

# SCHEDULE OF AMENDMENTS

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

Name	Description
Private Plan Change 2	Blakes/Coffey Subdivision, Prebbleton
Plan Change 6	Port Hills
Minor Amendments	Various minor amendments included

Please amend your District Plan by updating the following pages:

## Township Volume – Private Plan Change 2

### Amendments from 01.09.2010 to 10.12.2010

#### Insert Pages

Front of Township Volume - Supersedes existing Certificate of Approval	Signed Certificate of Approval as of 10.12.2010
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#### Part B4 Growth of Townships

<i>Amend Policy B4.1.1 and Explanation &amp; Reasons, adding Point (b), pg B4-003</i>	B4-003 – B4-010
<i>Insert Living 1A6 (Deferred) under Prebbleton Deferred Zoning, pg B4-058</i>	B4-057 – B4-062

#### Part C4 Living Zone Rules, Buildings

<i>Amend Note at C4.2 to include Living 1A6 (Deferred) Zone, pg C4-001</i>	C4-001 – C4-012
<i>Amend Rule 4.6.6 Non-Complying Activities to include Living 1A6 (Deferred) Zone, pg C4-004</i>	
<i>Insert Living 1A6 (Deferred) into table C4.1 Site Coverage Allowances, pg C4-005</i>	
<i>Insert new Rule 4.9.9 and renumber accordingly, pg C4-008</i>	

#### Part C12 Living Zone Rules, Subdivision

<i>Insert new rules 12.1.3.29 to 12.1.3.32, pg C12-006</i>	C12-005 – C12-030
<i>Insert new rule Living 1A6 (Deferred) into table C12.1 Allotment Sizes, Pg C12-011</i>	
<i>Insert new points 12.1.4.36 to 12.1.4.39 and renumber accordingly, pg C12-017 and C12-018</i>	

#### Part E Appendices

<i>Update Appendix 19 with Living 1A6 (deferred) ODP and Planting Schedule</i>	E19-001 – E19-010
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## Planning Maps

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*Amend and Update Planning Maps 14, 119, 120, 121 & 122*

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## Rural Volume - Plan Change 6

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### Amendments from 01.09.2010 to 10.12.2010

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#### Insert Pages

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Front of Rural Volume -  
Supersedes existing Certificate of Approval

Signed Certificate of Approval  
as of 10.12.2010

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#### Part B1 Natural Resources

*Amend Policies B1.4.6 & B1.4.9, pg B1-041*

B1-041 – B1-042

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#### Part C1 Rural Rules – Earthworks

*Amend Rule C1.4.2, C1.4.2.5, add Note*

C1-003 – C1-006

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#### Part C2 Rural Rules – Tree Planting & Removal of Heritage Trees

*Add new Rule C2.1.1.10, pg C2-002*

C2-001 – C2-012

*Add new Rule C2.1.12, pg C2-004*

*Amend Rule C2.2.1.1, pg C2-005*

*Amend Rule C2.2.2, C2.2.2.1, C2.2.3.1 (b), (d), add new (e) to (j)*

*Delete 3 paragraphs under "Note", pg C2-007*

*Amend Rule C2.2.14, add new Rule C2.2.15*

*Add new Paragraph 4 under Reasons for Rules, pg C2-010/11*

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#### Part C3 Rural Rules – Buildings

*Add new Controlled Activities – Building & Residential Density 3.2.2 and 3.2.3, renumbering subsequent rules, pgs C3-003 & C2-004*

C3-003 – C3-026

*Add new Rule 3.2.5, renumber subsequent rules, pg C3-004 & C3-005*

*Delete Proposed Amendment Rules Controlled Activities - 3.10.3 & 3.10.4, renumber subsequent rules, pg C3-013*

*Delete Proposed Amendment 3<sup>rd</sup> Paragraph, Reasons For Rules, pg C3-023*

*Delete Paragraph 5, under paragraph beginning with "Rule 3.2..." and replace with 3 new paragraphs, pg C3-024*

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#### Part C4 Rural Rules – Roading

*Amend Rule C4.1.1, C4.1.1.1, & C4.1.2 heading and point (b), pg C4-001 & C4-002*

C4-001 – C4-002

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**Part C5 Rural Rules – Utilities**

*Amend Rule C5.5.1, pg C5-005*

C5-005 – C5-018

*Amend Rule C5.5.3 (b), pg C5-006*

*Amend Rules C5.6.1, C5.6.2, and replace Rule C5.6.3 with new rules, pg C5-007 & C5-008*

*C5 Reasons for Rules - Replace 3<sup>rd</sup> Paragraph with new paragraph, Pg C5-016*

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**Part C6 Rural Rules – Outdoor Signs and Noticeboards**

*Amend Rule C6.2 and C6.2.1.1, pg C6-002*

C6-001 – C6-002

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**Part C10 Rural Rules – Subdivision**

*Amend Rule C10.1.1.2, pg C10-002*

C10-001 – C10-002

*Add new Rule C10.3.2.2, renumber subsequent rules, pg C10-007*

C10-007 – C10-008

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**Planning Maps**

*Amend and Update Planning Maps 9, 14, 134*

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## CERTIFICATE OF APPROVAL

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The Council resolved on the 23<sup>rd</sup> of November 2010 to approve those parts of the Selwyn District Plan relating to Plan Change 2 (*Prebbleton Living 1A6 Deferred*) and Plan Change 6 (*Lower Port Hills and Summit Road Protection Areas*) would be made operative on the 6<sup>th</sup> December 2010. 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 23 day of November 2010

Requiring Authority	Unresolved Designations (10 June 2008) <i>Refer to Appendix 2</i>
Selwyn District Council	<p>Township and Rural Volumes</p> <p>All SDC designations are not operative with the exception of :</p> <p>D 411 Rolleston Waste Water Treatment and Disposal</p> <p>D 412 Rolleston Resource Recovery Park</p> <p>D413 Rolleston South Reserve</p> <p>D414 Rolleston Dog Park</p> <p>D415 Local Purpose (Community and Recreation Facilities) Reserve – Lincoln</p>
Telecom	<p>Township and Rural Volumes</p> <p>All Telecom designations are not operative</p>

For some locations in and around townships, a low density Living 2 environment which result in a compact town form and is consistent with preferred growth direction for townships, may be appropriate. Such a low density residential area will add to the range of living environments within the District.

Any new living zones shall be consistent with the General Policies, Town Form policies and any relevant Specific Township policies by which all plan change requests are judged.

At some locations around townships, a low density Living 2 environment may be appropriate on the edge of towns. Within such low density living environments particular regard should be had to reducing the potential for reverse sensitivity by increasing the size of allotments at the rural interface, reducing the number of people exposed to potential reverse sensitivity effects and in turn providing an appropriate buffer between the rural area proper and the more concentrated township areas.

New residential areas should be attractively laid out, with allotments of an appropriate shape to build a house, and with access to sunlight. As well as functional utilities, new residential areas need some open space, plantings and landscaping to make them aesthetically pleasing. Objective B4.1.2 is to ensure future residential areas maintain the current attractive layout of Selwyn's townships. For low density Living 2 Zones, the careful consideration and application of design treatment to such matters as road formation, kerbs, letterboxes, power supply, entry treatment, fencing, landscaping, lighting and the like will ensure the retention of open, spacious rural character. The market can be relied on to achieve this to a certain extent – many people won't buy sections in an unattractive area. However, not all people have the money to choose allotments in more attractive subdivisions. The District Plan provisions set some "bottom lines" to ensure all new residential areas achieve a standard of aesthetic appeal.

## **RESIDENTIAL DENSITY – POLICIES AND METHODS**

### **Policy B4.1.1**

- (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships.**
- (b) Facilitate development in the Living 1A6 (Deferred) Zone in Prebbleton where it is consistent with the density provisions of the Regional Policy Statement, and is compatible with the form and character of development in adjacent living zones, with a particular emphasis on maintaining residential lots of not less than 1000m<sup>2</sup> along the common boundary of the Kingcraft Drive Existing Development Area.**

### **Explanation and Reasons**

Policy B4.1.1 (a) and associated rules allow for a variety of section sizes when land is subdivided to erect dwellings in Living 1 Zones, provided small sections are balanced with larger ones. This keeps residential density more spacious than in Christchurch City. Subdivision rules include an average section size for each Living zone. The rules allow for a smaller average section size for flats or townhouses. The number of these allotments in each zone is controlled through the resource consent process. There is no average section size in Business zones.

Policy B4.1.1 (b) also requires development of the Living 1A6 (Deferred) Zone to be consistent with the density provisions of the Regional Policy Statement, whilst having regard to the form and character of development of the adjacent living zones. This is to ensure development proceeds in

a sustainable and compact manner, without adversely impacting on the 'spacious' character of existing development in the vicinity of the site.

## Methods

District Plan Rules

- Subdivision (Living zones)

## Policy B4.1.2

**Maintain Living 2 Zones as areas with residential density which is considerably lower than that in Living 1 Zones.**

## Explanation and Reasons

Living 2 Zones replaced rural-residential zones in the Transitional District Plan, where these zones adjoin townships. Average section sizes in these zones vary from 0.5 to 1 hectare. Roads and other utilities have been designed for a population of that density to reflect the sense of open space and 'spaciousness' anticipated by persons wishing to live in a low density residential environment.

Policy B4.1.2 retains Living 2 Zones areas with lower residential density than Living 1 Zones. The policy refers to 'considerably lower' which acknowledges that low density living zones be spacious and reflect something of the rural characteristics in which they are located. Currently they are from 6 to 12 times lower. The Council suggests average section sizes would need to remain between 3 and 6 times lower than that of Living 1 Zones, to have a visually discernible difference in residential density. If more intensive residential density than this is desired in Living 2 Zones, the area should be rezoned to another Living zone.

In recent years the Council has received applications from landowners in Living 2 zones to subdivide their sections. The information supplied in those applications and in response to the Council's township surveys (November 1998 and April 1999) suggest that 1 hectare or even 0.5 hectare allotments are larger than necessary to meet at least some of the demand for larger residential sections. However some proposals for further subdivision of allotments in Living 2 Zones have been opposed by surrounding residents, who have purchased properties in that area because the residential density is one house per hectare or 0.5 of a hectare.

Subdivision of land into smaller allotments in Living 2 Zones may be desirable if it:

- Makes more efficient use of the land;
- Enables people to provide for their economic well-being by selling surplus land; or
- Improves the amenity values of the area because allotments are easier to maintain.

When considering adverse effects on amenity values the consent authority should consider that a change in residential density per se, is not necessarily an adverse effect. For example, if people are having difficulty maintaining larger allotments, drains or water races or vehicular accessways, increasing residential density may improve the amenity of the area.

## Method

District Plan Rules

- Subdivision (Living 2 Zones)



## **Policy B4.1.3**

**To allow, where appropriate, the development of low density living environments in locations in and around the edge of townships where they will achieve the following:**

- A compact township shape;**
- Consistent with preferred growth options for townships;**
- Maintains the distinction between rural areas and townships;**
- Maintains a separation between townships and Christchurch City boundary;**
- Avoid the coalescence of townships with each other;**
- Reduce the exposure to reverse sensitivity effects;**
- Maintain the sustainability of the land, soil and water resource;**
- Efficient and cost-effective operation and provision of infrastructure.**

### **Explanation and Reasons**

Low density living zones reflect a desire by some to live on a small holding while undertaking only limited “farming” if desired. It is essentially a life-style rather than occupation and has both urban and rural characteristics. While this form of low density living need not necessarily adjoin an existing township, it must be consistent with the objectives and policies of the District Plan including developing a compact and consolidated township shape, and be consistent with preferred growth options for townships.

It is possible to accommodate this type of residential activity selectively in the District, while minimising the use of versatile soils thereby sustaining the productivity of the District. However, the location and extent of the low density living environment must take account a number of factors including: effluent treatment and disposal (water quality), water supply, accessibility and walkability to community services and facilities, natural hazards, and compatibility with surrounding rural activities.

Low density living environments need to be provided with adequate and safe road access in order to reduce any impacts on the functioning of the roading network, both locally and further a field. Similarly servicing by an acceptable means will be required to adequately dispose of sewage and stormwater to protect the quality of surface and underground waters. An adequate and reliable water supply must also be provided.

In some areas a low density living environment may detract from rural character and amenity associated with a rural area. People who live in rural areas value their sense of open space, panoramic views and rural outlook and low density living development should reflect something of the rural character they are associated with. It is also desirable to avoid coalescence of townships and of townships with Christchurch City. It is appropriate that low density living environments do not result in a blurring of the distinction between the rural, township, and Christchurch City.

Proposals for low density living environments must have regard to compatibility with existing rural and rural related uses, such as intensive livestock production, boarding and keeping of animals, recreational uses, machinery depots and effects from day to day rural activities including noise and smell. Existing rural and rural related activities, while having adverse effects in themselves, may also have their operations duly impinged upon by inappropriately located low density living

environments. Effort should be made to reduce the potential for reverse sensitivity effects by increasing lot sizes and reducing the number of people exposed to effects.

## **Policy B4.1.4**

**Allow choice in residential density in Living X Zones, provided that it is not more dense than that for the Living 1 Zone(s) in that township.**

### **Explanation and Reasons**

Living X Zones are areas zoned for residential development but have not been subdivided yet. Rather than 'second guessing' what future demand for residential density shall be, the District Plan provides for the landowner or subdivider to nominate section sizes and other conditions for residential density at the time the land is subdivided. Similarly, if land is rezoned for residential development. Policy B4.1.4 requires residential density to be no greater than the Living 1 Zone for the township to maintain the 'spacious' character identified in Objective B4.1.1. Higher density residential areas can be provided for in Business 1 Zones.

### **Methods**

District Plan Rules

- Subdivision (Living zones)

District Plan Policies

- To assess plan changes to rezone land to create new Living zones

## **Policy B4.1.5**

**Provide for residential activities in Business 1 Zones at densities which are greater than those in Living 1 Zones.**

### **Explanation and Reasons**

The policies and rules for Living 1 Zones allow for some smaller sections and flats or townhouse developments. The numbers are controlled, to avoid cumulative effects on residential density in Living 1 Zones. There are no controls on section sizes, site coverage or numbers of households per site, in Business 1 Zones. These zones have an environment which is more 'built up' and 'busier' with more people and traffic than Living zones. This environment is compatible with dense residential developments such as apartment blocks.

### **Methods**

District Plan Rules

- Business 1 Zone

District Plan Policies

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

## **Policy B4.1.6**

**In Living 1 and X Zones allow site coverage to exceed that for permitted activities, provided any adverse effects on the overall residential density of the area are avoided, remedied or mitigated.**

## **Policy B4.1.7**

**Maintain the area of sites covered with buildings in Living 2 Zones, at the lesser of 20% or 500m<sup>2</sup>, unless any adverse effects on the spacious character of the area will be minor.**

### **Explanation and Reasons**

Site coverage is the ratio of building area to land area on a site. It is site coverage, not section sizes, that affects how 'built up' an area looks. For example, a small house on a small section may look more 'spacious' than a large house on a large section.

The site coverage rules for Living 1 and X Zones maintain the "status quo" for residential areas. Policy B4.1.6 allows site coverage to be exceeded on allotments in these zones, to make provision for flats and large houses on small sections. The number of sections on which site coverage is exceeded and the extent is managed through the resource consent process, to avoid cumulative adverse effects on the overall residential density of the area.

Adverse effects on residential density may be addressed in several ways: For example: the small number of sites on which site coverage is exceeded; high site coverage is offset by low site coverage on surrounding lots; or the area already has high residential density and has lost its 'spacious' character. Whether exceeding site coverage will have adverse effects may vary between townships and between areas within townships.

Policy B4.1.7 maintains low site coverage in Living 2 Zones. The very rationale for Living 2 Zones is to provide a low density, residential area. The policy does include some flexibility to accommodate small increases in site coverage. Any effects on the 'spacious' look of the area should be minor. There are no limits on site coverage in Business zones.

A greater level of site coverage has been allowed for in the Living 1 and 2 Zones for emergency services recognising their importance to the community and provides scope for development or redevelopment of such sites. Their limited number will ensure that the character of surrounding areas is maintained.

### **Method**

District Plan Rules

- Site Coverage (Living zones)

## **Policy B4.1.8**

**Manage the number of sites with more than one dwelling in Living 1 or X Zones, to maintain the overall residential density of the zone.**

## **Policy B4.1.9**

**Avoid erecting more than one dwelling per site in low density living (Living 2) Zones.**

## Explanation and Reasons

A dwelling is defined in Part D of the Plan.

Policy B4.1.8 restricts the number of sites on which multiple dwellings can be erected in Living 1 or X Zones. This enables some provision to be made for flats/townhouses or a lifestyle village (as a restricted discretionary activity) but manages the number to avoid cumulative effects on residential density.

Provision is made for comprehensive residential development (discretionary activity) on land zoned Living 1A5 in Prebbleton, recognising the unusual characteristics of this area namely; the area is currently occupied by a non-residential activity, surrounded by existing low density residential development, and is located in close proximity to the township centre. The focus is on site and building design in an integrated and comprehensive manner to achieve a high quality urban environment while maintaining low density character and amenity.

Policy B4.1.9 is to avoid multiple dwellings in low density living (Living 2) Zones. The rationale for these zones is to provide a low density, residential area. There is no restriction on the number of dwellings per site in Business 1 Zones.

## Method

District Plan Rules

- Number of Buildings per Site (Living zones)

## Policy B4.1.10

**Ensure there is adequate open space in townships to mitigate adverse effects of buildings on the aesthetic and amenity values and “spacious” character.**

## Explanation and Reasons

The provision of land or money for reserve areas has been a long standing requirement upon the subdivision and development of land for residential or business activities. Reserve areas have a dual function of:

- Providing for the needs of residents for outdoor places for recreation, and
- Mitigating against the visual and psychological effects of the loss of ‘open space’ as land is built on.

Therefore reserve requirements vary depending on how dense the new residential area is and whether people have sufficient sized sections that neighbourhood reserves are not needed for recreation. The provision of reserves and esplanade reserves for recreational needs is addressed in Part B, Section 2.3 – Community Facilities (and Reserves).

The provisions to take land or cash for reserve or open space contributions are included in the LTCCP Development Contribution Policy.

## Method

LTCCP

- Development Contribution Policy

## **Policy B4.1.11**

**Encourage new residential areas to be designed to maintain or enhance the aesthetic values of the township, including (but not limited to):**

- **Retaining existing trees, bush, or other natural features on sites; and**
- **Landscaping public places.**

### **Explanation and Reasons**

Trees, bush and other natural features can add to the amenity values of an area, even if they are on private land. Similarly, simple landscaping of public spaces can improve the aesthetics of an area. At the same time, any features or areas to vest in the Council need to be cost-effective to maintain.

Policy B4.1.11 is primarily implemented by advocacy. The LTCCP Development Contributions Policy provides a process for taking development contributions for the provision of network and community infrastructure and reserves.

### **Method**

Advocacy

- Encourage initiatives by property developers to promote high standards of urban design

## **Policy B4.1.12**

**Discourage high fences or screening of sites in Living zones that have frontage but no access on to Strategic Roads or Arterial Roads.**

### **Explanation and Reasons**

In some cases, sections in Living zones will have frontage on to a road, but are not allowed access on to that road for traffic safety reasons (see Part B, Section 2.1 – Transport Networks). New roads or vehicular accessways are built, as part of the residential development. People often fence or screen the property frontage along the road they cannot have access to. This effect can reduce the aesthetic values of the area, as viewed from that road, and the “feeling” of personal safety for pedestrians and cyclists.

Policy B4.1.12 is to discourage this practice in favour of lower fences and landscaping. The policy is implemented through conditions on consents for subdividing land.

### **Method**

District Plan Rules

- Subdivision

## **RESIDENTIAL DENSITY – ANTICIPATED ENVIRONMENTAL RESULTS**

The following results should occur from implementing Section B4.1:

- A range of living environments is provided for in townships.
- The spacious character of townships in Selwyn District is maintained.

- Residential density in Living 1 Zones is more spacious than in residential areas in Christchurch, but there are some sections with flats, townhouses or large houses on small sites.
- Living 2 Zones are low density residential areas.
- Section sizes in some Living 2 Zones may decrease.
- Higher density living areas may develop in the Business 1 Zones of larger towns such as Lincoln and Rolleston.
- Comprehensive residential development achieving high quality urban design that will not adversely impact on surrounding living environments of low density character and amenity.
- Low density living environments are only created in appropriate locations in and around townships to achieve a compact township shape and maintain the surrounding rural character of the locality.

## **RESIDENTIAL DENSITY — MONITORING**

Please refer to Part E, Appendix 1.

# PREBBLETON

## Preferred Growth Option

The first preferred areas for expansion of Prebbleton are east and west of Springs Road, between the north and south limits of the existing Living and Business zones as identified in Appendix 31.

## Specific Policies

### Policy B4.3.56

**Encourage land located to the east and west of the existing Living and Business zones, being those Living and Business zones that adjoin Springs Road, which is located as close as possible to the existing township centre as the first preferred areas to be rezoned for new residential development at Prebbleton, provided sites are available and appropriate for the proposed activity.**

#### Explanation and Reasons

Much land rezoned for residential development at Prebbleton has been to the south of the township, to avoid using land containing 'versatile soils' (LUC Class I or II). As a result, Prebbleton is developing in an elongated north-south pattern along Springs Road. The Council's preferred areas for future residential development are east and west of Springs Road located as close as possible to the existing town centre. This policy is consistent with:

- Creating a compact shaped township; Town Form Policy B4.3.5.
- Minimising effects on Springs Road as a Strategic Road; Policy B2.1.18.
- Minimising the length of "rural-residential" boundaries and potential for "reverse sensitivity" issues; Policy B3.4.39.

Although this area contains LUC Class II soils, there are other resource management effects of continuing residential development on soils that are not "versatile" at Prebbleton.

### Policy B4.3.57

**Discourage further expansion of Prebbleton township north or south of the existing Living zone boundaries adjoining Springs Road.**

#### Explanation and Reasons

Springs Road is one of the busiest Strategic Roads in Selwyn District. Further elongation of Prebbleton township north-south along Springs Road is inconsistent with Policy B2.1.18 and Town Form Policy B4.3.5.

### Policy B4.3.58

**Encourage rezoning of any land for new business development to adjoin the existing Business 1 Zone on the east side of Springs Road.**

## Explanation and Reasons

Confining Business 1 Zones to one side of Springs Road may lessen the number of pedestrian and vehicle movements crossing the road than if Business 1 Zones were to occur on both sides of the road. This policy is consistent with Policy B2.1.3. Consolidating similar Business 1 Zones into one area in a township is consistent with policies B3.4.35 and B3.4.36.

### Policy B4.3.59

**Consider any potential adverse effects of rezoning land for new residential or business development at Prebbleton on the ‘rural-urban’ landscape contrast of the area with Christchurch City, as identified in the RPS.**

## Explanation and Reasons

Objective 3 and Policy 5 of Chapter 12 of the RPS identify an area of land between Christchurch City and a line extending from West Melton to Tai Tapu as having important landscape and amenity values. The RPS seeks to maintain this land in “rural and recreational” uses. Policy B1.4.17 of the District Plan addresses this issue.

## General Policies

General policies that may be particularly relevant to Prebbleton include:

Plan Section	Objectives / Policies	Issue
1.1 Land and Soil	Policy B1.1.8	Many areas around Prebbleton contain “versatile soils” (LUC Class I or II)
1.2 Water	Policy B1.2.5	Reticulated sewage (see note below)
2.1 Transport	Policies B2.1.3, B2.1.9, B2.1.10 and B2.1.18	Effects of additional traffic on Springs Road.  Growth of a township “straddling” a Strategic Road.
2.2 Utilities	Policy 2.2.1	Impact of rate of town growth on utilities
2.3 Community Facilities (and Reserves)	Policy 2.3.1	Impact of rate of town growth on community facilities
3.4 Quality of the Environment	Policy B3.4.38	Reverse sensitivity issues, Rural zone

### Reticulated Sewage and Deferred Zoning

Reticulated sewage treatment and disposal is required at Prebbleton. The capacity of the existing public reticulated sewage treatment and disposal system is currently limited by:

- An agreement between Christchurch City Council and Selwyn District Council over the volume of effluent piped to the City.
- The capacity in the sewerage reticulation system of Christchurch City.

However, in recognition of the appropriateness of land at Prebbleton meeting the specific policies above, the Council has rezoned limited areas of land that adjoin existing Living 1, Living X or



Business 1 zoned land as either Living X (Deferred), Living 1A (Deferred), Living 2A (Deferred), Living 1A5 (Deferred), Living 1A6 (Deferred) or Business 1 (Deferred).

## RAKAIA HUTS

### Preferred Growth Option

There may be more than one site that complies with all relevant provisions in the District Plan for the future expansion of Rakaia Huts.

### Specific Policies

#### Policy B4.3.60

**Avoid rezoning any land for new residential or business development on the south-west side of Pacific Drive and restrict further building development on existing Lots 58-108 as shown in Appendix 24.**

#### Explanation and Reasons

Land on the south-west side of Pacific Drive is subject to flooding from the Rakaia River. For this reason the Council intends to discourage further zoning of land for living or business purposes in this area and restrict development on the lower terrace within the existing Living zone.

#### Policy B4.3.61

**Ensure any land rezoned for new residential or business development at Rakaia Huts does not cause damage or disturbance to archaeological sites or sites that are culturally important to tāngata whenua.**

#### Explanation and Reasons

The area around the Rakaia River mouth is a traditional area of occupation and food gathering for local Māori. Remains of a moa hunting ground exist in the area. The Council encourages any person wanting to rezone land for new residential or business development at Rakaia Huts to consult with tāngata whenua and the New Zealand Historic Places Trust Pouhere Taonga about their interests in this area. This policy is consistent with Policy B3.3.2.

**NOTE:**

If an archaeological site is accidentally uncovered, it has interim protection from further disturbance under the Historic Places Act 1993 – see Part B, Section 3.3.

### General Policies

General policies that may be particularly relevant to Rakaia Huts include:

Plan Section	Objectives / Policies	Issue
1.2 Water	Policy B1.2.6	On-site effluent treatment and disposal system
3.1 Natural Hazards	Policies B3.1.2 and B3.1.3	Flooding and coastal erosion

## ROLLESTON

### Preferred Growth Option

There may be more than one area that complies with all relevant plan provisions for the future expansion of Rolleston.

### Specific Policies

#### Policy B4.3.62

**Avoid rezoning land for new residential or business development (other than Business 2 and 2A Zoning), west of SH1 and the South Island Main Trunk Line (SIMTL).**

#### Explanation and Reasons

Rolleston Township is currently confined to one side of SH1 and the SIMTL except for the Business 2 and 2A Zones. Policy B4.3.62 is consistent with Policy B2.1.17.

#### Policy B4.3.63

**Avoid rezoning land for new residential development in areas shown under the Airport Flightpath Noise Contours for 50 dBA Ldn or greater, on Planning Map 013.**

#### Explanation and Reasons

Land within Rolleston township is under an approach path for aircraft to Christchurch International Airport. Policy B4.3.63 is consistent with Policy B2.1.22.

The existing Living 2A Zone, partially in this area, is an historic zoning and cannot be used as a precedent for extending the zone. Denser residential development is discouraged in that zone – see Policy B2.1.23.

#### Policy B4.3.64

**Encourage land rezoned for new business development to adjoin an existing Business zone of similar character, where sites are available and appropriate for the proposed activity.**

#### Policy B4.3.65

**Encourage additional Business 2 or 2A Zones to locate west of SH1, preferably adjoining the existing Business 2 or 2A Zone.**

## Explanation and Reasons

Rolleston contains two Business 1 Zones. That part of the Business 1 Zone bounded by Rolleston Drive, State Highway 1, and Dick Roberts Place has site specific rules and it is intended to provide for the Selwyn District Council's district headquarters and for civic and community activities undertaken by the Council. It is not intended that commerce and retailing will locate in this part of the Business 1 Zone.

Policy B4.3.64 encourages any additional business development to adjoin these zones and create consolidated Business zones in the township, rather than the creation of several isolated zones. This policy is consistent with policies B3.4.35 and B3.4.36.

Keeping the Business 2 and 2A Zones west of SH1 provides a “buffer” area between these activities and the township, which may help reduce potential “reverse sensitivity” issues. Policy B4.3.65 is consistent with Policy B3.4.38.

## Policy B4.3.66

**Encourage integration between rezoning land for new residential development at Rolleston and associated provisions for utilities, community facilities and areas for business development.**

## Explanation and Reasons

A study prepared for the Council (Barber, 1999: Demand for Land for Commercial and Industrial Uses in Selwyn District) indicates that if projected residential growth occurs at Rolleston, there will be a shortage of space for associated business activities in the land currently zoned Business 1.

Future residential growth at Rolleston will also result in the need for additional or upgraded utilities and community facilities. Any application to rezone land for a new residential area needs to address these effects in the same way as the Council is required to, should it rezone land for additional residential areas. This policy is consistent with policies B2.2.1 and B2.3.1.

## Policy B4.3.67

**Encourage new residential development by further subdivision in existing Living 2 Zones, other than the Living 2A Zone, where it complies with the objectives and policies of the Plan.**

## Explanation and Reasons

Residential density and allotment sizes in the Living 2 Zones at Rolleston average either 0.5 ha to 1 ha. These zones cover large areas. Policy B4.3.67 allows Rolleston township to grow through closer residential development in the Living 2 zones, provided: there are no adverse effects on infrastructure; and closer density is supported by the residents in the areas affected. This policy is consistent with Policy B4.1.3 and Town Form Policy B4.3.5.

Policy B4.3.67 does not apply to the Living 2A zone, which is located under the SOABA Airport Flightpath Noise Contour – see Policy B2.1.23.

## General Policies

General policies that may be particularly relevant to Rolleston include:

<b>Plan Section</b>	<b>Objectives / Policies</b>	<b>Issue</b>
1.1 Land and Soil	Policy B1.1.8	'Versatile soils' are located north of the township (LUC Class I or II)
1.2 Water	Policy B1.2.5	Reticulated sewage is required
2.1 Transport	Policies B2.1.17, B2.1.22 and B2.1.23	Confining Rolleston to one side of SH1/SIMTL. Christchurch International Airport
2.2 Utilities	Policy 2.2.1	Impact of rate of town growth on utilities
2.3 Community Facilities (and Reserves)	Policy 2.3.1	Impact of rate of town growth on community facilities
3.4 Quality of the Environment	Policies B3.4.35, B3.4.36 and B3.4.38	Consolidating Business zones and reverse sensitivity effects
4.1 Residential Density	Policies B4.1.2 and B4.1.3	Further subdivision, Living 2 zones

## 4 LIVING ZONE RULES — BUILDINGS

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### 4.1 BUILDINGS AND NATURAL HAZARDS

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

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

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

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

#### Prohibited Activities — Buildings and Natural Hazards

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

### 4.2 BUILDINGS AND LANDSCAPING

#### Permitted Activities — Buildings and Landscaping

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

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

## Discretionary Activities – Buildings and Landscaping

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

## 4.3 BUILDINGS AND CONTAMINATED LAND

Refer to Rule 10.1 – Activities and Contaminated Land.

## 4.4 BUILDINGS AND WATER SUPPLY

### Permitted Activities – Buildings and Water Supply

- 4.4.1 In all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.
- 4.4.2 In the Living 1 (Liffey Springs) Zone (Deferred) at Lincoln, as shown in Appendix 35, rainwater storage tanks with a minimum capacity of 3000 litres shall be installed for each dwelling for non-potable uses, such as garden irrigation.

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

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

### Discretionary Activities – Buildings and Water Supply

- 4.4.3 Any activity which does not comply with Rule 4.4.1 shall be a discretionary activity.

## 4.5 BUILDINGS AND SEWAGE TREATMENT AND DISPOSAL

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

- 4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.
- 4.5.2 In all other Living zones in the district dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.

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

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

## Notes

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

## 4.6 BUILDINGS AND BUILDING DENSITY

### Permitted Activities – Buildings and Building Density

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

### Restricted Discretionary Activities – Buildings and Building Density

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

Note: Building density and site coverage rules both apply.

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

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

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

- 4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living 2 and 2A zones.

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



## 4.7 BUILDINGS AND SITE COVERAGE

### Permitted Activities — Buildings and Site Coverage

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

**Table C4.1 Site Coverage Allowances**

Zone		Coverage
Living 1	Including garage	35%
	Excluding garage	35% minus 36m <sup>2</sup>
	<u>Emergency Services</u> only	50%
Living 1A	Castle Hill	35%
Living 1A3	Lincoln	40%
Living 1A4	Lincoln	45%
Living 1A2	Prebbleton	35%
Living 1A5	Prebbleton	35%
		For <u>comprehensive residential development</u> , site coverage shall be applied over the whole Living 1A5 Zone
Living 1A6 (Deferred)	Prebbleton	35%
Living 2 (all townships not otherwise listed) and Living 2A (Blakes Road, Prebbleton)	Including garage	Lesser of 20% or 500m <sup>2</sup>
	Excluding garage	Lesser of 20% minus 36m <sup>2</sup> or 500m <sup>2</sup> minus 36m <sup>2</sup>
	<u>Emergency Services</u> only	40%
Living 2A	Prebbleton and West Melton	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%
Living 2A1	Darfield	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%

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

### Temporary Activities

4.7.2 Maximum site coverage rules do not apply to:

- 4.7.2.1 Any building, tent, caravan, trailer or marquee erected for a temporary activity, provided the structure is removed within 2 days after the activity ceases; or
- 4.7.2.2 Any building erected for temporary accommodation associated with a construction project on the site, provided the building is removed within 12 months or when construction ceases, whichever is the shorter time.

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

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

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

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

## **4.8 BUILDINGS AND BUILDING HEIGHT**

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

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

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

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

## Note

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

## 4.9 BUILDINGS AND BUILDING POSITION

### Permitted Activities — Buildings and Building Position

The following shall be permitted activities:

#### Recession Planes

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

#### Setbacks from Boundaries

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

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

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

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

#### Common Wall

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

## Castle Hill

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

## Prebbleton

- 4.9.6 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.
- 4.9.7 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.
- 4.9.8 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.
- 4.9.9 For the Living 1A6 (Deferred) Zone in Prebbleton, no dwelling shall be sited within 5m of the north western common boundary with the Kingcraft Drive Existing Development Area, as identified in the ODP contained in Appendix 19.
- 4.9.10 Any dwelling in the Living 2A Zone in Prebbleton shall have:
- 4.9.10.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.
- 4.9.10.2 A setback from the southern zone boundary of not less than 20 metres.
- 4.9.11 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.
- 4.9.12 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Def Zone in Prebbleton, as identified in Appendix 19.

## West Melton

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

Leeston

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

Temporary Activities

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

- 4.9.16.1 The building, tent, caravan or trailer is erected for a temporary activity; and
- 4.9.16.2 The building, tent, caravan or trailer is removed within 2 days of the activity ceasing.

4.9.17 Rule 4.9.2 does not apply to the siting of any building on a site which is for temporary accommodation associated with a construction project on the site if:

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

Setback from Lincoln Sewerage Treatment Plant

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

Rolleston

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

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

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

Permitted Activities – Buildings and Building Position

Special Character Low Density Areas (Living 1C zoning)

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

- 4.9.21 Dwellings and family flats shall be positioned at least 6m from any existing dwelling or family flat (or footprint of a planned dwelling or family flat for which a building consent has been granted within the previous 2 years).

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

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

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

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

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

- 4.9.24 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.15 and 4.9.19 shall be a restricted discretionary activity.

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

4.9.25.1 Internal Boundary

Any adverse effects on the:

- (a) privacy
- (b) outlook
- (c) shading; or
- (d) amenity values

of the adjoining property, its occupiers and their activities; and

4.9.25.2 Road Boundary

Any adverse effects on:

- (a) the character of the street
- (b) safety and visibility of pedestrians, cyclists and motorists, and
- (c) shading of the road or footpath in winter;
- (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and

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

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

- 4.9.27 Under rule 4.9.26 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.

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

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

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

4.9.29 Any dwelling which does not comply with Rule 4.9.18 shall be a non-complying activity.

## 4.10 RELOCATED BUILDINGS

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

### Permitted Activities — Relocated Buildings

- 4.10.1 The erection of any relocated building shall be a permitted activity if one or more of the following conditions are met:
- 4.10.1.1 The relocated building is a garage or accessory building; or
  - 4.10.1.2 The building is moved from one position to another within the same site; or
  - 4.10.1.3 The building is relocated on to a site for a temporary activity and is removed from the site within 2 days of the activity ceasing; or
  - 4.10.1.4 The building is relocated on to a site to provide temporary accommodation during a construction project on the site, and the building is removed from the site within the lesser of a 12 month period or when the construction work ceases.
  - 4.10.1.5 The building is being relocated within or between schools.

### Controlled Activities — Relocated Buildings

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



establish to retain elements of visual outlook and connectivity to LII River.

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

#### **Prebbleton**

- 12.1.3.24 In the Living 1A1, 1A2, 1A3, 2A, 1A6 and any deferred living zone at Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and
- 12.1.3.25 In the Living 1A3, 1A4 and 2A zones or any deferred living zones at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:
- (a) A road or indicative road identified on an Outline Development Plan in Appendix 19; or
  - (b) Any allotments(s) that are wholly contained within the Banham & Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road; and
- 12.1.3.26 For the Living 1A5 (Deferred) Zone at Prebbleton, until the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for comprehensive residential development, the rules of the Living 1A2 Zone shall apply to that land and for the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.
- 12.1.3.27 For the Living 1A5 (Deferred) Zone at Prebbleton, upon the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for comprehensive residential development, the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply to that land, and the rules of the Living 1A2 Zone will cease to apply, without further formality.
- 12.1.3.28 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a restricted discretionary activity where a land use consent for a comprehensive residential development has been obtained.
- 12.1.3.29 In the Living 1A6 Deferred Zone, any subdivision plan submitted to the Council shall be accompanied by a landscape plan detailing plantings to be undertaken:
- a) Along the common boundary with the Kingcraft Drive Existing Development Area, in accordance with the ODP contained in Appendix 19. At least 65% of the species identified on the landscape plan shall be from the list of species identified in Appendix 19. The deciduous tree species shall be a minimum of

1.5m in height at the time of planting and shall be at 10m centres. Native shrubs shall provide under planting to this tree row and shall be spaced at no more than 3m centres and that this area is to be fenced along all boundaries. The native shrubs shall form a continuous screening and obtain a mature height of approximately 2.5-3m.

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

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

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

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

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

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

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

- 12.1.3.35 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) at West Melton complies with the layout and contents of the Outline Development Plan shown in Appendix 20; and
- 12.1.3.41 Any subdivision of land within the area shown in Appendix 20 shall:
- 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;
  - 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.
- 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 1 (Deferred) or Living 2 (Deferred) Zones at West Melton shall take place until:
- A reticulated community potable water supply is available which is capable of serving the entire lots within the subdivision; and
  - A reticulated community sewage effluent treatment and disposal system is available which is capable of serving the entire lots within the subdivision; and
  - An Outline Development Plan has been incorporated into the District Plan for the development of all land zoned Living 1 or 2 Deferred west of Weedons Ross Road.

**Table C12.1 – Allotment Sizes**

Township	Zone	Average Allotment Size Not Less Than
Arthur's Pass	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Castle Hill	Living 1A	500m <sup>2</sup> , and a minimum <u>allotment</u> size of 350m <sup>2</sup>
Coalgate	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
	Living 2	1 ha
Darfield	Living 1	650m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2 (Deferred)	Refer to Subdivision – General Rules. 5,000m <sup>2</sup> if criteria met.
	Living 2A (Deferred)	Refer to Subdivision – General Rules. 1 ha if criteria met.

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 2A1	2 ha
	Living X (Deferred)	Refer to Subdivision – General Rules. What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m <sup>2</sup> ) if criteria met.
Doyleston	Living 1	650m <sup>2</sup>
Dunsandel	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
	Living 2	1 ha
	Living (Area A) (Deferred)	Refer to Subdivision – General Rules. Final density still to be determined.
	Living (Area B) (Deferred)	Refer to Subdivision – General Rules. Final density still to be determined.
Glenntunnel	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Hororata	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Kirwee	Living 1	800m <sup>2</sup>
	Living 2	1 ha
	Living 2A	1 ha 2 ha for lots along the northern and eastern boundaries of the zone that abuts a Rural Zone.
Lake Coleridge Village	Living 1	800m <sup>2</sup>
Leeston	Living 1	650m <sup>2</sup>
	Living 1 (Deferred)	4 ha until deferral lifted, then 650m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
	Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>
	Living XA	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m <sup>2</sup> )
Lincoln	Living 1	650m <sup>2</sup>
	Living 1 (Deferred)	20ha

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	<p>For the Living 1 (Liffey Springs) Zone (Deferred) at Lincoln as shown in Appendix 35; upon the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for residential development, the Living 1(Liffey Springs) Zone (Deferred) at Lincoln, as shown in Appendix 35 shall cease to be deferred and the rules of the Living 1 Zone will apply to that land, and the rules of the Rural Zone (Outer Plains) will cease to apply, without further formality.</p>	
	Living 1A	850m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A1	650m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A2	650m <sup>2</sup> Minimum of 31 lots for any subdivision plan
	Living 1A3	500m <sup>2</sup>
	Living 1A4	1,500m <sup>2</sup>
	Living 2	3,000m <sup>2</sup>
	Living X	2,000m <sup>2</sup>
Prebbleton	Living 1	800m <sup>2</sup>
	Living 1A	2,000m <sup>2</sup>
	Living 1A (Deferred)	4 ha
	<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living 1A Zone will apply.</p>	
	Living 1A1	800m <sup>2</sup>
	Living 1A2	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Living 1A3	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Living 1A4	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	Living 1A5	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup> . For <u>comprehensive residential development</u> , the minimum average area shall be 350m <sup>2</sup> .

Township	Zone	Average Allotment Size Not Less Than
	Living 1A5 (Deferred)	800m <sup>2</sup> and no more than 10 % at less than 700m <sup>2</sup>
	<p>Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u>, the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.</p>	
	Living 1A6 (Deferred)	4ha
	<p>Following either the Council passing a resolution that there is adequate capacity in the local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living, zoning or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred <b><u>and the following shall apply:</u></b></p> <ul style="list-style-type: none"> <li>– Area A: 1000m<sup>2</sup> minimum net allotment area;</li> <li>– Area B: 600m<sup>2</sup> minimum net allotment area and 900m<sup>2</sup> maximum net allotment area;</li> <li>– Area C: 550m<sup>2</sup> minimum average allotment area and 450m<sup>2</sup> minimum net allotment area; and</li> <li>– In all cases development shall proceed in accordance with the ODP and shall achieve a minimum density of 10 lots/ha once the entire site has been developed.</li> </ul>	
	Living 2	5,000m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>  Maximum number of allotments is 32, and on the south side of Trices Road the maximum number of allotments is 8
	Living 2A (Blakes Road)	5,000m <sup>2</sup>  Subdivision shall proceed in substantial accordance with the development plan in Appendix 19
	Living 2A (Deferred)	4 ha
	<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.</p>	
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m <sup>2</sup> )
	Living X (Deferred)	4 ha

<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
		Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living X Zone will apply.
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Rolleston	Living 1	750m <sup>2</sup>
	Living 1A	Minimum lot area of 300m <sup>2</sup>
	Living 1B	1,200m <sup>2</sup> with a minimum lot area 750m <sup>2</sup>
	Living 1B Deferred	5,000m <sup>2</sup> until deferral lifted in January 2010, then 1,200m <sup>2</sup> with a minimum lot area of 750m <sup>2</sup>
	Living 1C	2,000m <sup>2</sup> with a minimum lot area of 1,000m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>
Sheffield	Living 2A	1 ha
	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
	Living 1A	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Southbridge	Living 1	650m <sup>2</sup>
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
Springston	Living 1	800m <sup>2</sup>
	Living 1A	800m <sup>2</sup>
Tai Tapu	Living 1A	800m <sup>2</sup>
	Living 2A	5,000m <sup>2</sup>
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m <sup>2</sup>
West Melton	Living 1	1,000m <sup>2</sup>
	Living 1 Deferred	Refer to Subdivision – General Rules. 800m <sup>2</sup> if criteria met.
	Living 1B	2,800m <sup>2</sup>
	Living 2	5,000m <sup>2</sup>



<b>Township</b>	<b>Zone</b>	<b>Average Allotment Size Not Less Than</b>
	Living 2 Deferred	Refer to Subdivision – General Rules. 5,000m <sup>2</sup> if criteria met.
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m <sup>2</sup>
All <u>Townships</u>	Heritage Buildings listed in Appendix 3	Listed in Appendix 3. The <u>building</u> , curtilage and any other area needed to: <ul style="list-style-type: none"> <li>- mitigate adverse effects; or</li> <li>- maintain the heritage values of the site</li> </ul>
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area
All Living Zones	Calculating <u>Allotment</u> Sizes	<p>The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u>, reserves or to house <u>utility structures</u>, or which are subject to a designation.</p> <p>Any <u>allotment</u> which is twice or more the size of the average <u>allotment</u> required in the zone, shall be calculated as being:</p> <p>2 x average <u>allotment</u> size for that zone – 10 m<sup>2</sup>; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
All <u>Townships</u>	<u>Allotment</u> sizes for Flats/Townhouses – Living 1	In any Living 1 Zone, where two or more <u>dwellings</u> have been erected on an <u>allotment</u> the average <u>allotment</u> size per <u>dwelling</u> shall be 0.5 x the average <u>allotment</u> size listed in this table for the Living 1 Zone in that <u>township</u> .

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

##### **Access**

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

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

## **Water**

12.1.4.2 The provision of water for firefighting; and

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

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

## **Solid Waste Disposal**

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

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

## **Utility Cables**

12.1.4.5 Whether any utility cables shall be laid underground.

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

### Size and Shape

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

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

### Utilities and Facilities

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

**Note:** The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 12.1.4.23.

### Construction of any Works

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

### Fencing

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

### Easements

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

## High Voltage Transmission Lines

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

## Esplanade Reserves

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

## Prebbleton

- 12.1.4.30 In the Living 1A2, 1A3, 1A4 and 2A zones at Prebbleton, the retention of existing trees that are considered "significant" in terms of the Prebbleton Townscape Plan; and
- 12.1.4.31 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.32 In the Living 1A2 Zone at Prebbleton, the achievement of a graduated density of allotment sizes such that average lot size generally increases in a southward direction; and
- 12.1.4.33 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.32, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.34 In the Living 1A3 Zone at Prebbleton, the necessity for larger allotments along the boundary of the zone adjoining Meadow Mushrooms, so as to mitigate minor odour and noise effects; and
- 12.1.4.35 In the Living 1A4 Zone at Prebbleton, the necessity for the Ministry of Education to acquire part of the zone to accommodate the future needs of Prebbleton Primary School.
- 12.1.4.36 In the Living 1A6 Deferred Zone in Prebbleton, the extent to which the extension of Cairnbrae Drive is compatible with the existing road network in terms of carriageway width, footpaths, lighting, street furniture and landscaping.
- 12.1.4.37 In the Living 1A6 Deferred Zone in Prebbleton, the extent to which the subdivision layout and design provides for a natural surveillance for the purpose of minimising the potential for criminal behaviour to occur.
- 12.1.4.38 In the Living 1A6 Deferred Zone in Prebbleton, any measures to reduce reverse sensitivity on established adjoining land uses.

- 12.1.4.39 In the Living 1A6 Deferred Zone in Prebbleton, any measures introduced to ensure subdivisions are able to factor in water demand managements and other household sustainability ideas.
- 12.1.4.40 In the Living 2A Zone at Prebbleton, the need for an interim walkway/cycleway linkage to Springs Road via the north west corner of the zone until such time as a linkage on the land between the Living 1A2 and Living 2A zones is able to be achieved.

**Note:** The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 12.1.4.40.

### **Rolleston**

- 12.1.4.41 The extent to which failure to provide a pedestrian linkage identified in Appendix 23 will result in increased use of private motor vehicles within Rolleston;
- 12.1.4.42 The degree to which pedestrian and cycle access throughout Rolleston may be enhanced from an efficiency and amenity perspective through the provision of cycleways and walkways;
- 12.1.4.43 The need to provide linkages (road, cycle, walkways) to schools, business areas, community facilities and reserves to ensure that the town develops in an integrated manner;
- 12.1.4.44 The need to provide for pedestrian and cycle movement within the road reserve;
- 12.1.4.45 The extent to which failure to provide walkways/cycleways may result in a loss of opportunity to enable non-vehicular access by children to and between residential areas, schools and community facilities;
- 12.1.4.46 The need for local reserves;
- 12.1.4.47 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.48 The design guidelines contained in Appendix 23;
- 12.1.4.49 The extent to which a failure to conform with the roading pattern identified in Appendix 23 will adversely affect:
- (a) ease of access within and an efficient road network throughout Rolleston; and
  - (b) bus routes; and
  - (c) the ability of nearby landowners also to conform with the indicative roading layout and the degree to which access (actual or potential) to nearby properties may be changed or compromised.
- 12.1.4.50 The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and community facilities.

12.1.4.51 In the Living 1A and 1B zones every allotment shall be served with underground electric power and telephone services in accordance with the standards specified by the relevant network utility operator.

12.1.4.52 Except as provided by rule 12.1.4.53, for allotments within or adjacent to the Lowes Road Outline Development Plan area, that the proposed layout is in general accordance with the Outline Development Plan map in Appendix 34.

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

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

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

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

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

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

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

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

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

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

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

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

#### **Tai Tapu**

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

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

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

- 12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.34.
- 12.1.5.2 The exercise of discretion shall be restricted to the matters listed in 12.1.5.3 to 12.1.5.6 below.
- 12.1.5.3 Whether any amendments to the roading pattern will retain connectivity and avoid piecemeal and uncoordinated subdivision patterns;
- 12.1.5.4 Whether any amendments to the subdivision would still enable efficient and coordinated provision of services;



- 12.1.5.5 Whether any amendments to the subdivision layout will provide adequately for reserves, pedestrian or cycle linkages;
- 12.1.5.6 Whether any amendments to the subdivision will ensure that there are not an excessive number of lots reliant on a single access point to an adjoining road.

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

12.1.6 The following activities shall be discretionary activities:

- 12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or 12.1.3.10.
- 12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13.
- 12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate or Dunsandel with an average allotment size of less than 1 hectare.
- 12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m<sup>2</sup>.
- 12.1.6.5 Any subdivision in a Living 1C zone with an average lot size above 1,200m<sup>2</sup>.
- 12.1.6.6 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m<sup>2</sup>.

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

12.1.7 Except as provided for in Rules 12.1.5 and 12.1.6, the following activities shall be non-complying activities:

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

## 12.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

**Note:** If a boundary adjustment completed under 12.2 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

### Restricted Discretionary Activities – Subdivision – Boundary Adjustments

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

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

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

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

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

If the subdivision complies with Rules 12.2.1.1 to 12.2.1.4, it shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.2.2.

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

#### Access

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

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

#### Water

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

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

## Size and Shape

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

**Note:** In using its discretion under Rule 12.2.2.3(c), the consent authority shall consider a dwelling of 150m<sup>2</sup> in gross floor area for compliance with District Plan rules.

## Stormwater Disposal

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

## On Site Effluent Disposal

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

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

## Special Sites

- 12.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody excluding aquifers; or
  - (b) Any site listed in Appendix 3; or
  - (c) A designation:
    - Any effects (adverse or beneficial) which the boundary adjustment may have on these values of the site, as identified in the District Plan; and
    - Any proposed mitigation measures to lessen any adverse effects on these values; and
    - Whether public access to the site is desirable and, if so, where and how this may be improved as part of the boundary adjustment; and

- Whether the proposed size and shape of the allotments are appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.

### **Utilities**

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

### **Easements**

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

### **High Voltage Transmission Lines**

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

### **Esplanade Reserves and Strips**

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

### **Tai Tapu**

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

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

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

12.2.3 The following activities shall be non-complying activities

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

## 12.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

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

12.3.1 Subdivision of land to create allotments used solely for:

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

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

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

12.3.2 Matters over which the Council has reserved control:

#### **Access**

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

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

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

#### **Size and Shape**

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

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

## Special Sites

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

## Utilities

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

## Easements

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

## Point Strips

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

## High Voltage Transmission Lines

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

## Esplanade Reserves and Strips

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

## Tai Tapu

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

## Reasons for Rules

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

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

Rule 12.1 identifies the facilities and other conditions necessary to ensure allotments in each township are suitable for building on. The Plan recognises, in Rules 12.2 and 12.3 that some allotments are not subdivided to house new buildings. Rule 12.2 provides separate, less stringent conditions, for the alternation of boundaries between adjoining allotments, where no new allotments are created. The subdivisions provided for in Rules 12.2 and 12.3 are recognised as having less potential effects on the environment than those in Rule 12.1.

Rules 12.1 and 12.2 make subdivision a restricted discretionary activity if the activity complies with all relevant standards and terms. The resource consent application is not notified and does



not require the written approval of affected parties. These rules are slightly different from the more common controlled activity for two reasons:

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

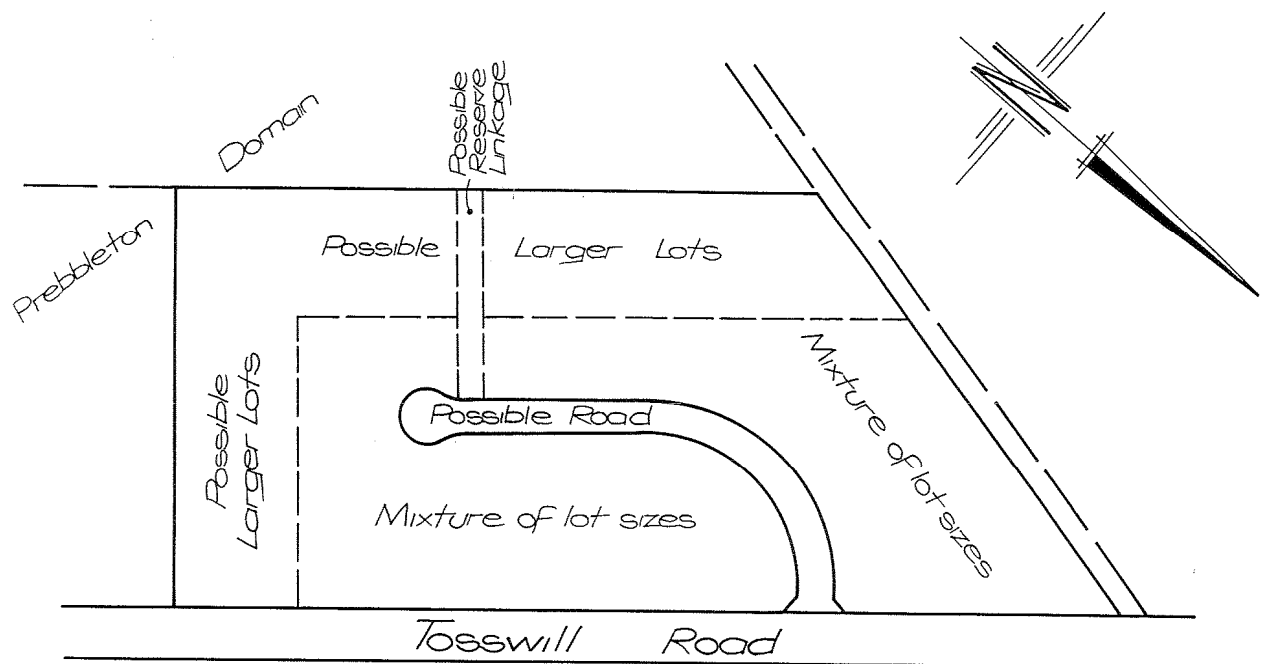
Outline Development Plans are required in a number of circumstances where the area to be developed is large, or is in multiple ownership. The purpose of Outline Development Plans is to ensure coordinated development, particularly in terms of roading, pedestrian and cycle links; to improve subdivision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

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

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# APPENDIX 19

## LIVING 1A1, 1A2, 1A3, 1A6 (DEFERRED) AND 2A ZONES, PREBBLETON



Any subdivision of the land shown on the concept plan shall be designed to meet the following criteria:

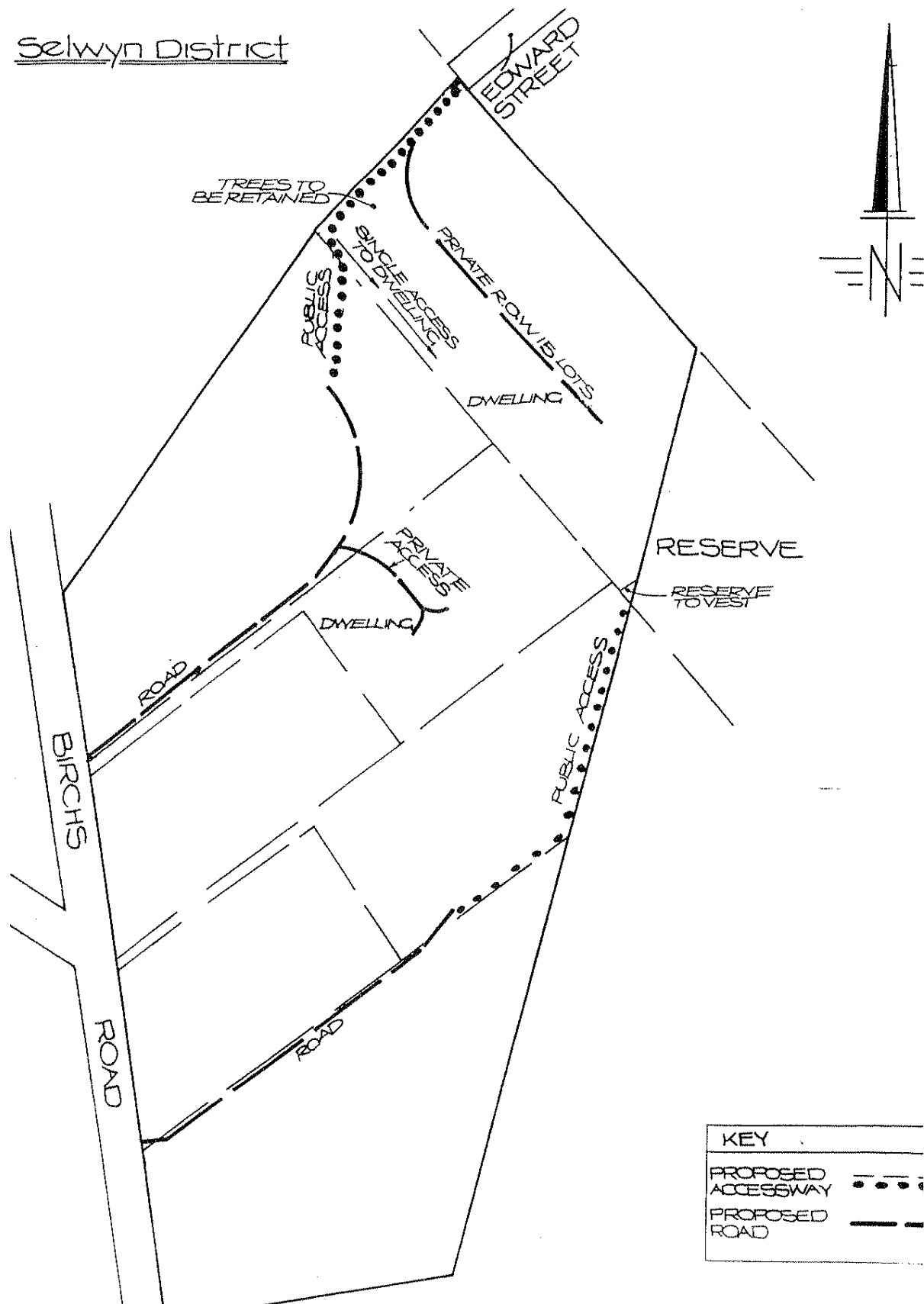
- The provision of any necessary internal roading;
- The provision of larger lots adjoining the Prebbleton Domain;
- The provision of a mix of lot sizes;
- The provision of pedestrian and cycle linkages to the Prebbleton Domain and Tosswill Road.

These criteria are illustrated on the concept plan.

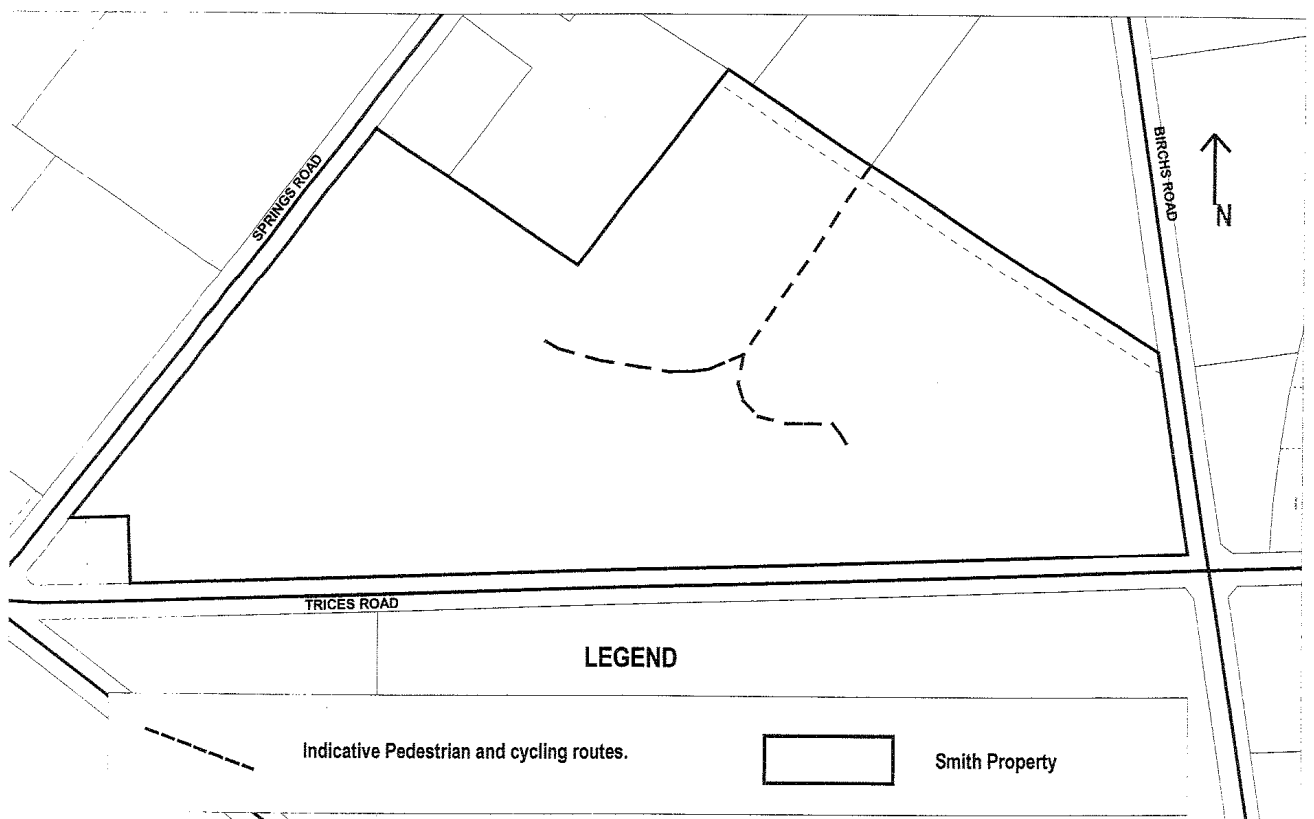
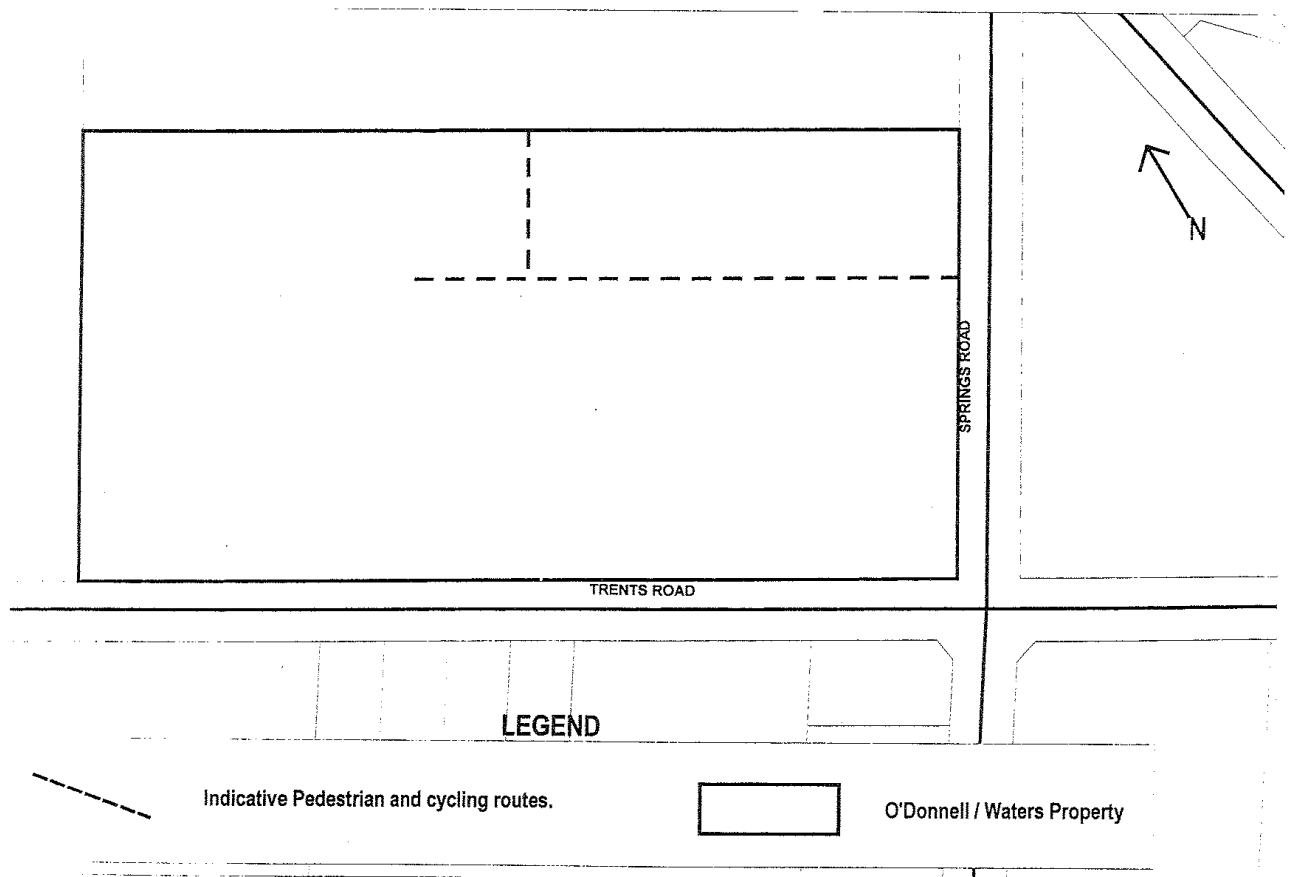
In providing for these matters, the following environmental results are anticipated:

- Provision of adequate buffer between the lots of the subdivision and the Prebbleton Domain;
- Maintenance of the existing low density amenity values of Prebbleton township;
- Energy efficiencies and safety of residents by promotion of walking and cycling alternatives.

# Selwyn District

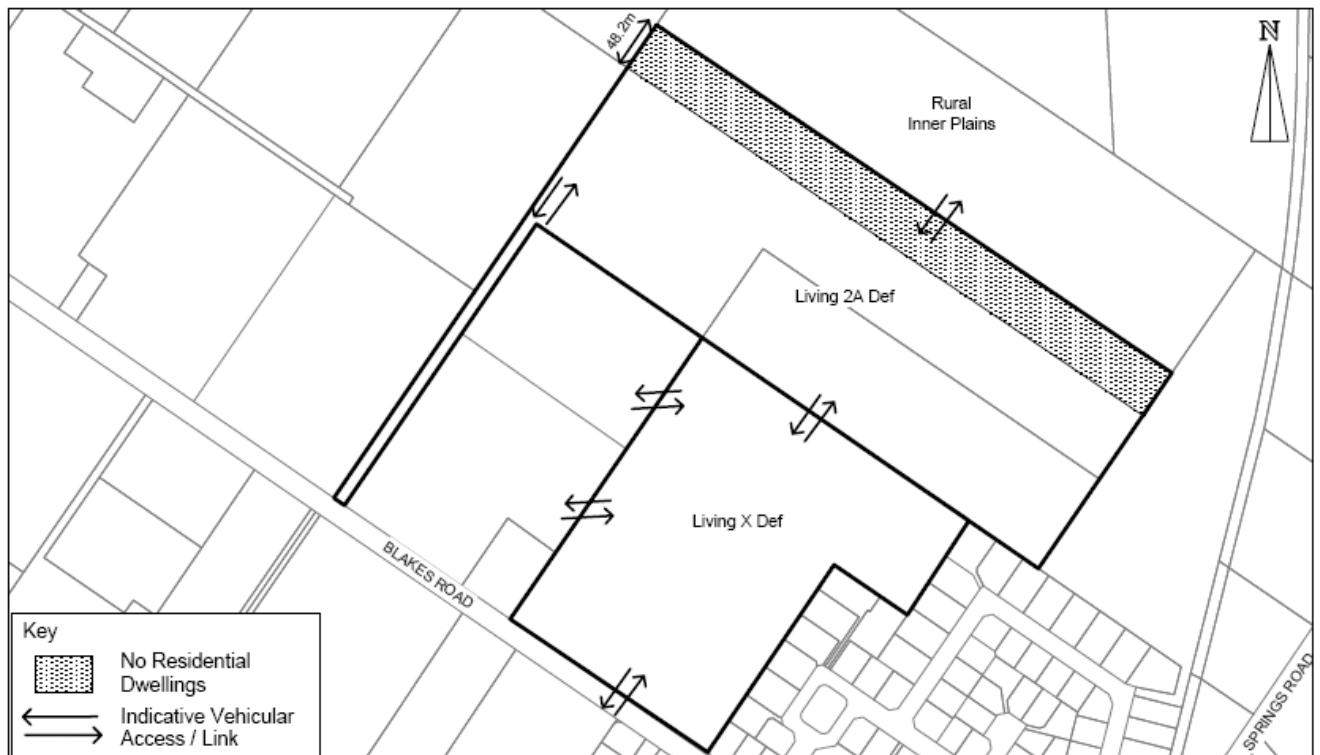


## Indicative Pedestrian and Cycle Routes

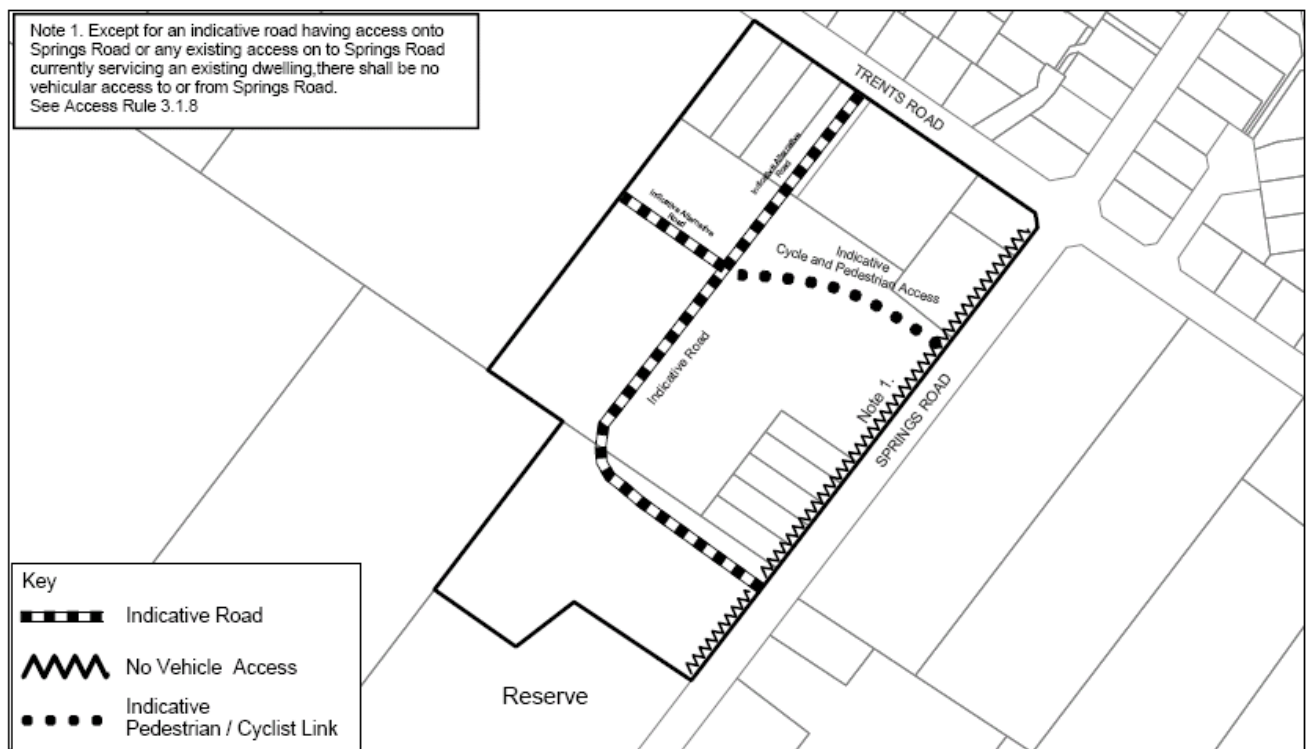


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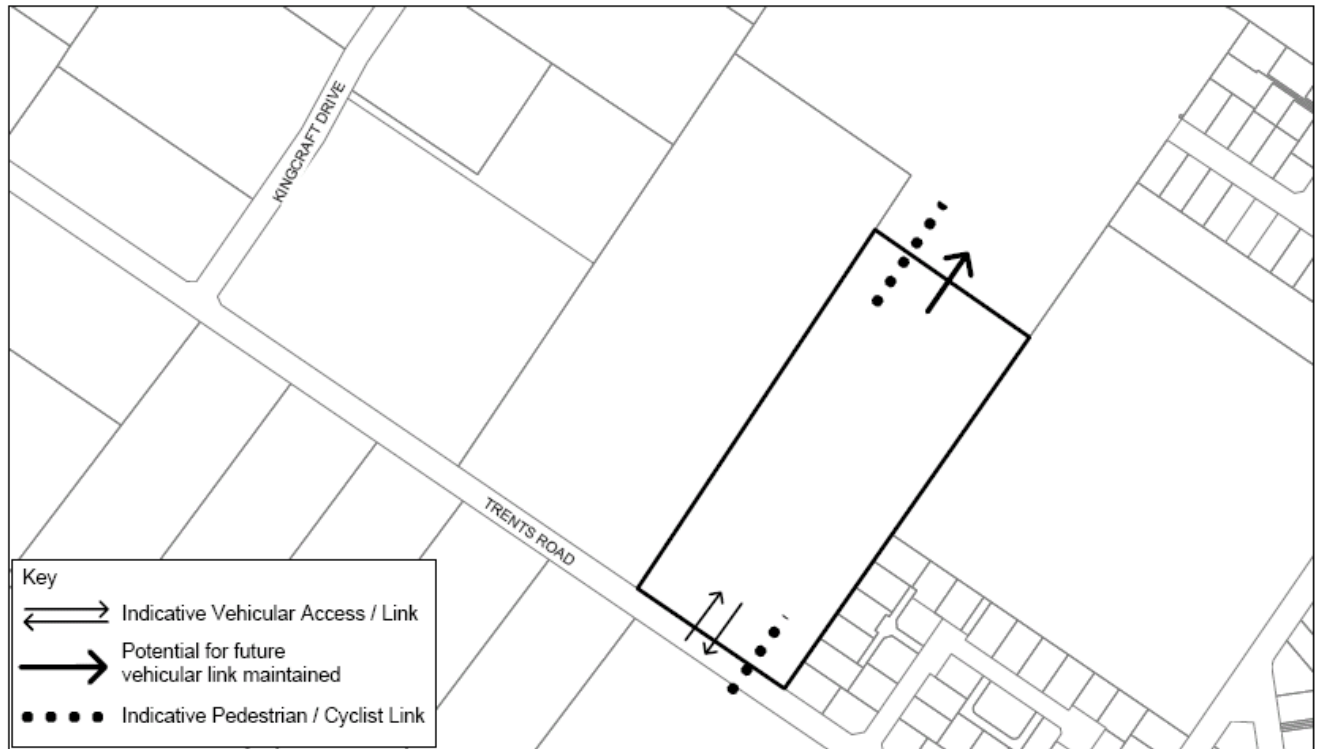




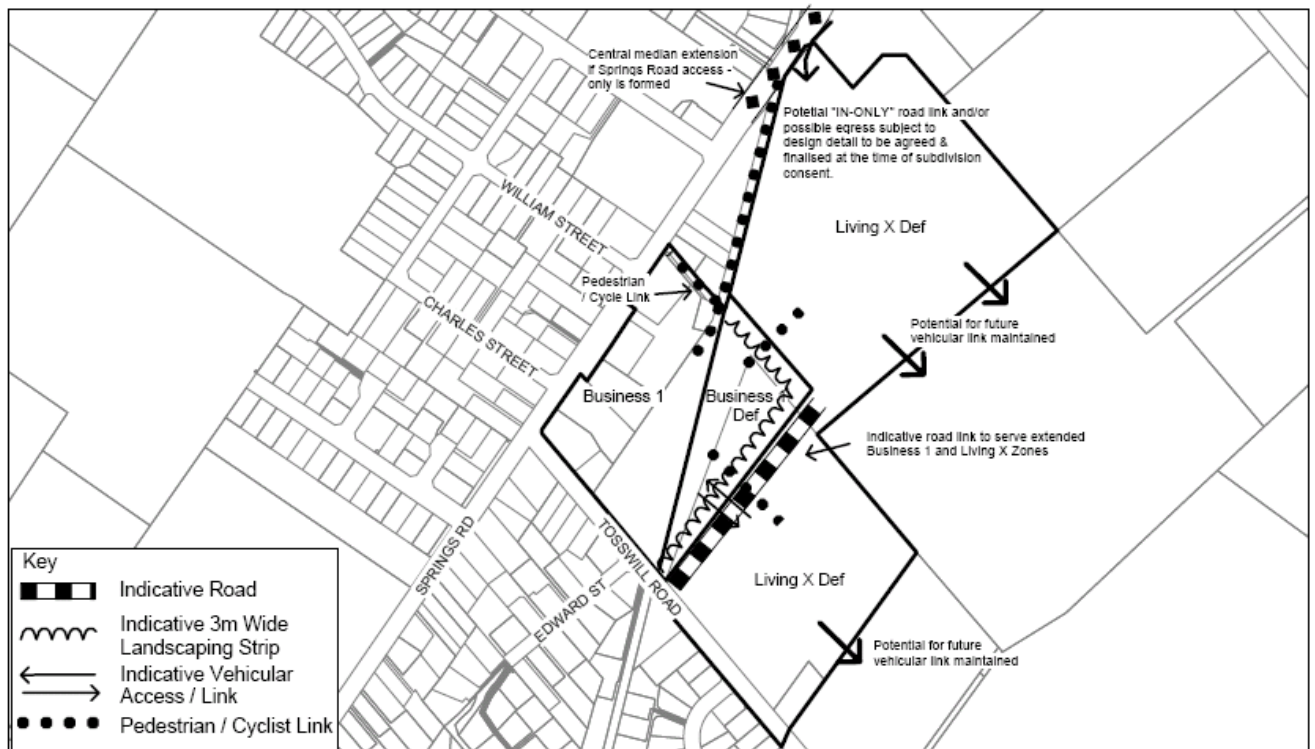
Selwyn District Council Outline Development Plan  
Shaw Appeal 27/04/06



Selwyn District Council Outline Development Plan  
Banham & Tapp Appeal 27/04/06

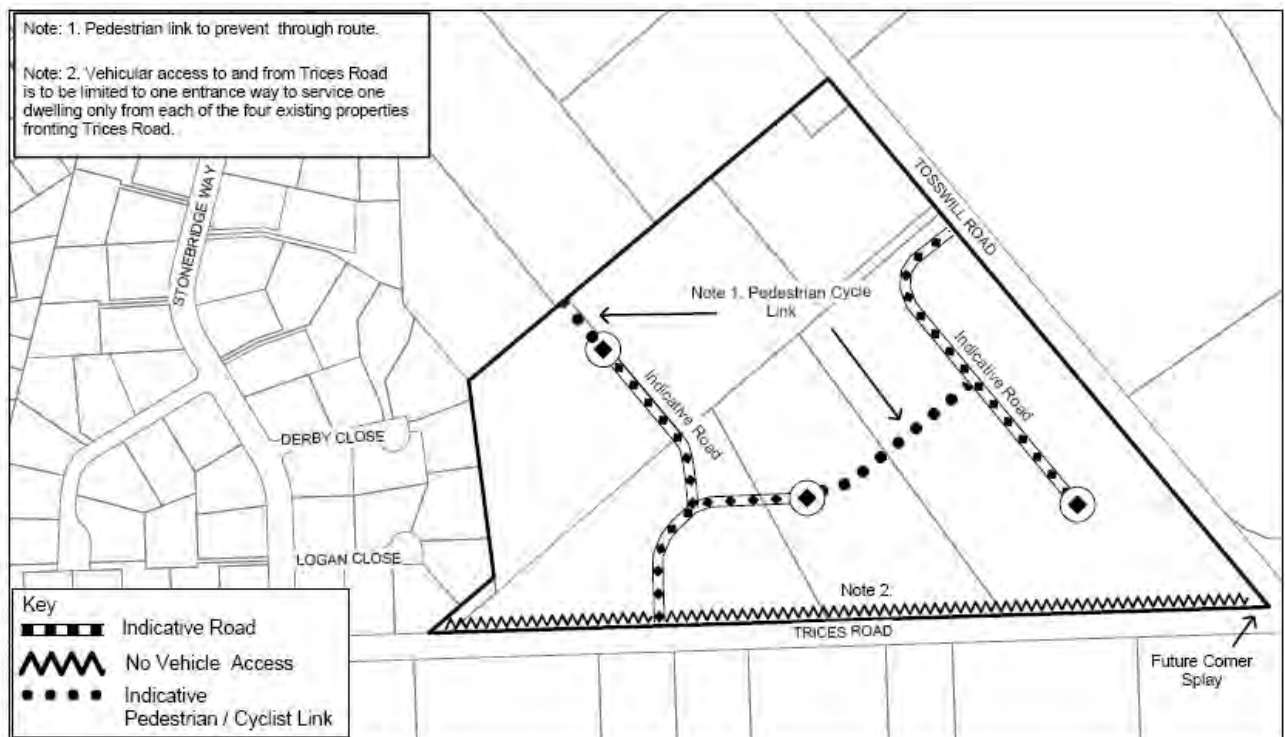


Selwyn District Council Outline Development Plan  
Tricat Appeal 27/04/06



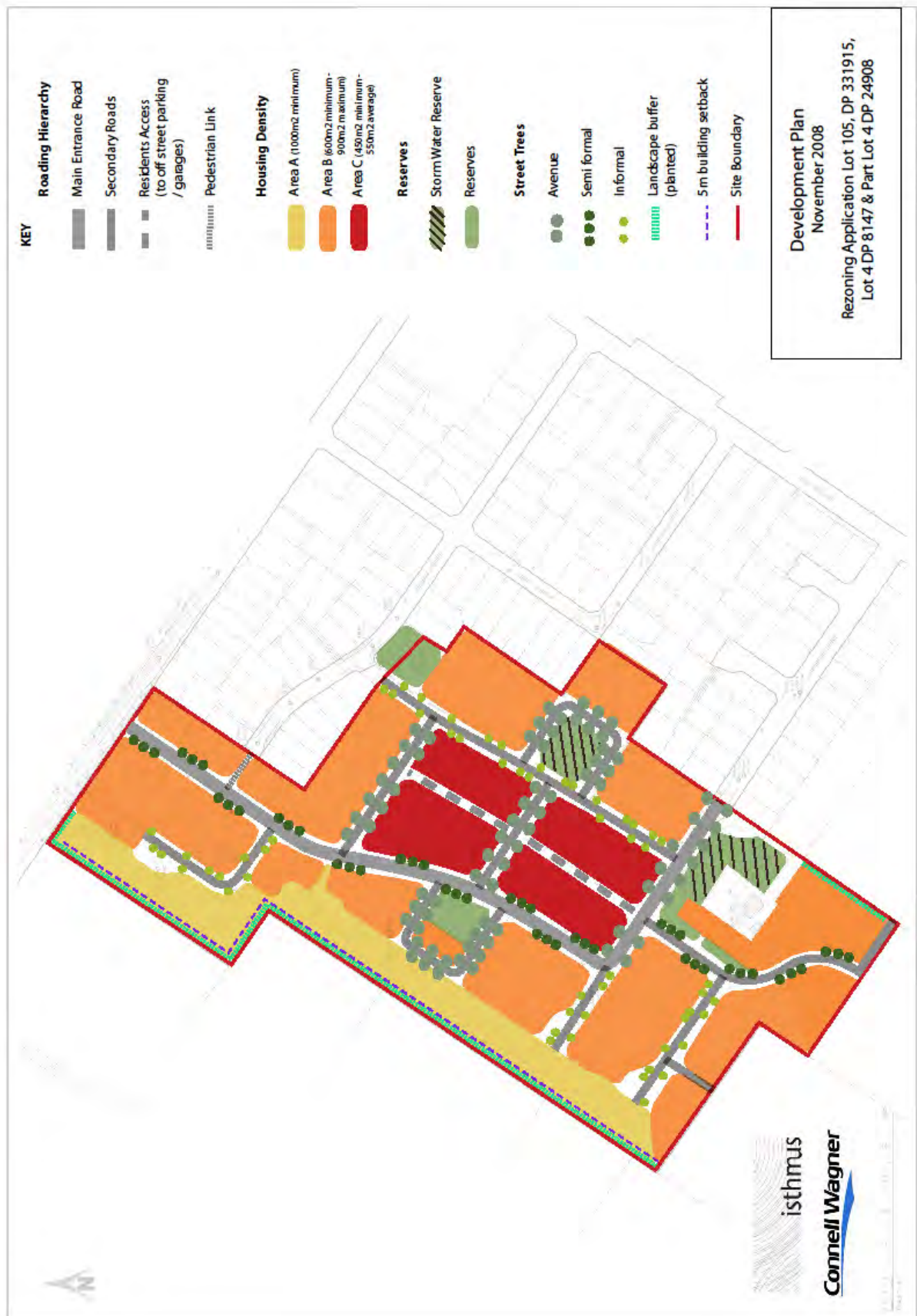
Selwyn District Council Outline Development Plan  
Bates and Rossendale Wines Appeal 27/04/06





Selwyn District Council Outline Development Plan  
Fowler and Troy Enterprises 27/04/06

## Living 1A6 (Deferred), Prebbleton, Outline Development plan



# PLANTING REQUIREMENTS FOR LIVING 1A6 (DEFERRED) ZONE (APPENDIX 19) AT PREBBLETON

## Deciduous Trees

Scientific Name	Common Name
<i>Alnus</i> sp. (ie. <i>Cordata</i> , <i>glutinosa</i> )	Alders
<i>Betula</i> sp.	Birches
<i>Castanea sativa</i>	Sweet Chestnut
<i>Carpinus Betulus</i>	European Hornbeam
<i>Fraxinus</i> sp.	Ash
<i>Populus</i> sp.	Poplars
<i>Quercus robur</i>	English Oak
<i>Quercus robur fastigata</i>	Upright Oak

## Understorey Planting – Natives

Scientific Name	Common Name
<i>Coprosma</i> sp.	
<i>Cordyline australis</i>	Ti Kouka / Cabbage Tree
<i>Corokia</i> sp.	Korokio
<i>Griselinia littoralis</i>	Kapuka / Broadleaf
<i>Olearia</i> sp.	
<i>Pittosporum</i> sp.	
<i>Sophora microphylla</i>	Kowhai

## Understorey Planting – Exotics

Scientific Name	Common Name
<i>Acacia</i> (shrub species)	Wattle
<i>Lonicera Nitida</i>	Box Honeysuckle
<i>Photinia</i> sp.	
<i>Viburnum tinus</i>	

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## Method

### District Plan Rules

- Waive or reduce resource consent processing fees

## PORT HILLS

### Policy B1.4.5

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

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

### Policy B1.4.6

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

### Policy B1.4.7

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

### Policy B1.4.8

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

### Policy B1.4.9

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

- Blend in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and
- Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.

## **Policy B1.4.10**

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

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

## **Policy B1.4.11**

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

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

## **Explanation and Reasons**

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

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

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

Policy B1.4.6 recognises and protects the special landscape values of the summit of the Port Hills. The area between the Summit Road and the summit is the most visible part of the Port Hills landscape from the Plains and Christchurch. It is an area which is much used for recreation. The summit and ridgelines are important landforms for tāngata whenua. Mountains and hills are part of their ancestry or whakapapa, and erecting structures on the summit of a hill or mountain is inappropriate. Policy B1.4.6 does not allow for large structures, buildings or exotic plantations in that area from 30.46 metres vertically below the Summit Road to the summit. This policy reflects the tenor of the Summit Road (Canterbury) Protection Act 2001, but acknowledges, as does that Act, that there may be circumstances in which exceptions are appropriate.

- 1.3.1.2 Any other earthworks which do not raise the mean average level of the land subject to the earthworks or reduce the storage capacity of surface water ponding areas.

**Note:** For the purposes of Rule 1.3.1.2, the level of the land is measured as the mean average level above mean sea level, over the area on which any earth is disturbed, removed or deposited.

## **Restricted Discretionary Activities – Earthworks and Natural Hazards – Flood Areas**

- 1.3.2 Any earthworks undertaken within any area shown on the Planning Maps as a flood area which do not comply with Rule 1.3.1 shall be a restricted discretionary activity .
- 1.3.3 Under Rule 1.3.2, the Council shall restrict its discretion to the consideration of:
- 1.3.3.1 The potential effects of the earthworks on creating or exacerbating flooding on the site;
  - 1.3.3.2 The potential effects of the earthworks on creating or exacerbating flooding on other properties, by diverting floodwaters or by increasing the level of floodwater on lower lying properties;
  - 1.3.3.3 Any positive effects which may offset any adverse effects.

## **1.4 EARTHWORKS AND OUTSTANDING LANDSCAPE AREAS**

### **Permitted Activities – Earthworks and Outstanding Landscape Areas**

- 1.4.1 The following earthworks shall be a permitted activity in areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and High Country:
- 1.4.1.1 The maintenance and repair of existing roads or tracks;
  - 1.4.1.2 Post holes;
  - 1.4.1.3 The installation of underground telecommunication lines and ancillary structures; or
  - 1.4.1.4 Any other earthworks where the volume of earth disturbed, removed or deposited does not exceed 150m<sup>3</sup> per project;
- 1.4.2 On the Port Hills, the following earthworks shall be a permitted activity:
- 1.4.2.1 The maintenance and repair of existing fence lines;
  - 1.4.2.2 The maintenance and repair of existing farm vehicle roads and tracks;
  - 1.4.2.3 Digging offal pits;
  - 1.4.2.4 Forming stock water ponds, provided that no more than 30m<sup>3</sup> of earth is disturbed, removed or deposited, and the pond is no more than 50m<sup>2</sup> in surface area; or

- 1.4.2.5 Any other earthworks which shall not exceed 100m<sup>3</sup> within a site and a maximum cut depth of 1m per project.

**Note:** Any activity involving earthworks and vegetation clearance on the Port Hills may require resource consent from Environment Canterbury. Further enquiries should be made with Environment Canterbury.

## Discretionary Activities — Earthworks and Outstanding Landscape Areas

- 1.4.3 Earthworks which do not comply with Rule 1.4.1 or 1.4.2 shall be a discretionary activity.

## 1.5 EARTHWORKS AND HERITAGE TREES

### Permitted Activities — Earthworks and Heritage Trees

- 1.5.1 Any earthworks which meet the following condition shall be a permitted activity:
- 1.5.1.1 The earthworks are set back 5 metres from the dripline of any heritage tree listed in Appendix 4;

**Note:** Rule 1.5.1 applies to earthworks undertaken in proximity to a heritage tree, but not related to the heritage tree.

### Restricted Discretionary Activities — Earthworks and Heritage Trees

- 1.5.2 Any earthworks undertaken within 5m of the dripline of any heritage tree listed in Appendix 4 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.

## 1.6 EARTHWORKS AND SETBACKS, VOLUME AND SITE REHABILITATION

### Permitted Activities — Earthworks and Setbacks, Volume and Site Rehabilitation

- 1.6.1 Any earthworks which meet the following conditions shall be a permitted activity:
- 1.6.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers):



- (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or
- (b) except that for rivers the following earthworks are subject to a reduced setback of 5m:
  - (i) 100m<sup>2</sup> (area) per 1000 metres in any continuous 5 year period; and
  - (ii) 40m<sup>3</sup> (volume) per 1000 metres in any continuous 5 year period; or
  - (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or
  - (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings.

### Notes

*For the purposes of Rule 1.6.1.1, the edge of any lake or wetland is measured from:*

- *The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or*
- *If the lake or wetland level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.*

*For the purpose of Rule 1.6.1.1(b)(i) and (ii), river means:*

- *Any continually flowing body of freshwater; or*
- *Any intermittently flowing body of freshwater within a defined bed, excluding ephemeral rivers.*

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

*The exceptions provided for in Rule 1.6.1.1 are designed to allow a degree of day to day farming activities such as some tracking, construction of fence lines and like activities.*

1.6.1.2 The earthworks do not exceed:

- (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and
- (b) A maximum volume of 5000m<sup>3</sup> per project.

### Notes

1. *Rule 1.6.1.2(b) does not apply to earthworks associated with forming tracks, provided the track is not more than 10m wide. Rule 1.6.1.2(a) does apply to forming tracks no more than 10m wide.*
2. *Rule 1.6.1.2 does not apply to earthworks in the area shown on the Planning Maps as the Existing Development Area for Terrace Downs, if the earthworks are for the creation of golf courses, water holding or channelling structures and building platforms. The reason for the exemption is to carry over a*

*provision of the Terrace Downs plan change under the previous District Plan – refer to the provisions in Appendix 21.*

1.6.1.3 When the earthworks cease, the site is:

- (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 150m<sup>3</sup> per project.

## **Restricted Discretionary Activities – Earthworks and Setbacks, Volume and Site Rehabilitation**

1.6.2 Any earthworks which do not comply with Rule 1.6.1.4 shall be a restricted discretionary activity.

1.6.3 Under Rule 1.6.2, the Council shall restrict its discretion to consideration of:

1.6.3.1 Any potential dust nuisance caused by the stockpiled material;

1.6.3.2 The effectiveness of any proposed mitigation measures; and

1.6.3.3 The need for monitoring and review conditions on the consent.

1.6.4 Any earthworks which do not comply with Rule 1.6.1.5 shall be a restricted discretionary activity.

1.6.5 Under Rule 1.6.4, the Council shall restrict its discretion to consideration of:

1.6.5.1 The visual effects, both immediate effects and the impact on the panoramic views of the Upper Waimakariri Basin from SH 73 or the Midland Railway.

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

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### Notes

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

### 2.1 SHELTERBELTS AND AMENITY PLANTING

#### Permitted Activities — Shelterbelts & Amenity Planting

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

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

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

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

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

2.1.1.5 No tree shades:

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

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

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

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

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

2.1.1.10 In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.

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

2.1.2 Planting any tree species which does not comply with Rule 2.1.1.1 shall be a restricted discretionary activity.

2.1.3 Under Rule 2.1.2, the Council shall restrict its discretion to consideration of:

2.1.3.1 The potential for wilding spread from the species planted on that site;

2.1.3.2 The effectiveness of any proposed wilding management plan;

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

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

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

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

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

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

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

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

## 2.2 PLANTATIONS

### Permitted Activities — Plantations

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
- 2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills, excluding vineyards and orchards located within the Visual Amenity Landscape;
  - 2.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
  - 2.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the plantation does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
  - 2.2.1.4 Any tree is planted at least:
    - (a) 20m from the edge of any waterbody listed in Appendix 17; and
    - (b) 10m from the edge of any other waterbody (excluding aquifers)]

Provided that Rules 2.2.1.4(a) and 2.2.1.4(b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.
  - 2.2.1.5 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.
  - 2.2.1.6 No tree of the plantation is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11; and
  - 2.2.1.7 Any plantation is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19.

### Restricted Discretionary Activities — Plantations

- 2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills (excluding the Summit Road Protection Areas), Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills shall be a restricted discretionary activity if all of the following standards and terms are met:

2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country; and

2.2.2.2 In the area shown on the Planning Maps as the High Country, trees planted do not include any of the following species:

- Lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Corsican pine (*Pinus nigra*)
- Douglas fir (*Pseudotsuga menziessi*)
- Mountain pine (*Pinus mugo/unaciata*)

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

2.2.3.1 The design and siting of any plantation on the Port Hills to:

- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
- (b) Avoid screening views of existing landforms and natural features, including Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
- (c) Avoid screening views from the Summit Road;
- (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;
- (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;
- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.

2.2.3.2 The design and siting of any plantation on the Malvern Hills to:

- (a) Maintain the distinctiveness of the skyline and ridges of the Malvern Hills;
- (b) Avoid screening the rocky outcrops at Glenroy or the volcanic ridge from Mt Misery to Windwhistle, as viewed from any road; and
- (c) Reflect and complement the landform patterns and shapes of the landscape;



- 2.2.3.3 The design and siting of any plantation in the High Country (outside the area of Outstanding Landscape) to:
- (a) Reflect and complement the landform patterns and shapes of the landscape;
  - (b) Maintain a landscape where plantations are carefully integrated with existing land uses, so as to avoid any semblance of continuous afforestation; and
  - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist, by ensuring plantations are setback from the road and plantation blocks are spaced to maintain views between them.
- 2.2.3.4 Whether the area contains any “Significant Ecological sites” worthy of protection under the criteria listed in Appendix 12; and if so,
- (a) Whether the plantation may affect the site; and
  - (b) How the site may be protected;
- 2.2.3.5 Any potential adverse effects of planting the area on any rain fed wetland or tarn on the site and how those effects may be mitigated;
- 2.2.3.6 Any measures to mitigate potential soil erosion from earthworks associated with access tracks or harvesting;
- 2.2.3.7 Any effects of the proposed mode and route of transport, and any improvements required to the road network to allow access into and out of the site for planting or harvesting trees.
- 2.2.3.8 The timing and conditions for replanting or rehabilitating the site and surrounding area once the plantation is harvested, and any staging of the site rehabilitation for harvesting a large plantation;
- 2.2.3.9 Approval of a fire management plan;
- 2.2.3.10 Any positive effects which may offset any adverse effects; and
- 2.2.3.11 Any monitoring or review conditions.
- 2.2.4 Any plantation which does not comply with Rule 2.2.2.2 shall be a restricted discretionary activity.
- 2.2.5 Under Rule 2.2.4, the Council shall restrict its discretion to consideration of:
- 2.2.5.1 All of the matters listed in 2.2.3.1 to 2.2.3.11;
  - 2.2.5.2 The potential for wilding spread from the particular species planted; and
  - 2.2.5.3 The effectiveness of any proposed wilding management plan.

**Note:** Under Rule 2.2.4 the Council retains its discretion to identify affected parties or require notification of the resource consent application, pursuant to sections 93, 94, 94A, 94B, 94C and 94D of the Act. In using its discretion the Council shall consider the recommendations in N.J. Ledgard and E.R. Langer (1999) “Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced conifers”, where appropriate.

- 2.2.6 Any activity which does not comply with Rules 2.2.1.2 or 2.2.1.3 shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:
- 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
  - 2.2.7.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
  - 2.2.7.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
  - 2.2.7.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
  - 2.2.7.5 Any positive effects which may offset any adverse effects; and
  - 2.2.7.6 Any monitoring or review conditions.
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.5 shall be a restricted discretionary activity.
- 2.2.9 Under Rule 2.2.8 the Council shall restricts its discretion to consideration of effects of the proposed planting as to shading.

### **Discretionary Activities – Plantations**

- 2.2.10 Any plantation which does not comply with Rule 2.2.2.1 shall be a discretionary activity if any one of the following standards and terms is met:
- 2.2.10.1 The plantation is planted for landscape enhancement or beautification, using indigenous species which are found in that area, and will not be harvested;
  - 2.2.10.2 The plantation is planted for soil conservation purposes and will not be harvested; or
  - 2.2.10.3 The plantation is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site.
- 2.2.11 Any plantation which does not comply with Rule 2.2.1.4 shall be a discretionary activity.

### **Non-Complying Activities – Plantations**

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.6 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.

- 2.2.14 Any plantation located within an area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.
- 2.2.15 Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.

## 2.3 HERITAGE TREES

### Permitted Activities — Heritage Trees

- 2.3.1 The removal of any part of any heritage tree listed in Appendix 4 shall be a permitted activity if one of the following conditions is met:
- 2.3.1.1 The activity is annual pruning; or
  - 2.3.1.2 The activity is removal of a dead, diseased or damaged tree or part of a tree that is dead, diseased or damaged.

### Restricted Discretionary Activities — Heritage Trees

- 2.3.2 The removal any heritage tree which does not comply with Rule 2.3.1 shall be a restricted discretionary activity.
- 2.3.3 Under Rule 2.3.2, the Council shall restrict its discretion to consideration of:
- 2.3.3.1 The reason why the tree has heritage value, the uniqueness of those values and whether those values can be retained if the tree is replaced;
  - 2.3.3.2 The condition of the tree;
  - 2.3.3.3 Whether the tree poses any danger to people or property or is causing shading of a dwelling or road;
  - 2.3.3.4 Any alternative options to removing the tree and the cost and practicality of any alternatives; and
  - 2.3.3.5 Any positive effects which may offset any adverse effects.

## 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	Heritage Trees	3.3	3.3.2	3.3.8 and 3.3.9
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 heritage 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 the removal of trees which are listed in Appendix 4 as having special heritage values. The rule allows these trees to be pruned or removed if they are dead or diseased as a permitted activity (no resource consent needed). Removing the tree for any other reason requires a resource consent for a restricted discretionary activity. 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, or cause excessive shading.

An explanation of the tāngata whenua sites and areas is given in the reasons for the Earthworks Rules.

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## 3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

### Permitted Activities — Buildings and Outstanding Landscape Areas

- 3.2.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
- 3.2.1.1 In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:
- (a) A maximum gross floor area exceeding 40m<sup>2</sup>;
  - (b) A maximum height exceeding 4m; and
  - (c) A maximum reflectance exceeding 37%;

#### Notes

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

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

### Controlled Activities — Buildings and Outstanding Landscape Areas

- 3.2.2 Any dwelling, or any additions or alterations to, or modification of any dwelling within the area shown on the Planning Maps as a Visual Amenity Landscape shall be a Controlled Activity
- 3.2.3 Under Rule 3.2.2 the Council shall restrict its consideration to:
- 3.2.3.1 The design of the building including height, size/scale, materials, façade articulation, colour and reflectance value;
  - 3.2.3.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
  - 3.2.3.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
  - 3.2.3.4 The design and siting of any access to the building, including the visibility of the access, any contrast with natural contours and the proposed re-vegetation and naturalistic re-contouring of any earthworks;

- 3.2.3.5 The siting of the building in relation to the natural landform, and in particular whether the building would break the skyline or the form of any ridges, hills or prominent slopes and whether it integrates with the natural landform;
- 3.2.3.6 The visibility of any utilities required to service the building;
- 3.2.3.7 Landscape planting and earthwork that assists in mitigation of any adverse landscape effects.

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

- 3.2.4 Any building which does not comply with Rule 3.2.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
  - 3.2.4.1 The building is within the Lower Slopes of the Port Hills Area (as identified in the Planning Maps) or
  - 3.2.4.2 In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:
    - (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and
    - (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.
- 3.2.5 Under Rule 3.2.4, the Council shall restrict its discretion to consideration of:
  - 3.2.5.1 The design of the building including height, size/scale, external finish, colour and reflectance value;
  - 3.2.5.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
  - 3.2.5.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
  - 3.2.5.4 The extent to which the building, and if a dwelling, any associated curtilage may:
    - (a) Dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
    - (b) Include earthworks or new planting to assist in mitigation of any adverse landscape effects;
    - (c) Use topography or vegetation to assist in mitigation or containment of visual effects;
    - (d) Break the skyline or interrupt the form of any ridges, hills or prominent slopes;
    - (e) Be visually prominent in an area characterised by high natural values;
    - (f) Affect the amenity values of adjoining properties.



- 3.2.5.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings.
- 3.2.5.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.
- 3.2.5.7 The design and siting of any access to the building, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks.
- 3.2.5.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.
- 3.2.5.9 Any positive effects to be created by the proposed building and its associated accessway.
- 3.2.5.10 Any monitoring or review conditions.

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

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

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

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

- 3.3.1 Erecting any building or any additions or alterations to, or modification or demolition or, any building shall be a permitted activity if all of the following conditions are met:
  - 3.3.1.1 In the areas shown on the Planning Maps as the High Country, no building on land within a distance of 300m of SH 73 or the Midland Railway has
    - (a) A maximum gross floor area exceeding 40m<sup>2</sup>; and
    - (b) A maximum height exceeding 4m; and
    - (c) A maximum reflectance exceeding 37%.

#### **Notes**

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

*For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the applicant shall supply evidence of its reflectance value using the*

*reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint, e.g. stone, brick, unpainted timber etc., the applicant shall supply evidence of the reflectance value of the product used*

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

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

## **3.4 BUILDINGS AND RURAL CHARACTER**

### **Permitted Activities — Buildings and Rural Character**

- 3.4.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:
- 3.4.1.1 In the areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), the exterior finish of any dwelling or other principal building has a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron;

#### **Note**

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

## Discretionary Activities Buildings and Rural Character

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

## 3.5 BUILDINGS AND CONTAMINATED LAND

### Permitted Activities – Buildings and Contaminated Land

- 3.5.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:

- 3.5.1.1 No dwelling or building designed for or used as a recreational facility or an educational facility is erected on a site which is contaminated.

### Restricted Discretionary Activities – Buildings and Contaminated Land

- 3.5.2 Erecting any dwelling or any building designed for or used as a recreational facility or an education facility on any site which is contaminated shall be a restricted discretionary activity.

- 3.5.3 Under Rule 3.5.2, the Council shall restrict its discretion to consideration of:

- 3.5.3.1 The effectiveness of any proposed mitigation measures that reduce the risk of any adverse effects on people or the environment from contaminated land;

- 3.5.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of effects on people or to remove or contain the area of contaminated land;

- 3.5.3.3 Any effects on the environment or other people resulting from any mitigation measures, including where any contaminated soil removed from the site will be disposed to and how;

- 3.5.3.4 Any positive effects which may offset any adverse effects; and

- 3.5.3.5 Any monitoring or review conditions.

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

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

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

- 3.6.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with the building is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks.
- 3.6.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.
- 3.6.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site, any damage to or removal of indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### **Restricted Discretionary Activities – Buildings and Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites**

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

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

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

- 3.7.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following condition is met:

- 3.7.1.1 The building complies with the maximum height requirements in the approach paths to the runways at West Melton Airfield and Hororata Domain, as shown in Appendix 19.

**Note**

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

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

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

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

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

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

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

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

## **3.9 BUILDINGS AND ACCESS AND PARKING**

### **Permitted Activities – Buildings and Access and Parking**

- 3.9.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met:
- 3.9.1.1 Any dwelling or other principal building:
- (a) Is erected on a site which has legal access to a formed and maintained legal road other than a road listed as a Strategic Road in Appendix 9; and

- (b) Does not have its only access to a legal formed road by crossing a railway line.

**Notes:**

Any access to an allotment shall comply with Rule 4.5.1.

Any carparking for activities associated with the building shall comply with Rule 4.6.1-4.6.5.

## **Restricted Discretionary Activities – Buildings and Access to Parking**

- 3.9.2 Any dwelling or other principal building which does not comply with Rule 3.9.1.1(a) shall be a restricted discretionary activity if it complies with the following standards and terms:

3.9.2.1 The site has legal access to a legal road (whether a Strategic Road or an unformed or unmaintained road) and that access is not obtained by crossing a railway line.

3.9.2.2 Under Rule 3.9.2.1, the Council shall restrict its discretion to all of the following matters:

For all Sites:

- (a) Whether the site can have legal access to a formed and maintained legal road other than a Strategic Road;

For Sites with Access on to Strategic Roads:

- (b) The design and location of the vehicle crossing;
- (c) The number and type of vehicles, pedestrian or stock using the access;
- (d) Any adverse effects, including cumulative effects, on traffic safety or flow on the Strategic Road;

For Sites with Access on to an Unformed or Unmaintained Legal Road

- (e) The party who will be responsible for any forming or maintaining of the road; consequential to

## **Non-Complying Activities – Buildings and Access to Parking**

- 3.9.3 Any activity which does not comply with Rule 3.9.1.1(b) or 3.9.2.1 shall be a non-complying activity.

## **3.10 BUILDINGS AND RESIDENTIAL DENSITY**

### **Permitted Activities – Buildings and Residential Density**

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

3.10.1.1 The minimum land area required to erect any dwelling:

- (a) Complies with the minimum land area per dwelling shown in Table C3.1; and
- (b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.

**Table C3.1 – Minimum Land Area to Erect One Dwelling**

Area (on Planning Maps)	Legal Description	Land Area
<b>Existing Development Areas</b>		
1. Bealey Spur	Sec 1-31 Blk 1 Town of Bealey	800m <sup>2</sup> minimum
2. Edendale	Lots 7, 8, 10 and 11 DP 309872	0.5ha minimum and 0.6ha average. Maximum of 10 dwellings within this total land area.
	Lots 1-6 and 9 DP 309872 Lot 1 DP 78394 Lots 25-27 DP 60236 Lots 33-39 DP 60236 Lots 28 and 32 DP 60237 Lots 6-11 DP 56677 Lots 1 and 2 DP 79016 Lots 1-3 and 12-34 DP 56676	1ha minimum
	On any allotment created prior to 1 August 2002	0.5ha minimum
3. Yorktown	RS 6469	1ha minimum
4. Greendale	Lots 1-12 DP 83022	1ha minimum
5. Johnsons Road	Lots 1-2 DP 67896 Lots 26-27 DP 35999 Lots 1-2 DP 76478 Lots 1-2 DP 68662 Lots 1-2 DP 71918 Lots 2-21 DP 51844 Lot 2 DP 69647	0.5ha minimum and 0.8ha minimum average
6. Jowers Road	Lots 1-18 DP 47759	0.5ha minimum and 0.8ha minimum average
7. Kingcraft Drive	Lot 12 DP 68384 Lots 1-2 DP 65969 Lots 1-3 DP 62576 Lots 8-11 DP 56097	1ha minimum
8. Raven Drive	Lots 1-13 DP 68384	1.3ha minimum and 1.9ha minimum average

Area (on Planning Maps)	Legal Description	Land Area
9. Rocklands	Lots 4, 7, 8, 14-18 and 24 DP 62101 Lot 1 DP 76238 Lot 26 DP 78490 Lots 1-2 DP 68312 Lots 6, 9, 10-13 and 19 DP 78490 Lot 1 DP 79666	1ha minimum and 1.8ha minimum average
10. Devine Acres	Part RS 3646 and RS 8133	0.5ha minimum
11. Railway Corner	Lots 40-44 DP 336 Lot 1 and Pt Lot 2 DP 16210 RS 7260X and Sec 1 SO 20279	2000m <sup>2</sup> minimum
<b>In Other Areas</b>		
Port Hills Lower Slopes	–	40ha minimum
Port Hills Upper Slopes	–	100ha minimum
Inner Plains	–	4ha minimum
Outer Plains	–	20ha minimum
Malvern Hills	–	20ha minimum
High Country	–	120ha minimum

**The minimum average land areas for the Existing Development Areas at Johnsons Road, Raven Drive, and Rocklands are applied as mean average land areas.**

### Notes

*Rule 3.10.1 does not apply to:*

- *The areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere - refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).*
- *Papakāinga housing erected in accordance with Appendix 7.*
- *Additions to or replacement of any existing, lawfully established dwelling.*
- *Any building erected on a site for a temporary activity on the site which shall be removed from the site within two days of the activity ceasing.*
- *Any building erected on a site to provide temporary accommodation during the time a construction project is taking place on the site and which shall be removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.*

*For clustering of dwellings on small existing allotments, see Rule 3.10.3.*

*Dwelling is defined in Part D. It includes a house and a family flat up to 70m<sup>2</sup> in gross floor area.*



3.10.2 Any dwelling on any allotment which does not comply with Rule 3.10.1 shall be a permitted activity if all of the following conditions are met:

3.10.2.1 The allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and

3.10.2.2 The allotment has been bought, sold or created by subdivision within the ten years immediately preceding notification of the Rural Volume of the Proposed District Plan (that is on or after 12 September 1991 but before 12 September 2001) or a subdivision consent has been granted to create the allotment within this timeframe and that subdivision consent has not lapsed.

## Restricted Discretionary Activities – Buildings and Residential Density

3.10.3 Erecting any dwelling on an allotment which does not comply with Rule 3.10.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

3.10.3.1 The site is not an area shown on the Planning Maps as the Inner Plains or an Existing Development Area;

3.10.3.2 The balance area of land required to comply with the minimum area under Rule 3.10.1, Table C3.1, is:

- (a) Included within the area of land subject to the subdivision consent application; or
- (b) Subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land;

3.10.3.3 The balance amount of land which is needed to comply with the residential density standard set out in Table C3.1 is not used to erect any dwelling or other principal building;

3.10.3.4 The balance area of land (which is to be kept free of any dwelling or other principal building), adjoins the allotment on which the dwelling is to be erected, along at least one property boundary;

3.10.3.5 The balance area of land needed to comply with the minimum area in Rule 3.10.1, Table C3.1 does not include:

- (a) the bed of any lake or river;
- (b) any legal road;
- (c) land which is vested in any form of reserve; or
- (d) any other land which, due to its legal tenure, could not be used to erect a dwelling;

**Note:** Rule 3.10.3.5 does not apply to land which is identified within the District Plan as an area of Outstanding Landscape, and which (if not for the District Plan provisions) could have a dwelling erected on it. Nor does it apply to land held in pastoral lease.

3.10.3.6 The total number of dwellings which may be erected on any one allotment or on any separate but adjoining allotments under Rule 3.10.3 does not exceed:

- (a) Five in that area shown on the Planning Maps as the High Country;
- (b) Three in other areas.

**Note:** Rule 3.10.3.6 applies to dwellings provided for under Rule 3.10.3, and not to dwellings erected on adjoining allotments which comply with the minimum allotment sizes under Rule 3.10.1

3.10.3.7 In the area shown on the Planning Maps as the High Country, any dwelling is erected within an existing building node.

3.10.4 Under Rule 3.10.3, the Council shall restrict its discretion to consideration of:

3.10.4.1 The allotment on which any dwelling is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;

3.10.4.2 The maximum number of small allotments which may be located together, under this rule;

3.10.4.3 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;

3.10.4.4 The shape of the balance land to be kept free of dwellings, to maintain the 'open space' around the dwellings;

3.10.4.5 Within the area shown on the Planning Maps as the Port Hills, whether the location of any allotment on which a dwelling may be erected is consistent with Rule 3.2.2.2;

3.10.4.6 Whether the mechanism proposed to ensure that the balance is free of any dwelling is appropriate, considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;
- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land;

**Note:** In relation to Rule 3.10.4.6, see the Council's Pamphlet for more information on the types of mechanisms.

3.10.4.7 Any positive effects which may offset any adverse effects.

## Discretionary Activities – Buildings and Residential Density

3.10.5 Any activity which does not comply with Rule 3.10.3.7 shall be a discretionary activity if the following standard and term is met:

3.10.5.1 The maximum number of dwellings erected is 5 per property (excluding existing dwellings established prior to 1 August 2001).

## Non-Complying Activities – Buildings and Residential Density

3.10.6 Any activity which does not comply with Rules 3.10.3.1 to 3.10.3.5 shall be a non-complying activity unless the activity complies with Rule 3.10.2.

3.10.7 Any activity which does not comply with Rule 3.10.5 shall be a non-complying activity.

3.10.8 Any activity which does not comply with Rule 3.10.2 shall be a non-complying activity unless it complies with Rule 3.10.3 as a restricted discretionary activity

## 3.11 BUILDINGS AND SITE COVERAGE

### Permitted Activities – Buildings and Site Coverage

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

3.11.1.1 The maximum area of any allotment covered by buildings shall be:

- (a) 35% or 500m<sup>2</sup> whichever is the lesser, for allotments less than 1ha in area.
- (b) 5% for all other allotments.

#### Notes:

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

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

## Discretionary Activities – Buildings and Site Coverage

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

## 3.12 BUILDINGS AND BUILDING HEIGHT

### Permitted Activities – Buildings and Building Height

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

3.12.1.1 That, except where Rule 3.7.1 specifies a lower height, the maximum height of any building does not exceed:

- (a) 8m for any building designed or used for human occupation; or
- (b) 12m for any other building, except grain silos, where height shall not exceed 25m.

#### Notes:

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

### Discretionary Activities – Buildings and Building Height

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

## 3.13 BUILDINGS AND BUILDING POSITION

### Permitted Activities – Buildings and Building Position

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

3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:

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

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

**Notes:**

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

**Notes**

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

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

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

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

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

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

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

- 3.13.2 Any sensitive activity which does not comply with Rule 3.13.1.5 shall be a restricted discretionary activity.
- 3.13.3 Under Rule 3.13.2 the Council shall restrict its discretion to consideration of:
- 3.13.3.1 The potential for reverse sensitivity effects on the existing intensive farming activity;
  - 3.13.3.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;
  - 3.13.3.3 Any positive effects which may offset any adverse effects; and
  - 3.13.3.4 Any monitoring or review conditions.

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

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

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

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

## **3.14 BUILDINGS AND NIGHT LIGHTING**

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

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

## 3.15 RELOCATED BUILDINGS

### Permitted Activities — Relocated Buildings

- 3.15.1 Any relocated building which meets any one of the following conditions shall be a permitted activity:
- 3.15.1.1 The relocated building is a garage or other accessory building; or
  - 3.15.1.2 The relocated building is being shifted from one site to another site within the same property; or
  - 3.15.1.3 The relocated building is for a temporary activity on the site and will be removed from the site within two days of the activity ceasing; or
  - 3.15.1.4 The relocated building is to provide temporary accommodation during the time a construction project is taking place on the site and will be removed from the site within the lesser time period of 12 calendar months or the construction project ceasing.
  - 3.15.1.5 The building is being relocated within or between schools.

**Note:** *Relocated building is defined in Part D of the Plan. It does not include a new building designed or intended to be used on the site but which is erected off-site and transported to the site in whole or parts.*

### Controlled Activities — Relocated Buildings

- 3.15.2 Erecting any relocated building on a site which does not comply with Rule 3.15.1 shall be a controlled activity.
- 3.15.3 Any resource consent application made under Rule 3.15.2 shall not be notified and shall not require the written approval of affected parties.
- 3.15.4 Under Rule 3.15.2, the Council shall reserve control over all of the following matters:
- 3.15.4.1 The time period within which the building will have its new foundations laid or covered;
  - 3.15.4.2 The time period to repair any damage to the exterior of the building;
  - 3.15.4.3 The standards to which the exterior of the building will be finished and the time period for completing this work;
  - 3.15.4.4 Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond;
  - 3.15.4.5 Any monitoring conditions.

## 3.16 HERITAGE BUILDINGS

### Permitted Activities — Heritage Buildings

- 3.16.1 The maintenance of any building structure or site which is listed in Appendix 3 shall be a permitted activity. For the purposes of this rule the term “maintenance” means:
- 3.16.1.1 Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
  - 3.16.1.2 The replacement of any materials which form part of the original heritage values of the buildings, structure, or site, provided that these materials are of the same or similar appearance and character as the original material;
  - 3.16.1.3 Any repainting of existing painted surfaces;
  - 3.16.1.4 Any cleaning or washing of external heritage features provided this does not involve the use of abrasive materials or techniques, such as sandblasting.

### Restricted Discretionary Activities: Heritage Buildings

- 3.16.2 Any addition to, or alteration or modification of, any building or any part of any building which is listed in Appendix 3 as a Heritage Building shall be a restricted discretionary activity.
- 3.16.3 Under Rule 3.16.2, the Council shall restrict its discretion to consideration of:
- 3.16.3.1 The heritage value(s) of the listed building, and the extent to which it has already been modified by additions or alterations;
  - 3.16.3.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the building;
  - 3.16.3.3 Any positive effects of the additions, alterations or modifications on the heritage values of the building, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the building for ongoing use; and any proposal to provide public access to the heritage building;
  - 3.16.3.4 The costs to the applicant or owner of not allowing the modifications, additions or alterations to the building;
  - 3.16.3.5 Any alternative options which may better maintain the heritage values of the building and the relative costs of the alternatives;
  - 3.16.3.6 Any other works the applicant has undertaken or proposes to undertake to maintain or enhance heritage values on the site or elsewhere in the District and the appropriateness of such works as a mitigation measure; and
  - 3.16.3.7 Any monitoring or review conditions.



## Discretionary Activities — Heritage Buildings

- 3.16.4 Any demolition or removal of any building or part of any building which is listed in Appendix 3 (except any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3) as a Heritage Building shall be a discretionary activity.

## Non-Complying Activities — Heritage Buildings

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

## Cross-References

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
3.1	Natural Hazards	3.1	3.1.1 and 3.1.2	3.1.2 to 3.1.5
3.2	Outstanding Landscape Areas	1.4, 3.4	1.4.1 3.4.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30.  3.4.1 to 3.4.3 and 3.4.5.
3.4	Rural Character	3.4	3.4.2	3.4.1 to 3.4.6
3.5	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.2 to 1.1.3
3.6	Silent File Areas, Wahi Taonga Sites, Wahi Taonga Management Areas and Mahinga Kai Sites	3.3	3.3.1	3.3.2, 3.3.3, 3.3.5 and 3.3.9
3.7	West Melton Airfield and Hororata Domain – Height Restrictions	2.1	2.1.1 and 2.1.3	2.1.17
3.8	Christchurch International Airport – Noise Insulation	2.1	2.1.3	2.1.20
3.9	Access and Parking	2.1	2.1.1	2.1.2 to 2.1.4, 2.1.6 to 2.1.8 and 2.1.16

Rule Numbers	Topic	Part B, Section	Objectives	Policies
3.10	Residential Density	1.1, 1.4, 3.4, 4.1	1.1.1, 1.4.1, 3.4.1 and 3.4.2 4.1.1 and 4.1.2,	1.1.8,1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4 4.1.1 to 4.1.7
3.11	Site Coverage	1.3, 1.4, 3.4	1.3.1, 1.4.1 3.4.1 and 3.4.2	1.3.1,1.4.8, 1.4.11, 1.4.12, 1.4.20 and 1.4.30 3.4.3 and 3.4.4.
3.12	Building Height	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.5
3.13	Building Position	1.3, 1.4, 2.1 , 3.1, 3.4	1.3.1,1.3.2, 1.4.1, 2.1.1 and 2.1.2, 3.1.1, 3.4.1 and 3.4.2	1.3.2 and 1.3.4 to 1.3.8. 1.4.13 2.1.3, 2.1.4, 2.1.6 and 2.1.14 3.1.2 and 3.1.5, 3.4.3, 3.4.15 and 3.4.16
3.14	Night Lighting	3.4	3.4.1	3.4.9 and 3.4.10
3.15	Relocated Buildings	3.4	3.4.1 and 3.4.2	3.4.17
3.16	Heritage Buildings	3.3	3.3.2	3.3.7 to 3.3.9

## Reasons for Rules

Rule 3 manages the effects of buildings on adjoining property and other parts of the environment. District Plan rules are necessary to address these effects because they are not addressed in other legislation, and do not usually affect the people who own or occupy the building. Therefore, they are not matters people tend to consider when buying or erecting a building.

The rules manage the effects of buildings on: adjoining properties and surrounding land uses; roads; waterbodies; landscapes and rural character; natural hazards; and cultural and heritage values. Rule 3 has the following structure: areas where buildings have special rules (Rules 3.1 to 3.8); rules that apply to certain types of buildings which are erected anywhere in the Rural zone (Rules 3.15 and 3.16); and rules that apply to any building which is erected in any part of the Rural zone (Rules 3.9 to 3.14). Rule 3 does not apply to structures which do not fall within the definition of buildings (see Part D). Utility structures and other structures are managed under Rule 5.

Rule 3.1 identifies areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas

which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rule 3.2 addresses buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The area defined as Outstanding Natural Landscape on the Port Hills excludes some areas at the base of the hills where existing and intensive built development has occurred. With the exception of these limited areas, any residential development on the Port Hills requires resource consent where density is reduced below 40ha on the Lower Slopes (below the 60m and 160m contours) and 100ha on the Upper Slopes (above the 160m contour). The purpose of establishing these relatively stringent thresholds for residential density is to trigger resource consents for the siting and design of houses to reduce potential adverse visual effects, whilst recognising that there may be some sites within the Port Hills where a dwelling could be erected with only minor visual effects. The more liberal density standard for the Lower Slopes is however intended to enable some development to locate in this area.

In addition a Visual Amenity Landscape has been identified on the very lowest slopes of the Port Hills, involving the land generally located between the 20m and 60m contours. While the area remains within the Outstanding Natural Landscape, due to the extent of existing and consented development, the density controls on this area are set at 4ha. This area is limited in extent, but is an important boundary between the plains and the Port Hills and is characterised by high amenity and aesthetic values. Due to the pressure for closer subdivision and residential development and the prominence of the landscape it is appropriate that dwellings be subject to assessment in relation to matters concerning location, design and appearance.

The Plan provisions aim to protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001.

Rule 3.4 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the 'rural character' of these areas.

Rule 3.5 manages activities on contaminated land, where there is a likelihood that people will come into contact with the land. Consequently, the rule applies to erecting dwellings and buildings associated with recreational or educational facilities. Rule 9 has corresponding rules for activities on contaminated land. The rule does not prevent these activities from occurring if

the applicant can demonstrate that: there is no risk of harm to people from coming into contact with contaminated land; the facilities and associated activities are designed so that people will not come into contact with contaminated land; any mitigation measures do not impact on the wider environment; or the contaminated land is removed. Contaminated land is defined in Part D. Please note – the Council records, on LIMs, those sites which it recommends be tested for contaminated land due to past land uses. This recommendation does not mean the site is contaminated (see Part B, Section 1.1).

Rule 3.6 manages the effects of erecting buildings in Silent File and Wāhi Taonga Management Areas, and on Wāhi Taonga and Mahinga Kai Sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local runanga. The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

Rule 3.7 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airfield and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of the height restrictions is a non-complying activity. The approach paths need to be clear of obstacles to ensure aircraft can take off or land safely. The height restrictions are shown in Appendix 19. They are drafted to accommodate the current use of the existing runways at both airfields. Height restrictions affect the range of land uses able to occur on surrounding properties. Therefore, any further restrictions on building height to accommodate further use of these airfields, would need to be considered alongside any proposal to increase use of either airfield.

Rule 3.8 requires certain buildings used for noise-sensitive activities which are within the 55 dBA Ldn Air noise contour lines shown on the planning maps, to be adequately insulated against aircraft noise in accordance with Appendix 20.

Rules 3.9 to 3.13 manage the effects on adjoining property or other parts of the environment of erecting any building in the Rural zone. Some areas are exempt from these rules. They are existing development proposals which have been approved by plan changes in the past and are either fully or partially developed. The Council must recognise these plan changes where the development has proceeded, under section 85 of the RMA. The areas are only exempt from the rules if they proceed in accordance with rules from the original plan change.

Rule 3.10 sets the maximum residential density standards for houses (dwellings) in each part of the Rural zone. Dwelling is defined in Part D of the Plan. Part B, Section 4.1 explains how the density figures are derived and the reasons for controlling residential density in rural areas. Compliance with the Residential density standards may be achieved in one of two ways:

- (a) By erecting a dwelling on an allotment which is as large or larger than the minimum area specified in Table C3.1; or
- (b) By erecting a dwelling on a smaller allotment and using a mechanism to keep the balance land around the allotment free of dwellings or other principal buildings.

The reason for having the two options is to ensure more efficient use of land, by not forcing people to buy or sell more land than they want to when erecting a house, while still managing overall residential density in the Rural zone. A resource consent is required for the second option. The reason is so the Council can ensure that the proposal to retain the balance of land as 'open space' is legally enforceable. The second option is not available in the Inner Plains area. The reason for this is because residential density in this area is higher such that each house requires an allotment of 4 hectares to avoid adverse effects on adjoining properties, and to avoid creating new villages due to the potential number of houses on small allotments which could be created at a residential density of 1 house per 4 hectares. Creating new villages is contrary to the Plan's policies for residential growth. For this same reason Rule 3.10.3.6 limits the number of houses

which can be clustered together. The numbers and conditions reflect current residential patterns in the Rural area. The Council has a pamphlet called “Building a House in the Rural Area”, which provides more information on how to use these rules.

Rule 3.11 manages the effects of site coverage. This term refers to the area of any allotment which may be covered in buildings. The reason for the rule is to maintain the predominance of vegetation cover in the Rural zone. This is ‘vital’ to distinguishing rural areas from townships. The rule applies to allotments rather than to properties, so that if part of a property is sold, buildings will still comply with the site coverage rules. The site coverage rules relate to property size, to allow efficient use of small properties in the Rural zone.

The rule contains exemptions for buildings which do not have built in floors, as such buildings are characteristic of the Rural zone. There is an exemption for existing intensive livestock farms, because most farms will not comply with the site coverage rule. There are a limited number of these properties, so the potential for cumulative effects on residential density is limited. The Plan also exempts papakāinga housing because such housing is unlikely to be able to comply. Provision for papakāinga housing on Māori land is part of the Council’s duties under section 6(e) of the Act (see Part B, Sections 3.3 and 4.1). Papakāinga housing may occur, under the Plan, on Māori land at Taumutu, therefore the cumulative effects of this exemption on overall residential density is likely to be minor. An exception is provided for schools recognising the nature and extent of existing activities on school sites.

Rule 3.12 manages building height in the Rural zone. The Plan restricts building height as it is considered that multi-storeyed buildings are not ‘in keeping’ with the character of the Rural zone. The Plan also has a policy to avoid multi-stored buildings in the western part of the District, as this area contains more known active faultlines and epicentres for earthquakes. The rule allows greater heights for buildings which are not occupied by people, because some tall structures are typically part of the rural area. Dwellings are accordingly restricted to 8m and other buildings to 12m in height, except that grain silos are allowed to a maximum height of 25m given their limited distribution and functional requirements.

Rule 3.13 manages the position of buildings in relation to property boundaries, road boundaries, railway crossings, lakes and waterbodies (excluding aquifers), and existing intensive farming activities. The reasons for the rules are to:

- manage the effects of: shading adjoining properties; road works and the cleaning of waterbodies; and to allow maintenance strips for the trimming of hedges, road works and the cleaning of waterbodies;
- manage such potential effects as road traffic noise, safety from vehicles leaving the carriageway and amenity issues;
- maintain good visibility at railway crossings;
- maintain the natural character of the edge of lakes and rivers;
- maintain the panoramic views of the Upper Waimakariri Basin along SH 73; and
- reduce the potential for reverse sensitivity effects on existing intensive farming activities.

The setback distances for property boundaries relate to property size so as to allow efficient use of smaller properties in the Rural zone. Buildings may be allowed within the setback distances specified in these rules, as a discretionary activity, except for Rule 3.13.1.2 – railway crossings; Rule 3.13.1.4 – waterbodies; and Rule 3.13.1.5 – intensive farming activities. Encroaching the line of sight at railway crossings is a non-complying activity, because of the importance of maintaining lines of sight for traffic safety. Similarly, dwellings and other principal buildings are discouraged from locating closer to the edge of waterbodies than the setback distances, due to the effects of larger buildings and their associated activities on the natural character of the margins of these waterbodies. The setbacks also provide some minimal protection from inundation and bank instability. Reverse sensitivity effects can arise when a new activity

establishes near an existing intensive farm and then the occupiers of the new 'sensitive activity' complain about the effects generated by the existing land use. Establishing a new 'sensitive activity' within 300m of an existing intensive farming activity is a restricted discretionary activity to allow an assessment of potential reverse sensitivity effects on the intensive farm. The 300m buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rule 3.15 manages relocated buildings. Relocated buildings are defined in Part D of the Plan. Such buildings are allowed, but a resource consent is required for dwelling and principal buildings which are relocated from one property to another. The reason is to ensure that the relocated building is set on foundations and any damage to the exterior of the building is repaired within a specified timeframe. The Plan rules do not prevent people relocating buildings per se. The Council recognises that the design of buildings is a matter of personal taste and relocated buildings can be an efficient alternative to a new building. If a developer wishes to exclude relocated buildings from a proposed subdivision, there are mechanisms to do this outside of the District Plan.

Rule 3.16 manages additions or alterations to, and demolition of, heritage buildings. The buildings listed in Appendix 3 have been identified as having important heritage values. The process and criteria used to identify these buildings is outlined in Part B, Section 3.3. General cleaning and maintenance of these buildings does not require a resource consent but additions and alterations do. The Plan policies allow for additions and alterations because they are necessary to provide for their ongoing use and retention. The policies require alterations and additions to maintain or enhance the heritage values of the building, where practical. Demolition of heritage buildings also requires a resource consent. Demolition is not encouraged, although Plan policies recognise that in some cases there may be no practical, affordable alternative. The demolition or removal of listed buildings having a Category 1 classification under the HPT system is a non-complying activity recognising the particular significance of such buildings.

## 4 RURAL RULES — ROADING

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### Notes

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

### 4.1 ROADING AND OUTSTANDING NATURAL LANDSCAPE AREAS

#### Permitted Activities — Roading and Outstanding Landscape Areas

- 4.1.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following condition is met:

- 4.1.1.1 In any area shown on the Planning Maps as an Outstanding Landscape Area, the formation of any road, road bridge or vehicular accessway is limited to the maintenance of existing roads, road bridges or vehicular accessways.

#### Restricted Discretionary Activities — Roading and Outstanding Landscape Areas

- 4.1.2 Any activity which does not comply with Rule 4.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

- 4.1.2.1 The road is located in an area shown on the Planning Maps as:
- (a) An Outstanding Landscape Area in the High Country or the Malvern Hills; or
  - (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and

- 4.1.2.2 The road or utility structure has to be located within that area.

- 4.1.3 Under Rule 4.1.2, the Council shall restrict its discretion to consideration of:

- 4.1.3.1 Whether the site is appropriate for the road and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;
- 4.1.3.2 The design and siting of the road and any associated infrastructure;
- 4.1.3.3 The need for, species and design of any planting in the road reserve, to mitigate visual effects;

- 4.1.3.4 Whether there are alternative sites available for the road and the costs, technical feasibility and practicality of using an alternative site;
- 4.1.3.5 Any positive effects which may offset any adverse effects;
- 4.1.3.6 Any monitoring or review conditions.

## **4.2 ROADING AND NATURAL HAZARDS**

### **Permitted Activities — Roading and Natural Hazards**

- 4.2.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
  - 4.2.1.1 In any area shown on the Planning Maps as a flood area, the road is not located in a position or designed in such a way that it would:
    - (a) Divert, or displace, any floodwater; or
    - (b) Impede or alter the existing drainage pattern of the land.

### **Restricted Discretionary Activities — Roading and Natural Hazards**

- 4.2.2 Any activity which does not comply with Rule 4.2.1 shall be a restricted discretionary activity.
- 4.2.3 Under Rule 4.2.2, the Council shall restrict its discretion to consideration of:
  - 4.2.3.1 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
  - 4.2.3.2 Any effects of the road or any proposed flood mitigation measures, on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
  - 4.2.3.3 Any other effects of any proposed mitigation measures on the environment;
  - 4.2.3.4 Any positive effects which may offset any adverse effects;
  - 4.2.3.5 Any monitoring or review conditions.

## **4.3 ROADING AND SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS AND MAHINGA KAI SITES**

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

- 4.3.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:



## Discretionary Activities – Height – Utility Structures

- 5.3.4 Any utility structure which does not comply with Rules 5.3.1.2 to 5.3.1.3 shall be a discretionary activity.

## 5.4 COLOUR – UTILITY STRUCTURES

### Permitted Activities – Colour – Utility Structures

- 5.4.1 Any telecommunication or radiocommunication tower (excluding fittings) which is finished in a non-reflective colour (or a surface which weathers to a colour) in shades of green, brown, or grey shall be a permitted activity.

### Discretionary Activities – Colour – Utility Structures

- 5.4.2 Any telecommunication or radiocommunication tower (excluding fittings) which does not comply with Rule 5.4.1 shall be a discretionary activity.

## 5.5 OUTSTANDING LANDSCAPE AREAS – UTILITY STRUCTURES

### Permitted Activities – Outstanding Landscape Areas – Utility Structures

- 5.5.1 In any area shown on the Planning Maps as an Outstanding Landscape Area any utility structure which complies with the following conditions shall be a permitted activity:

- 5.5.1.1 Any utility structure erected does not exceed:

- (a) A gross floor area of 40m<sup>2</sup>;
- (b) A height of 8m with the horizontal dimension not exceeding 600mm above a height of 4m; and
- (c) A reflectance value of 37% (excluding fittings).

**Note:** For the purposes of Rule 5.5.1.1(b) the maximum height is measured from the ground surface to the tip of the highest point of the structure, and includes any mast, aerial or other attachment.

For the purposes of Rule 5.5.1.1(c), reflectance value applies to the exterior surfaces of any structure. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded in the paint chart, the Council will determine its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour.

- 5.5.1.2 Any cable is laid underground;

- 5.5.1.3 In the Outstanding Landscape Areas in the Malvern Hills and the High Country, no utility structure is positioned so that it protrudes into the

skyline above any mountain range or isolated hill, as viewed from any road; and

5.5.1.4 In the Port Hills Area, no utility structure is positioned so that it protrudes above the summit of the Port Hills, as viewed from the Summit Road or any road on the Plains.

5.5.2 In any area shown on the Planning Maps as High Country:

5.5.2.1 Any cable is laid underground within 300m of SH73 or the Midland Railway.

### **Restricted Discretionary Activities – Outstanding Landscape Areas – Utility Structures**

5.5.3 Any activity which does not comply with Rule 5.5.1 or 5.5.2 shall be a restricted discretionary activity if all of the following standards are met:

5.5.3.1 The utility structure is located in an area shown on the Planning Maps as:

- (a) An Area of Outstanding Natural Landscape in the High Country or the Malvern Hills; or
- (b) The Lower Slopes or Visual Amenity Landscape of the Port Hills; and
- (c) The road or utility structure has to be located within that area.

5.5.4 Under Rule 5.5.3, the Council shall restrict its discretion to consideration of the following matters:

5.5.4.1 Whether the site is appropriate for the utility structure and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;

5.5.4.2 The design and siting of the utility structure and any associated infrastructure;

5.5.4.3 The need for, species and design of any landscaping around the utility structure or any planting in the road reserve, to mitigate visual effects;

5.5.4.4 Whether there are alternative sites available for the utility structure and the costs, technical feasibility and practicality of using an alternative site;

5.5.4.5 Any positive effects which may offset any adverse effects;

5.5.4.6 Any monitoring or review conditions.

## 5.6 OUTSTANDING LANDSCAPE AREAS – UTILITY BUILDINGS

### Permitted Activities – Outstanding Landscape Areas – Utility Buildings

5.6.1 In the areas shown on the Planning Maps as Outstanding Landscape Areas in the Port Hills, Malvern Hills and the High Country, any utility building which complies with the following conditions shall be a permitted activity:

5.6.1.1 A maximum gross floor area not exceeding 40m<sup>2</sup>;

5.6.1.2 A maximum height not exceeding 4m; and

5.6.1.3 A maximum reflectance not exceeding 37%.

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

5.6.2 Any building which does not comply with Rule 5.6.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

5.6.2.1 The building is within the Lower Slopes or Visual Amenity Landscape on the Port Hills;

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

(a) The building is associated with an activity which is located within the area of Outstanding Landscape; and

(b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.

5.6.3 Under Rule 5.6.2, the Council shall restrict its discretion to consideration of:

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

5.6.3.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;

5.6.3.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;

5.6.3.4 The extent to which the building or structure may:

(a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;

(b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;

(c) use topography or vegetation to assist in mitigation or containment of visual effects;

- (d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;
  - (e) be visually prominent in an area characterised by high natural values;
  - (f) affect the amenity values of adjoining properties.
- 5.6.3.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings or structures;
- 5.6.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values;
- 5.6.3.7 The design and siting of any access to the building or structure, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks;
- 5.6.3.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground;
- 5.6.3.9 Any positive effects to be created by the proposed building and its associated accessway;
- 5.6.3.10 Any monitoring or review conditions.

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

- 5.6.4 Any activity which does not comply with Rule 5.6.2.1 shall be a non-complying activity.
- 5.6.5 Any building which does not comply with Rule 5.6.2.2 shall be a non-complying activity.

## **5.7 RURAL CHARACTER – UTILITY BUILDINGS**

### **Permitted Activities – Rural Character – Utility Buildings**

- 5.7.1 In any areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), any utility building which complies with the following condition shall be a permitted activity:
- 5.7.1.1 The exterior finish of any utility building has a reflectance value not exceeding 37%, except for buildings which are clad in unpainted corrugated iron.

## Discretionary and Non-Complying Activities – Rural Character – Utility Buildings

- 5.7.2 Erecting any utility building or any part of a utility building which does not comply with Rule 5.7.1 shall be a discretionary activity.

## 5.8 NATURAL HAZARDS – UTILITY STRUCTURES

### Permitted Activities – Natural Hazards – Utility Structures

- 5.8.1 In any area shown on the Planning Maps as a flood area, any utility structure which is not located in a position or designed in such a way that it would:
- 5.8.1.1 Divert, or displace, any floodwater; or
  - 5.8.1.2 Impede or alter the existing drainage pattern of the land;
- Shall be a permitted activity.

### Restricted Discretionary Activities – Natural Hazards – Utility Structures

- 5.8.2 Any activity which does not comply with Rule 5.8.1 shall be a restricted discretionary activity.
- 5.8.3 Under Rule 5.8.2, the Council shall restrict its discretion to consideration of:
- 5.8.3.1 Any potential risk of the utility structure being inundated and the extent of any potential flood damages;
  - 5.8.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages
  - 5.8.3.3 Any effects of the utility structure or any proposed flood mitigation measures, on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
  - 5.8.3.4 Any other effects of any proposed mitigation measures on the environment;
  - 5.8.3.5 Any positive effects which may offset any adverse effects;
  - 5.8.3.6 Any monitoring or review conditions.

## 5.9 NATURAL HAZARDS – UTILITY BUILDINGS

### Permitted Activities – Natural Hazards – Utility Buildings

- 5.9.1 Any new utility building which is not erected in any of the following areas shall be a permitted activity:

- 5.9.1.1 Any area shown on the Planning Maps as the Waimakariri Flood Category A area;
- 5.9.1.2 Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps;
- 5.9.1.3 Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and
- 5.9.1.4 The area shown on the Planning Maps as the Lower Plains flood or ponding areas; unless a minimum building floor level 300m above a 2% Annual Exceedence Probability (AEP) hazard event is identified;
- 5.9.1.5 The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttleton Datum 1937) is identified.

**Note:** *The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m<sup>2</sup>, including any extensions or alterations, seaward of the Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities.*

*Refer to Council pamphlet “Building a House in the Rural Zone” in respect to Rules 5.9.1.4 or 5.9.1.5.*

## **Restricted Discretionary Activities — Natural Hazards – Utility Buildings**

- 5.9.2 Erecting any new utility building on any site in the areas stated in Rules 5.9.1.4 and 5.9.1.5, which does not have a minimum floor level which complies with Rules 5.9.1.4 and 5.9.1.5 shall be a restricted discretionary activity.
- 5.9.3 Under Rule 5.9.2, the Council shall restrict its discretion to consideration of:
  - 5.9.3.1 The potential risk of the dwelling or other principal building being inundated and the extent of any flood damages; including its proximity to any adjacent stopbank where in the case of overtopping, breach or failure of a stopbank, the depth and velocity of that event (i.e. depth (m) x velocity (ms<sup>-1</sup>) > 1) shall be taken into account.
  - 5.9.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
  - 5.9.3.3 Any effects of the dwelling or other principal building or the proposed flood mitigation measures on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
  - 5.9.3.4 Any other effects of any proposed mitigation measures on the environment;
  - 5.9.3.5 Any positive effects which may offset any adverse effects; and
  - 5.9.3.6 Any monitoring or review conditions.

## Discretionary and Non-Complying Activities – Natural Hazards – Utility Buildings

- 5.9.4 Erecting any new utility building on any site in the areas listed in Rules 5.9.1.1 to 5.9.1.3 shall be a non-complying activity.

## 5.10 SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES – UTILITY STRUCTURES

### Permitted Activities – Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Structures

- 5.10.1 Any utility structure which meets the following conditions shall be a permitted activity:
- 5.10.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any utility structure is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
  - 5.10.1.2 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the construction, maintenance, etc of any utility structure does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and.
  - 5.10.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation associated with the construction, maintenance, etc of any utility structure is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### Restricted Discretionary Activities – Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Structures

- 5.10.2 Any activity which does not comply with Rules 5.10.1.1 to 5.10.1.3 shall be a restricted discretionary activity.
- 5.10.3 Under Rule 5.10.2, the Council shall restrict its discretion to the following matters:
- 5.10.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local runanga;
  - 5.10.3.2 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; or
  - 5.10.3.3 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local runanga;

- 5.10.3.4 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 5.10.3.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 5.10.3.6 Any positive effects which may offset any adverse effects; and
- 5.10.3.7 Any monitoring or review conditions.

## **5.11 SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES – UTILITY BUILDINGS**

### **Permitted Activities – Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Buildings**

- 5.11.1 Any utility building which meets the following conditions shall be a permitted activity:
  - 5.11.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with the building is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks.
  - 5.11.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the construction, maintenance etc of the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.
  - 5.11.1.3 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 associated with the construction, maintenance, etc of any utility building is limited to that undertaken by tāngata whenua for mahinga kai purposes.

### **Restricted Discretionary Activities – Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Buildings**

- 5.11.2 Any activity which does not comply with Rules 5.11.1.1 to 5.11.1.3 shall be a restricted discretionary activity
- 5.11.3 Under Rule 5.11.2, the Council shall restrict its discretion to all of the following matters:
  - 5.11.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local runanga;
  - 5.11.3.2 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;



- 5.11.3.3 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local runanga;
- 5.11.3.4 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 5.11.3.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 5.11.3.6 Any positive effects which may offset any adverse effects; and
- 5.11.3.7 Any monitoring or review conditions.

## 5.12 WEST MELTON AIRFIELD AND HORORATA DOMAIN – UTILITY STRUCTURES AND UTILITY BUILDINGS

### Permitted Activities – West Melton Airfield and Hororata Domain – Utility Structures and Utility Buildings

- 5.12.1 Any utility structure or utility building which complies with the maximum height requirements in the approach paths to the runways at West Melton Airfield and Hororata Domain, as shown in Appendix 19 shall be a permitted activity.

**Note:** For Rule 5.12.1, the maximum height of any building is measured from ground level at the base of the building, to the highest point on the building. It includes any chimney, aerial, mast, satellite dish or other structure which is attached to and protrudes above the roof height of the building.

### Non-Complying Activities – West Melton Airfield and Hororata Domain – Utility Structures and Utility Buildings

- 5.12.2 Any utility structure or utility building or any part of any utility structure or utility building which does not comply with Rule 5.12.1 shall be a non-complying activity.

## 5.13 WATERBODY SETBACKS – UTILITY STRUCTURES AND UTILITY BUILDINGS

### Permitted Activities – Waterbody Setbacks – Utility Buildings

- 5.13.1 Any utility building which is setback at least the following minimum distances shall be a permitted activity:

- 5.13.1.1 100m from the edge of any lake or any wetland which adjoins a lake; and
- 5.13.1.2 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
- 5.13.1.3 10m from the edge of any other waterbody (excluding aquifers).

**Note:** For the purposes of Rule 5.13.1.1 the edge of any lake is measured from:

- The edge of the space of water which the lake covers at its annual highest level without exceeding its margin; or
- If the lake level is controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.

For the purposes of Rules 5.13.1.2 to 5.13.1.3 the edge of any waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks.”.

## **Permitted Activities – Waterbody Setbacks – Utility Structures**

5.13.2 Any utility structure which is setback at least the following minimum distances shall be a permitted activity:

- 5.13.2.1 100m from the edge of any lake; and
- 5.13.2.2 20m from the edge of any waterbody listed in Appendix 17 other than a lake; and
- 5.13.2.3 10m from the edge of any other waterbody (excluding aquifers).

## **Discretionary Activities – Waterbody Setbacks – Utility Structures and Utility Buildings**

5.13.3 Any activity which does not comply with Rule 5.13.1 or 5.13.2 shall be a discretionary activity.

# **5.14 HERITAGE BUILDINGS – UTILITY STRUCTURES AND UTILITY BUILDINGS**

## **Permitted Activities – Heritage Buildings – Utility Structures and Utility Buildings**

- 5.14.1 The maintenance of any utility building, structure or site listed in Appendix 3 shall be a permitted activity. For the purposes of this rule the term “maintenance” means:
  - 5.14.1.1 Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
  - 5.14.1.2 The replacement of any materials which form part of the original heritage values of the buildings, structure, or site, provided that these materials are of the same or similar appearance and character as the original material;
  - 5.14.1.3 Any repainting of existing painted surfaces;
  - 5.14.1.4 Any cleaning or washing of external heritage features provided this does not involve the use of abrasive materials or techniques, such as sandblasting.

## **Restricted Discretionary Activities — Heritage Buildings – Utility Structures**

- 5.14.2 Any activity which involves the addition to, or alteration or modification of, any utility structure listed in Appendix 3 as a Heritage Site shall be a restricted discretionary activity.
- 5.14.3 Under Rule 5.14.2, the Council shall restrict its discretion to consideration of:
- 5.14.3.1 The heritage value(s) of the utility structure or site, and the extent to which it has already been modified by additions or alterations;
  - 5.14.3.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the utility structure or site;
  - 5.14.3.3 Any positive effects of the additions, alterations or modifications on the heritage values of the utility structure or site, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the utility structure for ongoing use; and any proposal to provide public access to the heritage utility structure or site.

## **Discretionary and Non-Complying Activities — Heritage Buildings – Utility Structures**

- 5.14.4 Any demolition or removal of any utility structure or site, or any part of any utility structure or site, listed in Appendix 3 (except as set out under Rule 5.14.5 below) shall be a discretionary activity.
- 5.14.5 Any demolition or destruction of any utility structure or part of any utility structure which is listed as “Category 1” under the HPT Category in Appendix 3 as a Heritage Building shall be a non-complying activity.

## **Restricted Discretionary Activities — Heritage Buildings – Utility Buildings**

- 5.14.6 Any activity which involves the addition to, or alteration or modification of, any building or any part of any building listed in Appendix 3 as a Heritage Building shall be a restricted discretionary activity.
- 5.14.7 Under Rule 5.14.6, the Council shall restrict its discretion to consideration of:
- 5.14.7.1 The heritage value(s) of the listed building, and the extent to which it has already been modified by additions or alterations;
  - 5.14.7.2 Whether the proposed additions, alterations or modifications will adversely affect the heritage values of the building;
  - 5.14.7.3 Any positive effects of the additions, alterations or modifications on the heritage values of the building, including (but not limited to): any restoration or enhancement of heritage features or values; works which improve the efficiency or desirability of the building for ongoing use; and any proposal to provide public access to the heritage building;

- 5.14.7.4 The costs to the applicant or owner of not allowing the modifications, additions or alterations to the building;
- 5.14.7.5 Any alternative options which may better maintain the heritage values of the building and the relative costs of the alternatives;
- 5.14.7.6 Any other works the applicant has undertaken or proposes to undertake to maintain or enhance heritage values on the site or elsewhere in the District and the appropriateness of such works as a mitigation measure; and
- 5.14.7.7 Any monitoring or review conditions.

## **Discretionary Activities – Heritage Buildings – Utility Buildings**

- 5.14.8 Any demolition or removal of any building or part of any utility building which is listed in Appendix 3 (except any building or part of any building which is listed as “Category 1” under the HPT Category in Appendix 3) as a Heritage Building shall be a discretionary activity.

## **Non-Complying Activities – Heritage Buildings – Utility Buildings**

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

## **Reasons for Rules**

Rule 5 manages effects of establishing, maintaining, upgrading and replacing utilities on the environment. These rules should be read in conjunction with Rule 1 – Earthworks and Rule 3 – Buildings. Cross references to other relevant rules are provided at the beginning of Rule 5.

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

- (a) Not all utilities are managed by requiring authorities;
- (b) Often utilities are installed by private developers as part of subdivisions or land uses. Some utilities may vest in the Council. The Plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of utilities which will vest in the Council;
- (c) If rules in the District Plan allow activities as permitted activities, it may reduce the need for network utility operators to designate land; and
- (d) It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

The Outstanding Landscapes of the Port Hills, Malvern Hills and High Country are equally managed with only very small buildings and utility structures provided for as a permitted activity. In relation to the Port Hills, utilities are a restricted discretionary activity in the Lower Slopes and Visual Amenity Landscape of the Port Hills and a non-complying activity in the Upper Slopes. This is consistent with the rule structure for dwellings, where the Plan provides for a more lenient housing density within the Lower Slopes and Visual Amenity Landscape to encourage development to this part of the Port Hills and to maintain relatively open Upper slopes.

Rules 5.1 and 5.1.2.2 address potential effects from electromagnetic radiation and power frequency electric and magnetic fields. The rules are firmly based on recognised national standards concerning these effects.

Rule 5.1.2.3 concerns cables and lines. The rules encourage undergrounding of such lines where this is a realistic expectation. New high voltage lines will require consent and assessment given their potentially significant visual impacts, with particular eye to siting.

Rule 5.1.2.4 discourages on-site energy production (subject to specific exemptions) because of potential adverse effects of such activities.

Rule 5.1.2.5 provides for small scale drainage and irrigation facilities which would not raise issues in respect to wider effects on water resources, where resource consent would be required.

Rule 5.1.2.6 provides for reticulated gas supplies of a scale appropriate to a residential or light industrial environment.

Rule 5.2 relates to utility buildings. It allows them to be of the same scale as rural buildings generally, but also recognising that functionally they do not require as much surrounding space as dwellings. Setback and recession plane requirements are set in place to protect neighbours and any adjoining Living zone from the bulk of utility buildings.

Rule 5.3 relates to utility structures which comprise very small buildings, or poles, masts, pylons and antenna. For operational efficiency these are allowed to be higher than buildings, but also require compliance with recession planes on Living zone boundaries where a utility support structure has a “thick” profile of more than 500 mm.

Rule 5.4 requires that telecommunication or radiocommunication towers (but not their attached fittings) be finished in colours which are (or weather to) shades which will not be visually obtrusive in the rural environment.

Rules 5.5 and 5.6 address buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

The provisions are slightly different for the Port Hills. The Port Hills landscape has been subject to greater levels of residential development than the areas in the Malvern Hills and High Country. The Plan provisions allows for low level residential development on the Port Hills but controls the siting, design and density of houses and other buildings, to reduce potential visual effects. The Plan provisions protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001. The Plan policies recognise that there may be some sites within the Upper Slopes where a dwelling could be erected with only minor visual effects. However, most residential development is encouraged to locate in the Lower Slopes. Erecting houses in the Upper Slopes is therefore a non-complying activity and may be publicly notified. Erecting houses within the Lower Slopes is a restricted discretionary activity, to manage design and siting, and resource consent applications are non-notified.

Rule 5.7 recognises the role of rural areas surrounding areas of Outstanding Landscape in providing a quality backdrop. The rules manage the reflectivity of new buildings, to help maintain the appearance of a pre-dominance of vegetation cover in these areas. The rules for residential density (Rule 3.10), site coverage (Rule 3.11) and tree planting (Rule 2) also help to maintain the 'rural character' of these areas.

Rules 5.8 and 5.9 identify areas where dwellings and other principal buildings should not be erected as a permitted activity because of potential flooding unless where indicated identified floor levels are met. The rules apply to dwellings and principal buildings, because these buildings are the ones likely to contain valuable assets which are not easily moved beyond reach of floodwaters. The rules do not apply to accessory buildings such as hay barns and implement sheds. In the Waimakariri Flood Category A area, seaward of the Coastal Hazard Line, and between any waterbody and any stopbank, floodwaters move at such a velocity that buildings are prone to both inundation and scouring of foundations. Therefore, dwellings and principal buildings are non-complying activities in these areas. They are strongly discouraged. The activity is not a prohibited activity due to the coarseness of the mapping, which means some land may be included in the flood areas (particularly around the edges) where the flood risk is minor. Flooding in the area covered by the Lower Plains and the Lake Ellesmere/Te Waihora flood areas, includes areas which are at risk from flooding based on the best available information. These areas may be subject to one or more forms of flooding, including ponding, stormwater, windlash and overland flow. Therefore, dwellings and principal buildings may be allowed if the building is appropriately designed or raised to reduce the risk of inundation or the level of damage from inundation, otherwise they are restricted discretionary activities (need resource consent). Specific consideration is required where development is proposed in close proximity to a stopbank due to the greater risk of damage to property and potential loss of human life from increased water velocity associated with a stopbank breach.

Rules 5.10 and 5.11 manage the effects of erecting buildings in Silent File and Wāhi Taonga Management Areas, and on Wāhi Taonga and Mahinga Kai sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local runanga. The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

Rule 5.12 manages the effects of tall buildings and other structures within the height restriction areas around West Melton airfield and Hororata Domain. Height restrictions apply to land which lies underneath the approach paths to the runway. Any breach of the height restrictions is a non-complying activity. The approach paths need to be clear of obstacles to ensure aircraft can take off or land safely. The height restrictions are shown in Appendix 19. They are drafted to accommodate the current use of the existing runways at both airfields. Height restrictions affect the range of land uses able to occur on surrounding properties. Therefore, any further restrictions on building height to accommodate further use of these airfields, would need to be considered alongside any proposal to increase use of either airfield.

Rule 5.14 manages additions or alterations to, and demolition of, heritage buildings. The buildings listed in Appendix 3 have been identified as having important heritage values. The process and criteria used to identify these buildings is outlined in Part B, Section 3.3. General cleaning and maintenance of these buildings does not require a resource consent but additions and alterations do. The Plan policies allow for additions and alterations because they are necessary to provide for their ongoing use and retention. The policies require alterations and additions to maintain or enhance the heritage values of the building, where practical. Demolition of heritage buildings also requires a resource consent. Demolition is not encouraged, although Plan policies recognise that in some cases there may be no practical, affordable alternative. The demolition or removal of listed buildings having a Category 1 classification under the HPT system is a non-complying activity recognising the particular significance of such buildings.

# 6 RURAL RULES - OUTDOOR SIGNS AND NOTICEBOARDS

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## Notes:

1. Outdoor Signs and noticeboards are defined in Part D of the Plan. Noticeboards hold information designed to be read by people stopping, whereas signs are designed to be read by people as they are passing by.
2. Outdoor Signs within any road reserve require the permission of the Council, even if the sign complies with the rules in the District Plan for a permitted activity.
3. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

## 6.1 OUTDOOR SIGNS – GENERAL

### Permitted Activities – Outdoor Signs – General

- 6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

- 6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve;

**Note:** Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries.

- 6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner;

- 6.1.1.3 The sign does not have any of the following features:

- (a) Flashing or revolving lights;
- (b) Sound effects;
- (c) Balloons or blimps; or
- (d) Moving parts;

- 6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal;

- 6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill;

- 6.1.1.6 The height of the sign is not more than:

- (a) The height of the building to which it is attached; or

(b) 6m above the ground if the sign is not attached to a building;

6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m<sup>2</sup> and the total area of signage on the site does not exceed 6m<sup>2</sup>.

6.1.1.8 Any sign which is attached to a building and exceeds 3m<sup>2</sup> in area does not protrude beyond the framework of the building;

6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.

**Table C6.1 – Maximum Number of Signs**

No.	Sign Type	Maximum Number per Property
1	Any directional <u>sign</u> having: A maximum <u>height</u> of 1m; and A maximum size of 0.6m <sup>2</sup> ; and Any message limited to 'entry' or 'exit' or arrows.	No maximum
2	Any <u>sign</u> required under other legislation or to provide for people's health or safety.	No maximum
3	Any <u>sign</u> advertising a <u>property</u> for sale if the <u>sign</u> is removed within one calendar month or the <u>property</u> being sold.	No maximum
4	Any <u>sign</u> denoting a place name or <u>road</u> name.	No maximum
5	Any <u>sign</u> denoting private <u>property</u> , wandering stock, fire restrictions and public access.	No maximum
6	Any <u>sign</u> which relates to products and services sold on-site at a shop or a service station.	No maximum
7	Any other <u>sign</u> .	Three

## Discretionary Activities – Outdoor Signs – General

6.1.2 Erecting any outdoor sign which does not comply with Rule 6.1.1 shall be a discretionary activity.

## 6.2 OUTDOOR SIGNS AND OUTSTANDING NATURAL LANDSCAPE AREAS

### Permitted Activities – Outdoor Signs and Outstanding Natural Landscape Areas

6.2.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

6.2.1.1 Any outdoor sign in any area shown on the Planning Maps as an Area of Outstanding Landscape is limited to:



# 10 RURAL RULES - SUBDIVISION

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## Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the 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 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;
  - (c) 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 25m<sup>2</sup>, including any extensions or alterations, seaward of the Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities.

## 10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

### Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

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

## 10.4 SUBDIVISION ON SPECIAL SITES (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 Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local Runanga; or

- (c) 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.