter (m):	Tree Score:

Factors	Points: 0	2	4	8	16	32
Heritage/ Historic				Local area/community significance or planted by well known local identities or organisations	Early settler plantings or trees intrinsically associated with historic/heritage buildings or places or important historical events.	Trees commemorating important regional or national historic events or planted by historic identities.
Scientific/ botanical	No special scientific or botanical value.	Few good specimens of particular species in particular township or local community.	Rare throughout Selwyn District.	Rare in Canterbury region or significant tree group or ecological association or important seed or propagating material source.	Rare throughout New Zealand OR arboretum OR tree collection.	Only known specimen in New Zealand or last remnant of native trees or bush.
	Classified as noxious or surveillance plant or unwanted wilding exotic tree species. Protection not valid except for any tree that qualifies for protection under a 16 point column.					
Importance of position in landscape	Totally obscured by trees, structures or not seen from a public place.	Small tree or tree more than 50% obscured by other trees, objects or landscape.	Roadside or park tree or tree/s in well frequented public place or private property.	Fine avenue or street plantings or tree/s growing in areas where other large trees are scarce.	Principal feature of important public place or landscape design. Well known district landmark or provides “gateway” effect to township or local community.	Landmark of national importance OR Tree/s are a vital component of a definitive landscape design.

Factors	Points: 0	2	4	8	16	32
Cultural, ethnical, social, or spiritual values or to commemorate a great personal sacrifice by an individual for mankind.	No special cultural, social, ethnical or spiritual values.	Planted by unknown cultural etc. person/s to commemorate minor cultural etc. event.	Planted by well known cultural etc. person/organisation or event of local importance.	Tree well known throughout district to be of cultural etc significance. Tree represented as emblem or symbol.	Tree well known throughout Canterbury region to be of cultural etc significance.	Tree well known nationally to be of cultural etc significance.
Size (Crown diameter x total height) or exceptional trunk diameter.	Very small – less than 10m ² .	Small – 10m ² to 50m ² .	Medium - 50m ² to 150m ² .	Large – 150m ² to 250m ² or largest tree in locality.	Very large 250m ² or more. Very large specimen or trunk diameter exceptionally large for particular species or grove of trees.	Largest or one of largest of particular species in New Zealand.
Age	Recent planting.	5 – 50 years.	50 – 100 years.	100 – 150 years.	150 years plus.	Oldest on record in New Zealand.
Form and condition	Dying, dead, diseased, unbalanced, bad structural defects or dangerous and cannot be rectified. Protection not valid even if points are scored for other factors.	Poor condition or form, stable condition, no bad defects. Any hazardous and other conditions can be rectified.	Fair – reasonable form, stable condition, no bad defects.	Good form, healthy condition, making good growth or interesting character.	Exceptionally good, outstanding specimen for district and region.	One of best examples of species in New Zealand.
Suitability in relation to setting or site conditions	Totally obscures or is causing significant damage to heritage objects, buildings or any essential structure or utility. Protection not valid except for any tree that qualifies for protection under the 16 and 32 point columns.	Partially obscures a heritage object or is causing slight damage to: important structures, dwellings or commercial premises that can be rectified.	Tree not obscuring or injuriously affecting any buildings, objects, structures, services or utilities. No significant negative values.	Good juxtaposition and harmony with important buildings, objects, structures and essential services or utilities.	Tree species and position specifically chosen and designed to enhance whole site or neighbourhood.	Classic and nationally recognised example of excellent landscape design with trees.
Functional value e.g. soil stabilization, noise amelioration, shelter, screening, pollution control shade tree etc.	No functional value.	25% effective, state function:	50 % effective, state function:	75% effective, state function:	100% effective, state function:	Of vital public interest that function be maintained. State function:

Notes:

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SCHEDULE OF AMENDMENTS

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

Name	Description
PLAN CHANGE 18	HERITAGE / PROTECTED TREES
Clause 16 Amendments	Various minor changes

Please amend your District Plan by updating the following pages:

Rural Volume

Amendments from 19 February 2011 to 16 March 2011

Insert Pages

Front of Rural Volume - Supersedes existing Certificate of Approval	Signed Certificate of Approval as of 16 March 2011
--	--

Replace pages - Please recycle all pages removed

Part AO Contents	Pg 1 - 4
<i>Amend page numbers and "Protected Trees" headings</i>	
Part B3 People's Health, Safety & Values – Culture & Heritage	B3-019 – B3-050
<i>Amend B3.3 "Issue", adding reference to "trees and vegetation"</i> <i>Add new last paragraph to "Culture & Heritage Values in Selwyn District"</i> <i>Add new sub-section "Protected Trees" to "Culture & Heritage – Strategy", after "Heritage Sites"</i> <i>Add new Objective B3.3.3 after B3.3.2, and new last paragraph to Explanation and Reasons.</i> <i>Amend B3.3.8, removing reference to Appendix 4</i> <i>Add new Policies B3.3.11 to B3.3.14, and Reasons for Rules</i> <i>Add new last bullet point to "Culture & Heritage – Anticipated Environmental Results"</i>	
Part C1 Rural Rules – Earthworks	C1-001 – C1-010
<i>Amend Note 1, adding new text</i> <i>Add new Notes 6 & 7</i> <i>Amend headings – changing to "Protected Trees", deleting all references to "Heritage Trees"</i> <i>Delete existing C1.5.1.1, insert new C1.5.1.1</i> <i>Insert new Rules C1.5.1.2 to C1.5.1.5, amend Note changing "Heritage" to "Protected"</i> <i>Amend C1.5.2 heading – changing "Heritage" to "Protected"</i> <i>Add new C1.5.4 – Non-complying Activities</i> <i>In Cross Reference table amend Policies column and change "Heritage" to "Protected"</i> <i>Add new last paragraph to "Reasons for Rules"</i>	

Part C2 Rural Rules – Tree Planting and Removal of Heritage Trees	C2-001 – C2-002
<i>C2.3 – change heading "Heritage" to "Protected"</i>	C2-009 – C2-014
<i>Delete existing Rules C2.3.1 to C2.3.2</i>	
<i>Add new Rule C2.3.1 – Permitted Activities</i>	
<i>Add new Rule C2.3.2 & C2.3.3 – Controlled Activities</i>	
<i>Add new Rule C2.3.4 & C2.3.5 – Restricted Discretionary Activities</i>	
<i>Add new Rule C2.3.6 – Non-complying Activities</i>	
<i>Insert new Notes</i>	
<i>Change "Heritage" to "Protected" and rule numbers under Policies column, in Cross Reference Table</i>	
<i>Amend 1st paragraph "Reasons for Rules" changing "Heritage Trees" to "Protected Trees"</i>	
<i>Amend 2nd to last paragraph of "Reasons for Rules"</i>	
Part C5 Rural Rules - Utilities	C5-001 – C5-004
<i>Amend Note 1, adding reference to Rule 1.5</i>	
Part C10 Rural Rules	C10-001 – C10-002
<i>Add new point (b) regarding Protected Trees to rules C10.1.1.3 and 10.4.2.2</i>	C10-007 – C10-008
Part D Definitions	D-005 – D-016
<i>Delete definition for "Heritage Tree"</i>	
<i>Add definitions for "Protected Tree" and "Tree"</i>	
Part E Appendix 3 – Schedule of Heritage Items	E3-001 – E3-008
<i>Various minor amendments under Clause 16</i>	
Part E Appendix 4 – Schedule of Heritage Trees	E4-001 – E4-010
<i>Rename as "Protected Trees"</i>	
<i>Delete existing schedule and replace with new one</i>	



CERTIFICATE OF APPROVAL

The Council resolved on 22 February 2011 to approve those parts of the Selwyn District Plan relating to Plan Change 18 (*Protected Trees*) would be made operative on the 16th March 2011. Provisions which are not yet operative are detailed on the following page.

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

Sealed with the Common Seal of the Selwyn District Council

in the presence of:

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

Mayor
K Coe

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

Chief Executive
P Davey



Dated at Rolleston this 2 day of March 2011

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	Township and Rural Volumes All SDC designations are not operative with the exception of : 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
Telecom	Township and Rural Volumes All Telecom designations are not operative

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B3.3 CULTURE AND HERITAGE – ISSUE

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

What are Heritage Values?

The term heritage values is not defined in the Act. However, sites, areas or buildings may have heritage 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. Often people think of heritage sites as old buildings, or ruins. Many other things have heritage values including significant trees and vegetation. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, traditional activities, and trees planted to commemorate special events.

Heritage and Cultural Values in Selwyn District

Selwyn District has been settled by Māori and Europeans. There are sites, places and buildings which have cultural or heritage values 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.

Part of promoting sustainable management is recognising and protecting:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. (section 6 (e)).
- The protection of historic heritage from inappropriate subdivision, use and development (section 6(f)).

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.

Statutory Acknowledgement and Nohoanga Sites

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

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

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

Ngāi Tahu is an affected party for any activity which affects Areas of Statutory Acknowledgement, for the purposes of section 93 and 94 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 Māori Issues and Values). The Ngāi Tahu Claims Settlement Act provides for the bed of Te Waihora/Lake Ellesmere to be vested in fee simples 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 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.

Heritage Sites and Buildings

Selwyn District has been colonised and farmed by European settlers since the 1850's. 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 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 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 Heritage or Cultural Values

Sites and buildings with heritage or cultural 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 Heritage and Cultural Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with 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 heritage and cultural values involves costs:

- Many sites and structures are privately owned or on private land. Protecting them may sometimes prevent the landholder from using the site or structure 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 heritage and cultural 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.

Part of promoting 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)).

In addition, sections 6 (e) and (f) of the Act relate to the recognition of the relationship between Maori and their culture, and the protection of historic heritage from inappropriate subdivision use and development. 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
 - (iii) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”. Check whether this is (b) or (iii)

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 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 have particular regard to the recognition and protection of heritage values of sites, buildings, places and areas (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 NZAA (New Zealand Archaeological Association) 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

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. In addition the Trust is an affected party for resource consents involving places of heritage values.

CULTURE AND 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 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 tangata whenua, and the quality of the rural and urban environments identified in the District Plan.

Explanation and Reasons

Objective B3.3.1 reflects the duty under section 6(e) of the Act to recognise and protect sites of wāhi tapu and other cultural importance to Māori. 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 reflects the duty under section 6(f) of the Act to have particular regard to the protection of the heritage values of sites, areas and buildings. 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 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 HERITAGE – POLICIES AND METHODS

MĀORI SITES

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 Policy B3.3.3(a) and (b)).

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

Policy B3.3.3(a)

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

Policy B3.3.3(b)

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

Explanation and Reasons

Policies B3.3.3 (a) and (b) recognise and provide for the protection of four types of sites, in the Plan.

Policy B3.3.3(a) relates to Silent File Areas. 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.

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 B3.3.3(b) 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. 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 information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.3(b) 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 obtaining a resource consent.

Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are four areas in the District, at: Rakaia Island; Taumutu; along the Coast from the Rakaia River to Fisherman's Point; and along the bed of the Waikirikiri/Selwyn River. The Council wishes to foster a partnership between local rūnanga, landholders and Environment Canterbury (coast and Waikirikiri/Selwyn River bed) for the appropriate management of these areas.

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 identified on 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.

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. 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. The provisions of the Historic Places Act 1993 may apply to Wāhi Taonga sites and management areas, 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 B3.3.9). 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 B3.3.4

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 B3.3.5

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 B3.3.5 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.

Methods

District Plan Rules

- Exemptions for nohoanga sites

HERITAGE SITES AND BUILDINGS

Policy B3.3.6

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 B3.3.6 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.

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 B3.3.7

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 B3.3.7 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:

- 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 B3.3.8

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 B3.3.8 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 B3.3.8; 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 B3.3.9

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 and silent file areas 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 B3.3.9 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 B3.3.9 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 B3.3.10

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 B3.3.11

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

Policy B3.3.12

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 B3.3.13

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

Policy B3.3.14

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 B3.3.11 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.

Policy B3.3.12 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 B3.3.13 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 B3.3.14 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 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 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.

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1 RURAL RULES — EARTHWORKS

Notes

1. Rule 1 – Earthworks, does not apply to any of the following activities:
Any earthworks associated with digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, providing ducting for fibre optic cables, or drilling bores, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply.
2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.
3. Rules 9.16. and 9.17 apply to blasting and vibration. Rule 8 Waste Generation, Storage and Disposal applies to offal pits and landfills.
4. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust (refer to Part B, Section 3.3 Archaeological Sites).
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
6. 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.
7. 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 CULTURAL SITES (SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES)

Permitted Activities — Earthworks and Cultural Sites (Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites)

- 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 any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, 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;
 - 1.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities — Earthworks and Cultural Sites (Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites)

- 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 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
 - 1.2.3.3 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local runanga;
 - 1.2.3.4 Any potential costs to the landholder/occupier of not being able to undertake the proposed activity on that site;
 - 1.2.3.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 1.2.3.6 Any positive effects which may offset any adverse effects; and
 - 1.2.3.7 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 150m³ 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 30m³ of earth is disturbed, removed or deposited, and the pond is no more than 50m² in surface area; or
- 1.4.2.5 Any other earthworks which shall not exceed 100m³ 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) 100m² (area) per 1000 metres in any continuous 5 year period; and
- (ii) 40m³ (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) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and
- (b) A maximum volume of 5000m³ 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:

- (a) Filled and recontoured to the same state as the surrounding land; and

- (b) 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:

- (a) 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 150m³ 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	Cultural Sites (Silent File Areas, Wahi Taonga Management Areas, Mahinga Kai Sites)	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 000m³ 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 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. 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 runanga 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.

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2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED TREES

Notes

1. Any earthworks associated with tree planting or harvesting must comply with Rule 1 – Earthworks.
2. Plantations on the Plains must comply with Rule 9.13 – Vehicle Movements.
3. Removal of indigenous vegetation must comply with Rule 9.21 – Clearance of Indigenous Vegetation and Indigenous Plant Species.
4. The burning of vegetation is managed through regional rules. Therefore, Environment Canterbury should be contacted.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
 - Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziessi*)
 - Mountain pine (*Pinus mugo/unaciata*)
 - 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
 - 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:
 - (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
 - (b) Set back a minimum distance of 300m from the road boundary;
 - 2.1.1.4 The tree(s) are planted at least:
 - (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

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

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

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks.”

2.1.1.5 No tree shades:

- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;

2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;

2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;

2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

2.1.1.9 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;

2.1.1.10 In the area shown on the Planning Maps as the Port Hills 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;

- 2.2.14 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 plantations on Wāhi Tapu and Mahinga Kai sites, and in Wāhi Taonga Management and Silent File areas. The local runanga will be considered an affected party to allow for their input on how the runanga may be affected.

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.

5 RURAL RULES – UTILITIES

Notes

1. The undergrounding or ducting of any utility is permitted subject to compliance with Rule 1- Earthworks, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply.
2. The Rules in the Rural Volume of this Plan are applicable to activities generally, including utilities. However, the rules under Rule 3 Buildings, Rule 4 Rooding and Rule 9.4 Scale of Non-Residential and Non-Rural Activities do not apply to utilities, except the following:

Rule 3 Buildings

- Rule 3.15.1 Relocated Buildings
- Rule 3.9.1.1 Access and Parking
- Rule 3.13.1.2 Line of sight – railway crossings

Rule 4 Rooding

- Rules 4.5.1.2 – 4.5.1.5 Roads, Accessways and Vehicular Crossings.
 - Rules 4.6 Parking
 - Rule 4.1.1 Outstanding Landscapes
3. Work on utilities which are undertaken by requiring authorities under designations are not subject to the rules in this Plan.
 4. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
 5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.

5.1 UTILITIES – ACTIVITIES

Permitted Activities – Utilities – Activities

The following existing utilities shall be permitted activities:

- 5.1.1 Upgrading, maintenance, operation and replacement of existing utilities shall be permitted and shall not be subject to compliance with any other performance standards, conditions or rules in this Plan provided that the effects of such shall be the same or similar in character and scale to those which existed before such upgrading, maintenance or replacement activities commenced. For the avoidance of doubt, the following activities are permitted:
 - 5.1.1.1 The replacement of support structure cross arms;
 - 5.1.1.2 The reductoring or replacement of lines;
 - 5.1.1.3 The resagging of conductors or lines;

- 5.1.1.4 The addition of longer or more efficient insulators or mountings;
- 5.1.1.5 The addition of earth wires which may contain telecommunication lines, earthpeaks and lighting rods;
- 5.1.1.6 The clearance and trimming of vegetation under lines or structures necessary to maintain security of electricity supply and telecommunication;
- 5.1.1.7 Pole replacement;
- 5.1.1.8 Where an existing electricity distribution line requires upgrading to improve the reliability of supply, the addition of one support structure cross arms;
- 5.1.1.9 The substitution of low voltage (400 Volts) electricity distribution lines with Aerial Bundled Cable provided that the overall diameter of the bundle shall not exceed 40 mm;
- 5.1.1.10 An increase in the voltage of a line, but only where the line was originally installed to operate at a higher voltage, but has been operating at a reduced voltage.

5.1.2 Any utility which meets the following provisions shall be a permitted activity:

- 5.1.2.1 Any utility which emits electromagnetic radiation shall meet the following conditions:
 - (a) Exposures shall comply with NZS 2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz–300 GHz (“the New Zealand Standard”).
 - (b) Prior to commencing any radiofrequency emissions, the following shall be sent to and received by the Selwyn District Council:
 - (i) Written notice of the location of the facility or proposed facility; and
 - (ii) A report prepared by a radio engineer/technician or physical scientist containing a prediction or whether the New Zealand Standard will be complied with (note – this requirement shall not apply to the holder of an amateur radio licence).
 - (c) If the report provided to the Council under condition 5.1.2.1(b)(ii) predicts that emissions will exceed 25% of the exposure limit set for the general public in the New Zealand Standard, then within 3 months of radiofrequency emissions commencing, a report from National Radiation Laboratory (or Selwyn District Council, being an appropriately qualified organisation specifically identified in this rule), certifying compliance with the New Zealand Standard, based on measurements at the site, shall be provided to the Selwyn District Council.
- 5.1.2.2 Any power frequency electric and magnetic fields created by a utility do not exceed 100 micro tesla and 5kV/m in areas which are accessible to the public. Note: Electric and magnetic fields are measured and assessed in accordance with the International Commission on Non Ionising Radiation Protection Guidelines.

- 5.1.2.3 Any transformer, line or wire does not exceed a voltage of 110kV or a capacity of 100 MVA per circuit.
- 5.1.2.4 The utility is not used for the generation of energy, apart from the generation of energy for use on the same site, or to enable continued supply during emergencies, maintenance or repairs. (This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located).
- 5.1.2.5 Open channels or waterbodies used to convey water, are limited to:
- (a) Maintenance of existing drains and stock water races.
 - (b) Construction of new channels for drainage or irrigation purposes on any individual property which serve only that property.
- 5.1.2.6 Any pipe used for distribution of gas (manufactured or natural) does not exceed a gauge pressure of 2,000 kilopascals, including household connections and compressors.

Discretionary Activities – Utilities – Activities

- 5.1.3 Any activity which does not comply with Rules 5.1.2.2–5.1.2.6 shall be a discretionary activity.

Non-Complying Activities – Utilities – Activities

- 5.1.4 Any activity which does not comply with Rule 5.1.2.1 shall be a non-complying activity.

5.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities – Height and Setbacks – Utility Buildings

- 5.2.1 Erecting any utility building, or any addition or alterations to, or modification or demolition of any utility building, if all of the following conditions are met:

- 5.2.1.1 The height of the utility building shall not exceed 12 metres.

For Rule 5.2.1, the height of any utility building shall be measured from ground level at the base of the utility 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 utility building.

- 5.2.1.2 The utility building is set back a minimum distance of 10 metres from a strategic road, 5 metres from any other road, and 1 m from any property boundary.

- 5.2.1.3 The utility building is positioned so that it complies with the recession plane angles in Part E, Appendix 16.

Discretionary Activities – Height and Setbacks – Utility Buildings

- 5.2.2 Any utility building which does not comply with Rule 5.2.1 shall be discretionary activity.

5.3 HEIGHT – UTILITY STRUCTURES

Permitted Activities – Height – Utility Structures

5.3.1 Any utility structure which complies with all of the following conditions shall be a permitted activity:

5.3.1.1 The height of the utility structure shall not exceed 25m;

5.3.1.2 Any pole or mast shall not exceed 500mm in diameter beyond a height of 6m above ground level.

5.3.1.3 If any pole or mast exceeds 500mm in diameter beyond a height of 6m above ground level, it shall comply with the recession planes in Appendix 16.

(For the avoidance of doubt, 5.3.1.2 and 5.3.1.3 do not apply to cross arms or antenna, except dish antenna);

5.3.1.4(a) Any dish antenna of less than 1.2m in diameter, shall not exceed a height of 25m, or if attached to a building shall not extend more than 2.5m above the point of attachment;

5.3.1.4(b) Any dish antenna of more than 1.2m but less than 4m in diameter on a site adjoining a Living zone, shall not exceed a height of 25m or 2.5m above the point of attachment to any building to which it is attached; and shall comply with the recession plane in Appendix 16;

5.3.1.4(c) Any dish antenna of more than 1.2m but less than 4m in diameter on a site not adjoining a Living zone, shall not exceed a height of 25m or 2.5m above the point of attachment.

For the purposes of Rule 5.3.1.1 to 5.3.1.3, the maximum height of any utility structure is measured from the ground surface to the top of the highest point of the utility structure and includes any attachments. Where a utility structure is attached to a building or another structure, the height of the utility structure will still be measured from ground level.

Restricted Discretionary Activities – Height – Utility Structures

5.3.2 Any utility structure which does not comply with Rule 5.3.1.1 shall be a restricted discretionary activity.

5.3.3 Under Rule 5.3.2 the Council shall restrict the exercise of its discretion to consideration of:

5.3.3.1 Any adverse visual impacts or shading of neighbouring dwellings or living areas

5.3.3.2 Whether the facility (and its siting) is visually obtrusive having regard to the character of the surrounding environment.

10 RURAL RULES - SUBDIVISION

Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the headings 'Matters over which the Council has reserved control' or 'Matters subject to the Council's Discretion'.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the RMA.
4. Rule 10 applies to the subdivision of land, within the meaning of Section 218 of the RMA.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 4: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 1: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 3: Buildings, or Rule 4: Roading; or Rule 9: Activities.
8. Irrespective of any rules in this Plan, the transitional regional plan contains rules for minimum allotment sizes needed to treat and dispose of effluent on-site without a discharge permit. Therefore, Environment Canterbury should be contacted.
9. Underlined words are defined in Part D of the Plan.
10. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from the New Zealand Transport Agency (NZTA). This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
11. Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Part B, Section 3.3,) "Archaeological Sites").
12. Development contributions under the 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.

10.1 SUBDIVISION GENERAL

Controlled Activities – Subdivision General

- 10.1.1 Any subdivision of land shall be a controlled activity if all of the following standards and terms are met:
 - 10.1.1.1 Any allotment created is not located within any of the following areas:
 - (a) Any areas shown on the Planning Maps as the Waimakariri Flood Category A area;
 - (b) Any area shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas;

- (c) Seaward of the Coastal Hazard Line, as shown on the Planning Maps; and
 - (d) Between any waterbody and any stopbank designed to contain floodwater from that waterbody;
- 10.1.1.2 Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;
- 10.1.1.3 Any allotment created does not contain any of the following features:
- (a) Any site listed as a heritage site in Appendix 3;
 - (b) Any tree listed as a protected tree in Appendix 4;
 - (c) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wāhi Taonga site, a Wāhi Taonga Management Area, or a Mahinga Kai site;
 - (d) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection;
- 10.1.1.4 Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restriction shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.
- The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the Plan (or a resource consent) to the nearest boundary of any proposed allotment.
- 10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed as a Strategic Road in Appendix 9;
- 10.1.1.6 Any road, right of way or other vehicular accessway is designed and formed to comply with Rules 4.4 and 4.5 for permitted activities (for strategic roads they have to comply with the design criteria in Appendix 10);

Note: Any vehicle crossing formed on any allotment must comply with Rules 4.5.1.4 and 4.5 1.5.

Note: *Limited Access Roads (LAR). The objective of Limited Access Roads is to protect the safety and high level of traffic service on these important routes which may otherwise be adversely affected by traffic generation of property alongside. The LAR registration includes controls relating to subdivision and access to and from land adjoining the LAR. The effect is to prevent the proliferation of new access points and to reduce the number of accesses and volumes of traffic using them.*

- 10.1.1.7 Any allotment is for the purpose of establishing utility buildings or utility structures by a network utility operator.
- 10.1.1.8 Any subdivision is not within a corridor measured 20 metres from the centreline of a transmission line as indicated on the Planning Maps.

Note: The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m², including any extensions or alterations, seaward of the Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities.

10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.
- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:
 - 10.3.2.1 All the matters listed in Rule 10.1.2;
 - 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.
 - 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;
 - 10.3.2.4 Any positive effects which may offset any adverse effects; and
 - 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

10.4 SUBDIVISION ON SPECIAL SITES (HERITAGE AND CULTURAL).

Restricted Discretionary Activities — Subdivision on Special Sites (Heritage and Cultural)

- 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 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 Runanga; 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 heritage or archaeological sites, trees or buildings, or cultural sites, may require a resource consent application under the Plan, or in the case of an archaeological site, consent of 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.

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.

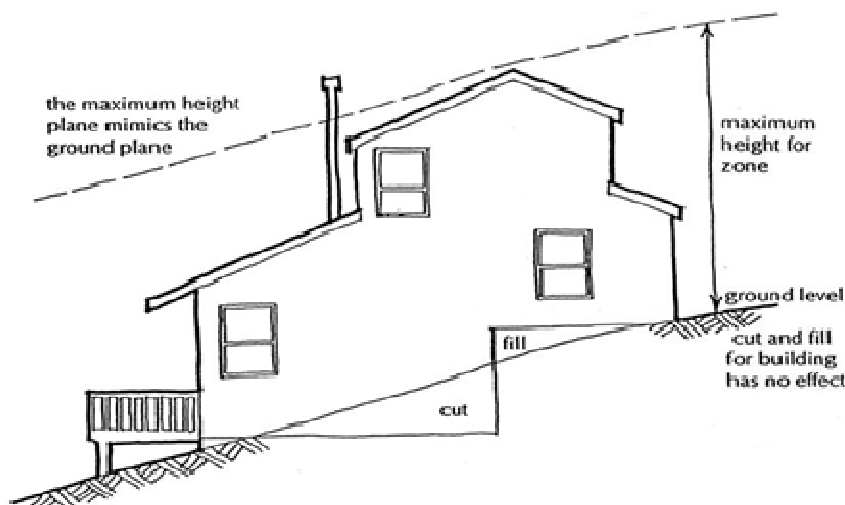
Heavy Vehicle: includes any vehicle which requires a heavy licence under section 5 of the Transport Act 1986.

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.

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

L₁₀: means the L₁₀ exceedence level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time.

L_{dn}: 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_{max}: means the maximum A-frequency-weighted sound level (dBA L_{max}) 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.

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 L₁₀, Leq 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 m² (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 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 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 10m² 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 10m² 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 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:

Community Infrastructure: in section 197 of the Local Government Act 2002 means:

- (a) land, or development assets on land, owned or controlled by the territorial authority to provide public amenities; and
- (b) includes land that the territorial authority will acquire for that purpose.

Development Contribution: in section 197 of the Local Government Act 2002 means a contribution:

- (a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- (b) calculated in accordance with the methodology; and
- (c) comprising—
 - (i) money; or
 - (ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - (iii) both.

Hazardous Substance: in section 2 of the Hazardous Substances and New Organisms Act 1996:

“Means, unless expressly provided otherwise by regulations, any substance -

- a) with one or more of the following intrusive properties:
 - i) Explosiveness
 - ii) Flammability
 - iii) A capacity to oxidise
 - iv) Corrosiveness
 - v) Toxicity (including chronic toxicity)
 - vi) Ecotoxicity, with or without bioaccumulation; or
- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.”

Lake: has the same meaning as defined in section 2 of the Act.

“Means a body of fresh water which is entirely or nearly surrounded by land”.

Mineral Exploration: as “exploration” in section 2 of the Crown Minerals Act 1991:

“Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and ‘to explore’ has a corresponding meaning.”

Mining: as “mining” in section 2 of the Crown Minerals Act 1991.

“Means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and ‘to mine’ has a corresponding meaning.

Network Infrastructure: in section 197 of the Local Government Act 2002 means:

The provision of roads and other transport, water, wastewater, and stormwater collection and management.

River: has the same meaning as defined in section 2 of the Act.

“Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).”

Road: in section 315 of the Local Government Act 1974.

“Means the whole of any land which is within a district, and which—

- (a) Immediately before the commencement of this Part of this Act was a road or street or public highway; or
 - (b) Immediately before the inclusion of any area in the district was a public highway within that area; or
 - (c) Is laid out by the council as a road or street after the commencement of this Part of this Act; or
 - (d) Is vested in the council for the purpose of a road as shown on a deposited survey plan; or
 - (e) Is vested in the council as a road or street pursuant to any other enactment;—
- and includes—
- (f) Except where elsewhere provided in this Part of this Act, any access way or service lane which before the commencement of this Part of this Act was under the control of any council [[or is laid out or constructed by or vested in any council as an access way or service lane]] or is declared . . . by the Minister of Works and Development as an access way or service lane after the commencement of this Part of this Act [[or is declared by the Minister of Lands as an access way or service lane on or after the 1st day of April 1988]];
 - (g) Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in [[the Public Works Act 1981]] or in any regulations under that Act, does not include a motorway within the meaning of that Act:

Tāngata Whenua: has the same meaning as defined in section 2 of the Act.

Wetland: has the same meaning as defined in section 2 of the Act.

“Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.”

APPENDIX 3

SCHEDULE OF HERITAGE ITEMS

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
WARD 1 – MALVERN						
H10		St Peters Church	SH73, Springfield	Pt RS 20516	Outer Plains	21, 26
H101		Jacks Hut	Arthur's Pass Village	PT Arthurs Pass National Park	High Country	41
H102		Bealey River Rail Bridge	Arthur's Pass	Bealey River bed	High Country	48
H103		Otira Tunnel	Arthur's Pass	PT Arthurs Pass National Park	High Country	48
H104	II	Arthur's Pass Engine Shed	Arthur's Pass	Bealey Riverbed	High Country	49
H105		Bealey Spur Hut	Arthur's Pass National Park	PT Arthurs Pass National Park	High Country	32
H106		Urquart's Hut	Arthurs Pass	SO 11562	High Country	31
H107		Aniwaniwa Cottage	Arthurs Pass	Pt Res 386	High Country	37, 38
H108		Grasmere Station Homestead	Lake Grasmere	Lot 18 DP 314405	EDA (Grasmere)	134
H109		Castle Hill Station Homestead	Castle Hill	Pt RS 23405	High Country	29
H110		Dobson Memorial	West Coast Road	Road Reserve	High Country	41
H111	II	Waimakariri Gorge Bridge (Road)	Waimakariri Gorge	Road Reserve	Upper Plains	22
H112		Lake Coleridge Power House	Coleridge Village	Sec 1 SO 19017	High Country	51
H113		Lake Coleridge Station Homestead	Lake Coleridge	RS 34548	High Country	20
H114	I	Rakaia Gorge Bridge (Road)	Rakaia Gorge	Road Reserve	Outer Plains	15
H115		Snowden Homestead	Rakaia Gorge	Lot 1 DP 2683	High Country	20

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H116	II	The Point Station - Homestead	Windwhistle Road, Windwhistle	Pt Lot 11 DP 3317	Malvern Hills	15
H117		Gunyah Homestead	Sleeman's Road, Glenroy	Lot 1 DP 59131	Outer Plains	16
H118		Glenroy War Memorial	Wairiri Road, Glenroy	Res 4399	Malvern Hills	16
H119		Brick Stables	Philip Street, Glentunnel	Lot 2 DP 8898	Malvern Hills	16, 57
H120		Tunnel – Surveyor's Gully	Philip Street, Glentunnel	Lot 1 DP 16551	Malvern Hills	16
H121	II	Steventon – Homestead	Whitecliffs	Lot 2 DP 70746	Malvern Hills	16
H122		Explosives Magazine	Pottery, Glentunnel	Lot 1 DP 16551	Malvern Hills	16
H123		Hororata War memorial	Hororata Road, Hororata	PT RS 9925	Malvern Hills	16
H124	II	Coton's Cob Cottage	Cotons Road, Hororata	Pt RS 8480	Outer Plains	11, 16
H125	II	St Johns Anglican Church Hall	Hororata Road, Hororata	Pt RS 9925	Malvern Hills	16
H126		St Johns Anglican Church	Scotts Road, Hororata	Lot 1 DP 47735	Outer Plains	16
H127	I	Terrace Station – Homestead	Rockwood Road, Hororata	Lot 1 DP 400673	Outer Plains	11, 16
H128	II	Terrace Station – Woolshed	Rockwood Road, Hororata	Lot 1 DP 400673	Outer Plains	11
H129		Tara Ghur Homestead	Wairiri Road, Hororata	RS 35103	Malvern Hills	16
H130	II	Sheepdip – Homebush Station	Homebush Road	Pt Lot 1 DP 7925	Malvern Hills	16
H131	II	Pigsties – Homebush Station	Homebush Road	Pt Lot 1 DP 7925	Malvern Hills	16
H132	II	Applehouse – Homebush Station	Homebush Road	Lot 1 DP 2898	Malvern Hills	16
H133	II	Bridge – Homebush Station	Homebush Road	Lot 1 DP 2898	Malvern Hills	16
H134	II	Shearers Quarters (Whare) - Homebush Station	Homebush Road	Pt Lot 1 DP 7925	Malvern Hills	16
H135	II	Homestead – Homebush Station	Homebush Road	Lot 1 DP 2898	Malvern Hills	16

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H136	I	Homebush Stables – Turbine and Grain Store Building	Auchenflower Road	Pt Lot 1 DP 14742	Malvern Hills	16
H137	I	Water Tower – Homebush Station	Homebush Road	Pt Lot 1 DP 2898	Malvern Hills	16
H138	I	Woolshed – Homebush Station	Homebush Road	Pt Lot 1 DP 2898	Malvern Hills	16
H139		Woolshed - Haldon Station	Haldon Road, Hororata	Lot 1 DP 78174	Outer Plains	12
H140		Bangor Homestead	Bangor Road, Darfield	Lot 1 DP 64664	Outer Plains	17
H141	II	Whites Accommodation House	Old West Coast Road, Courtenay	Lot 1 DP 65429	Outer Plains	17
H142		Brett Memorial	Kirwee	Road Reserve SH 73	Outer Plains	84
H143		Railway Long Drop	West Coast Road	Railway Reserve	Outer Plains	17, 22
H144		Number not allocated				
H145		“Morven” Homestead	Deans Road, Darfield	Pt Lot 1 DP 3103	Malvern Hills	22
H146		Broughtons Homestead	Waireka Road, Hororata	Lot 1 DP 52369	Outer Plains	17
H147	II	Racecourse Hill Homestead	West Coast Road	Lot 3 DP 367426	Outer Plains	
H148		The Oaks Homestead	Homebush Road	Lot 1 DP 304774	Outer Plains	17
H149		Number not allocated				
H150		Kowai Bush War Memorial	Kowai Bush Road, Kowai Bush	Pt Res 1319	Outer Plains	26
H151		Russells Flat School Building	Pig Saddle Road	RS 40741	Outer Plains	21
H152		Nesslea	Greendale Road	Lot 1 DP 59582	Outer Plains	17
WARD 2 – PAPARUA						
H201	I	Cob House	Grange Road	Lot 3 DP 55816	Outer Plains	13

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H202		Detention Block – Industrial School	Burnham Camp, Main South Road	Pt Res 1160	Outer Plains	13
H203	II	Burnham Camp Post Office Exterior	Burnham Camp, Main South Road	Pt Res 1160	Outer Plains	13
H204	II	All Saints Garrison Church	Burnham Camp, Main South Road	Pt Res 1160	Outer Plains	13
H205		Managers House	Burnham Camp, Main South Road	Pt Res 1160	Outer Plains	13
H206		Transit of Venus Landmark	Burnham Camp, Main South Road	Pt Res 1160	Outer Plains	13
H207	Number not allocated					
H208	II	Trents Chicory Kiln	Trents Road, Templeton	Lot 2 DP 19955	Inner Plains	13, 14
H209		St Pauls Anglican Church	Rolleston Road/Weedons Road, West Melton	Pt RS 6597	Outer Plains	88, 89
WARD 3 – SPRINGS						
H301		Old Broadfield School	Robinsons Road, Broadfields	Lot 1 DP 24194	Inner Plains	13
H302	II	Wheatsheaf House (formally hotel)	Selwyn Road & Shands Road	Lot 1 DP 19536	Inner Plains	13, 14
H303		South Springston Memorial Hall	Days Road, Springston	Lot 1 DP 5128	Outer Plains	8
H304	II	Knocklynn Homestead	Old Tai Tapu Road, Tai Tapu	Pt Lot 1 DP 62799	Inner Plains	14
H305		Ellesmere Arms	Old Tai Tapu Road, Tai Tapu	Lot 2 DP 37340	Inner Plains	9
H306		Memorial Gate	Tai Tapu Domain, Tai Tapu	Res 3372	Inner Plains	9
H307		Stables/Coachstop	Christchurch Akaroa Road, Tai Tapu	Lot 1 DP 83800	Inner Plains	9
H308		Otahuna – Gray Cliffe House	Rhodes Road, Tai Tapu	Lot 1 DP 80696	Inner Plains	9
H309		Otahuna – Game House	Rhodes Road, Tai Tapu	Pt Lot 1 DP 19621	Inner Plains	9

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H310		Otahuna – Stables	Rhodes Road, Tai Tapu	Pt Lot 1 DP 19621	Inner Plains	9
H311		Otahuna – Stone Vegetable Shed	Rhodes Road, Tai Tapu	Pt Lot 1 DP 19621	Inner Plains	9
H312		Otahuna – Apple House	Rhodes Road, Tai Tapu	Pt Lot 1 DP 19621	Inner Plains	9
H313		Otahuna – Gatehouse	Rhodes Road, Tai Tapu	Lot 3 DP 34583	Inner Plains	9
H314	I	Otahuna Homestead	Rhodes Road, Tai Tapu	Pt Lot 1 DP 19621	Inner Plains	9
H315		Rhodes Spring	Summit Road – Coopers Knob	Res 3920	Port Hills	9
H316		Greenpark War Memorial Gates	Green Park Road, Tai Tapu	Lot 1 DP 13693	Outer Plains	9
H317		Greenpark Memorial Hall	Green Park Road, Tai Tapu	Pt RS 5750, 5756	Outer Plains	9
H318		Greenpark War Memorial	Green Park Road, Tai Tapu	Pt RS 5750, 5756	Outer Plains	9
WARD 4 – ELLESMERE						
H401		Memorial Gates	Osbourne Park, Doyleston	Res 3939	Outer Plains	130
H402		Reid’s Cottage	Old Main South Road, Dunsandel	Lot 377 DP 496	Outer Plains	7, 12
H403	Number not allocated					
H404	II	Bankside Fuel Depot	Breadings Road, Dunsandel	Res 4408	Outer Plains	7
H405		Oakleigh Homestead	Main Rakaia Road, Leeston	Lot 1 DP 407450	Outer Plains	3, 6
H406		Killinchy Homestead	Dunsandel, Southbridge Road, Leeston	Lot 1 DP 80874	Outer Plains	3, 7
H407		Waterside Homestead	Drain Road, Leeston	Lot 1 DP 349873	Outer Plains	8
H408		“Willowleigh”	Old Bridge Road, Leeston	Lots 1 DP 7957	Outer Plains	8
H409		“Waipuna”	Lake Road South, Leeston	Lot 5 DP 563	Outer Plains	8

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H410		Mill House	Brookside and Burnham Road, Brookside	Lot 1 DP 4587	Outer Plains	8
H411		St Lukes Church	Brookside and Burnham Road, Brookside	Pt RS 3350	Outer Plains	8
H412		“Thornycroft”	Brookside and Burnham Road, Brookside	Lot 2 DP 82918	Outer Plains	8
H413	II	Middlerigg Homestead	Stewarts Road, Brookside	Lot 6 DP 78864	Outer Plains	8
H414		Bruce Coe Lodge	Lake Road, Irwell	Pt Lot 12 DP 1832	Outer Plains	8
H415	II	Bruce Coe Lodge Stables	Lake Road, Irwell	Pt Lot 12 DP 1832	Outer Plains	8
H416		Mill House	Leeston Road, Irwell	Lot 2 DP 47406	Outer Plains	8
H417	Number not allocated					
H418	Number not allocated					
H419		“Strathlachlan”	Drain Road, Leeston	Pt RS 8169	Outer Plains	4
H420	I	Meadowbank Homestead	Selwyn Lake Road, Irwell	Pt Lot 1 DP 66124	Outer Plains	8
H421	Number not allocated					
H422		“Drumroslyn”	Cowans Road, Southbridge	Pt RS5106	Outer Plains	4
H423		Blackwater	McEvedys Road, Lakeside	Pt RS 4064	Outer Plains	2
H424		Brooklands	McEvedys Road, Lakeside	Farm 5 DP 287	Outer Plains	2
H425	Number not allocated					
H426		St Marks – Sedgemere	Leeston Taumutu Road, Southbridge	Pt RS 4049	Outer Plains	4
H427		Presbyterian Manse	Southbridge	Pt Lot 42 DP 712	Outer Plains	132
H428	Number not allocated					
H429	Number not allocated					

Ref	HPT Category	Description	Location	Legal Description	Zone	Map No
H431		John Wesley Church – Taumutu	Church Road, Lakeside	Res 878	Outer Plains	2
H432	II	Lakeside House	Leeston-Taumutu Road, Lakeside	RS 7614	Outer Plains	4
H433	Number not allocated					
H434		Lakeside Soldiers Memorial Hall	Harts Road, Lakeside	Pt Lot 8 DP 1305	Outer Plains	4
H435		Sutton Royal	Collins Road, Springston	Lot 1 DP 40301	Outer Plains	8

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”).

APPENDIX 4

SCHEDULE OF PROTECTED TREES

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T01	Strawberry Tree /Arbutus unedo	Presbyterian Church, Lee Street, Southbridge	Lot 1 DP 74959	Liv 1	131	44	B
T02	Copper Beech /Fagus sylvatica purpurea	45 High Street, Southbridge	PT RS 5861	Liv 1	131	34	B
T03	English Oak /Quercus robur	45 High Street, Southbridge	PT RS 5861	Liv 1	131	38	B
T04	Wellingtonia / Sequoiadendron giganteum	67 High Street, Southbridge	LOT 1 DP 49280	Liv 1	131	52	B
T05	Pin Oak /Quercus palustris	St John Street, Southbridge	PT LOT 19 DP 712	Bus 2	132	34	B
T06	English Oak /Quercus robur	Broad Street, Southbridge	LOT 1 DP 373810	Liv 1	132	32	B
T07	Wellingtonia / Sequoiadendron giganteum	St John Street, Southbridge	PT RS 4477	Bus 2	4, 132	40	B
T09	Common Lime /Tilia x vulgaris	Southbridge School, Hastings Street, Southbridge	LOT 1 DP 80498	Liv 1	4, 131	30	B
T10	Chinese Poplar /Populus yunnanensis	Southbridge School, Hastings Street, Southbridge	LOT 2 DP 18297	Liv 1	4, 131	34	B
T11	Walnut /Juglans regia	Children's playground, High Street, Southbridge	PT RS 3344,4041	Bus 1	4, 131	32	B
T12	Golden Ash /Fraxinus excelsior 'jaspidea'	Leeston Park, Leeston	LOT 4 DP 1221	Liv 1	4, 129	36	B
T13	Pin Oak /Quercus palustris	Leeston Park, Leeston	LOT 6 DP 1221	Liv 1	4, 129	46	B
T14	Common Lime /Tilia x vulgaris	Leeston Park, Leeston	PT LOT 2 DP 1221	Liv 1	4, 129	38	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T15	Indian Cedar /Cedrus deodara	St David's Methodist Church, High Street, Leeston	LOT 1 DP 62985	Bus 1	4, 127	48	B
T16	Indian Cedar /Cedrus deodara	St David's Methodist Church, High Street, Leeston	LOT 1 DP 62985	Bus 1	4, 127	40	B
T17	Wellingtonia / Sequoiadendron giganteum	Springfield Church, SH 73, Springfield	PT RS 20516	Outer Plains	21, 52	58	B
T18	Monterey Pine /Pinus radiata	Porter's Pass, 500m from SH 73	RS 33889	High Country	25	48	B
T19	Red Oak /Quercus rubra	All Saints Garrison Church, Burnham	PT RES 1160	Outer Plains	13	48	B
T20	Red Oak /Quercus rubra	East Corner of Buckleys Rd, Queens Dr	PT RES 1160	Outer Plains	13	54	B
T21	Monterey Cypress / Cupressus macrocarpa	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	64	A
T22	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	48	B
T23	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T24	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T25	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T26	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T27	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T28	English Oak /Quercus robur	All Saints Churchyard, Springs Road, Prebbleton	PT LOT 2 DP 27568	Liv 1	14, 122	56	B
T29	English Oak /Quercus robur	Kirwee Monument, Kirwee	PT Coal Tramway Reserve	Outer Plains	4, 84	30	B
T30	Common Ash /Fraxinus excelsior	Cnr Main South Road & Hororata Dunsandel Road, Dunsandel	Road Reserve	Outer Plains	7, 92	40	B
T31	Western Yellow Pine/Pinus ponderosa	Sheffield Domain, Sheffield	RS 42314	Outer Plains	36, 53	42	B
T32	Western Yellow Pine/Pinus ponderosa	Sheffield Domain, Sheffield	RS 42314	Outer Plains	36, 53	42	B
T33	English Oaks (58)/Quercus robur	Tai Tapu School, School Road,Tai Tapu	LOT 2 DP 301911	Liv 1A	9, 125	40	B
T34	Wellingtonia / Sequoiadendron giganteum	Darfield primary school, Ross Street, Darfield (Planted 1883)	PT RES 2551	Bus 1	17, 72	46	B
T35	Wellingtonia / Sequoiadendron giganteum	Darfield primary school, Ross Street, Darfield (Planted 1883)	PT RES 2551	Bus 1	17, 72	46	B
T36	English Oak /Quercus robur	Darfield War Memorial, Darfield	RS 40645	Bus 1	17, 68	34	B
T37	English Oak /Quercus robur	Beethams and Leeston Roads, Doyleston	LOT 1 DP 30700	Outer Plains	4, 130	48	B
T38	Tasmanian Blue Gum/ Eucalyptus globulus	Cnr Goulds & Lowes Roads, Rolleston	Road Reserve	Liv 1	13, 101	44	B
T39	Necklace Poplar /Populus x deltoides	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T40	Wellingtonia / Sequoiadendron giganteum	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	70	A
T41	Douglas Fir/ Psuedotsuga menziesii	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T42	Norway Spruce /Picea abies	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T43	Caucasian Fir /Abies nordmanniana	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	48	B
T44	Western Hemlock Fir /Tsuga heterophylla	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	80	A
T45	Bhutan Pine /Pinus wallichiana	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T46	Monterey Cypress /Cupressus macrocarpa	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T47	Indian Cedar /Cedrus deodara	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	72	A
T48	Common Lime /Tilia x vulgaris	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	52	B
T49	Atlas cedar /Cedrus atlantica	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	64	A
T50	Monterey Cypress /Cupressus macrocarpa	Homebush Station, Homebush Road	PT Lot 1 DP 7925	Malvern Hills	16	104	A
T51	Monterey Pine /Pinus radiata	Homebush Station, Homebush Road	PT Lot 1 DP 2898	Malvern Hills	16	60	A
T52	Santa Lucia Fir/Abies bracteata	Adam's Estate, Adams Road, Greendale	PT RS 8795	Outer Plains	12	76	A
T53	Blue Atlas Cedar/ Cedrus atlantica glauca	Adam's Estate, Adams Road, Greendale	PT RS 8795	Outer Plains	12	36	B
T54	Wellingtonia/ Sequoiadendron giganteum	Cnr Fitz Place & Edward Street, Lincoln	PT RS 1532	Liv 1	14, 113	52	B
T55	English Oak /Quercus robur	Cnr Leister Terrace & Edward Street, Lincoln	LOT 1 DP 57207	Liv 1	14, 113	40	B
T56	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T57	English Oak /Quercus robur	Liffey Reserve, Leinster Terrace	RES 3761	Liv 1	14, 113	48	B
T58	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B
T59	English Oak /Quercus robur	On road reserve adjacent to the Liffey Reserve	Road Reserve	Liv 1	14, 113	48	B
T60	Tasmanian Blue Gum/Eucalyptus globulus	Liffey Reserve, Kildare Terrace	RS 39900	Liv 1	14, 113	36	B
T61	English Ash /Fraxinus excelsior	Union Church Grounds, James Street, Lincoln	LOT 2 DP 83459	Liv 1	14, 110	60	A
T62	Big Cone Pine /Pinus coulteri	Terrace Station	LOT 1 DP 400673	Outer Plains	11, 16	54	B
T63	Manna Gum /Eucalyptus viminalis	Terrace Station	LOT 1 DP 400673	Outer Plains	11, 16	64	A
T64	<i>Not allocated</i>						
T65	<i>Not allocated</i>						
T66	Algerian Oak/ Quercus canariensis	Terrace Station	LOT 2 DP 400673	Outer Plains	11, 16	76	A
T67	White Ash/ Eucalyptus fraxinoides	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	38	B
T68	Wellingtonia/ Sequoiadendron giganteum	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	39	B
T69	Field Maple /Acer campestre	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	70	A
T70	Wellingtonia/ Sequoiadendron giganteum	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	62	A
T71	Western Yellow Pine/ Pinus ponderosa	Homestead shelter belt, Point Farm, Windwhistle	PT LOT 11 DP 3317	Malvern Hills	15	70	A
T72	Manna Gum/ Eucalyptus viminalis	Rakaia Terrace Road, Te Pirita	PT LOT 1 DP 15130	Outer Plains	6	52	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T73	English Oak /Quercus robur (five trees)	Waihora Park Reserve	SECT 1 SO 18388	Outer Plains	9	36	B
T74	See folder for tree descriptions	A. E. Hart Arboretum, Lake Coleridge. Upper site.	Lot 1 DP 78849	High Country	19, 51		A
T75	See folder for tree descriptions	A. E. Hart Arboretum, Lake Coleridge. Lower site.	Lot 1 DP 80128	High Country	19, 51		A
T76	Wellingtonia/ Sequoiadendron giganteum	Hororata Reserve, behind reflection lake	Res 1589	Outer Plains	16	58	B
T77	Tasmanian Blue Gum/Eucalyptus globulus	Cnr Halkett and Sandy Knolls Roads	Road Reserve	Outer Plains	18	52	B
T78	Walnut /Juglans regia	Nesslea, Greendale	Lot 1 DP 59582	Outer Plains	17	80	A
T79	English Oak /Quercus robur	Gerald Street, Lincoln. Old Bartle property.	PT RS 2724	Bus 1	14, 113	32	B
T80	English Oak /Quercus robur(21 trees)	River bank, Perymans Rd, Tai Tapu	Road Reserve	Inner Plains	9, 125	42	B
T81	Tasmanian Blue Gum/Eucalyptus globulus	1197 Shands Road	Lot 1 DP 75442	Inner Plains	13	36	B
T82	Native Trees Various	Catholic Church, 1981 Telegraph Road, Darfield	PT RS 25014	Liv 1	17, 72	46	B
T83	Monterey Pine /Pinus radiata	High Peak Road, end of Whitecliffs Valley Road.	Road Reserve	High Country	16	58	B
T84	Blue Atlas Cedar / Cedrus atlantica	Beside Water race (opp Kirwee Tavern) Kirwee	PT Coal Tramway Reserve	Outer Plains	17, 84	36	B
T85	Tasmanian Blue Gum/Eucalyptus globulus (21 trees)	Old County Depot, St John St, Southbridge	RES 4918	Bus 2	4, 132	44	B
T86	Tasmanian Blue Gum/Eucalyptus globulus (multiple trees)	Hoskyns Road, between Courtenay and Ansons	RES 2358 SECT 2 SO 4514	Liv 1, Outer Plains	17, 82	44	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T87	Monterey Cypress /Cupressus macrocarpa	Pearson Reserve, Bangor Road	PT RS 39126	Liv 2	17, 68	40	B
T88	Various trees – see file	782 Weedons Road	Lot 1 DP 22179	Inner Plains	13	62	A
T89	Tasmanian Blue Gum/Eucalyptus globulus	125 Lowes Road, Rolleston	Lot 6 DP 350314	Liv 1	13, 103	34	B
T90	Tasmanian Blue Gum/Eucalyptus globulus	1055 Newtons Road, Sandy Knolls	Lot 2 DP 415649	Inner Plains	13	44	B
T91	Monterey Cypress /Cupressus macrocarpa	1055 Newtons Road, Sandy Knolls	Lot 2 DP 415649	Inner Plains	13	44	B
T92	English Oak/Quercus robur	188 Adams Road, Greendale	Lot 5 DP 705	Outer Plains	12	52	B
T93	English Oak /Quercus robur	188 Adams Road, Greendale	Lot 5 DP 705	Outer Plains	12	52	B
T94	Totara /Podocarpus totara	Old Bowling Green Reserve, Springfield	Lot 8 DP 500	Liv 1	26, 52	36	B
T95	English Oak /Quercus robur	Old Bowling Green Reserve, Springfield	Lot 8 DP 500	Liv 1	26, 52	38	B
T96	Kowhai /Sophora microphylla	10 Waimakariri Gorge Road, Waddington	Lot 42 DP 15	Liv 1	22, 54	42	B
T97	Spanish Fir /Abies pinsapo	10 Waimakariri Gorge Road, Waddington	Lot 42 DP 15	Liv 1	22, 54	62	A
T98	Douglas Fir /Psuedostuga menziesii (2 trees)	Road reserve adjacent to Lot 1 DP 61202 925 Whitecliffs Road	Road Reserve (unformed)	Malvern Hills	16	42	B
T99	Wellingtonia/Sequoiadendron giganteum (5 trees)	Adjacent to site of old Tawera County Council Office/Depot, Springfield Road	Road Reserve	Outer Plains	21	32	B
T100	Wellingtonia/Sequoiadendron giganteum	Site of old Tawera County Council Office/Depot, Springfield Road	Lot 2 DP 23887	Outer Plains	21	32	B

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T101	Monterey Cypress / Cupressus macrocarpa	Site of old Tawera County Council Office/Depot, Springfield Road	Lot 2 DP 23887	Outer Plains	21	32	B
T102	Cabbage Tree / Cordyline australis	77 East Belt, Lincoln	Lot 3 DP 74920	Liv 1	14, 113	38	B
T103	Common Lime / Tilia x vulgaris	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B
T104	English Oak / Quercus robur	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B
T105	Cabbage Tree / Cordyline australis	174 Ridge Road, Greenpark	Lot 2 DP 83716	Outer Plains	9	40	B
T106	Bhutan Cypress/ Cupressus torulosa	Trinity Church, McLaughlins Road	Pt RS 19215	Liv 1	68	34	B
T107	English Oak/ Quercus robur (2 Trees)	27 Cairnbrae Drive, Prebbleton	Lot 105 DP 331951	Liv 1A6 (deferred)	14, 121	40	B

Notes:

1. 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.
2. The description of the location of each protected tree in this Appendix 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.

EVALUATION CRITERIA FOR PROTECTED TREES

The following evaluation criteria apply to all trees listed in the Schedule above. The individual scores in each of the evaluation factor categories are added together to give the total score. The score for each tree, as listed in the right hand column of the table, has been derived from the application of this evaluation criteria system.

Completed evaluation forms for each tree that is listed in this Appendix can be obtained on request from the Selwyn District Council.

Selwyn District Plan Protected Tree Criteria and Evaluation Sheet

Tree No.:	Location:	Legal Description:	Inspected by:
Species:	Map No.:	Area/Zone:	Date:
Height (m):	Diameter at breast height (mm):	Mean Crown diameter (m):	Tree Score:

Factors	Points: 0	2	4	8	16	32
Heritage/ Historic				Local area/community significance or planted by well known local identities or organisations	Early settler plantings or trees intrinsically associated with historic/heritage buildings or places or important historical events.	Trees commemorating important regional or national historic events or planted by historic identities.
Scientific/ botanical	No special scientific or botanical value.	Few good specimens of particular species in particular township or local community.	Rare throughout Selwyn District.	Rare in Canterbury region or significant tree group or ecological association or important seed or propagating material source.	Rare throughout New Zealand OR arboretum OR tree collection.	Only known specimen in New Zealand or last remnant of native trees or bush.
	Classified as noxious or surveillance plant or unwanted wilding exotic tree species. Protection not valid except for any tree that qualifies for protection under a 16 point column.					
Importance of position in landscape	Totally obscured by trees, structures or not seen from a public place.	Small tree or tree more than 50% obscured by other trees, objects or landscape.	Roadside or park tree or tree/s in well frequented public place or private property.	Fine avenue or street plantings or tree/s growing in areas where other large trees are scarce.	Principal feature of important public place or landscape design. Well known district landmark or provides “gateway” effect to township or local community.	Landmark of national importance OR Tree/s are a vital component of a definitive landscape design.

Factors	Points: 0	2	4	8	16	32
Cultural, ethnical, social, or spiritual values or to commemorate a great personal sacrifice by an individual for mankind.	No special cultural, social, ethnical or spiritual values.	Planted by unknown cultural etc. person/s to commemorate minor cultural etc. event.	Planted by well known cultural etc. person/organisation or event of local importance.	Tree well known throughout district to be of cultural etc significance. Tree represented as emblem or symbol.	Tree well known throughout Canterbury region to be of cultural etc significance.	Tree well known nationally to be of cultural etc significance.
Size (Crown diameter x total height) or exceptional trunk diameter.	Very small – less than 10m ² .	Small – 10m ² to 50m ² .	Medium - 50m ² to 150m ² .	Large – 150m ² to 250m ² or largest tree in locality.	Very large 250m ² or more. Very large specimen or trunk diameter exceptionally large for particular species or grove of trees.	Largest or one of largest of particular species in New Zealand.
Age	Recent planting.	5 – 50 years.	50 – 100 years.	100 – 150 years.	150 years plus.	Oldest on record in New Zealand.
Form and condition	Dying, dead, diseased, unbalanced, bad structural defects or dangerous and cannot be rectified. Protection not valid even if points are scored for other factors.	Poor condition or form, stable condition, no bad defects. Any hazardous and other conditions can be rectified.	Fair – reasonable form, stable condition, no bad defects.	Good form, healthy condition, making good growth or interesting character.	Exceptionally good, outstanding specimen for district and region.	One of best examples of species in New Zealand.
Suitability in relation to setting or site conditions	Totally obscures or is causing significant damage to heritage objects, buildings or any essential structure or utility. Protection not valid except for any tree that qualifies for protection under the 16 and 32 point columns.	Partially obscures a heritage object or is causing slight damage to: important structures, dwellings or commercial premises that can be rectified.	Tree not obscuring or injuriously affecting any buildings, objects, structures, services or utilities. No significant negative values.	Good juxtaposition and harmony with important buildings, objects, structures and essential services or utilities.	Tree species and position specifically chosen and designed to enhance whole site or neighbourhood.	Classic and nationally recognised example of excellent landscape design with trees.
Functional value e.g. soil stabilization, noise amelioration, shelter, screening, pollution control shade tree etc.	No functional value.	25% effective, state function:	50 % effective, state function:	75% effective, state function:	100% effective, state function:	Of vital public interest that function be maintained. State function:

Notes: