

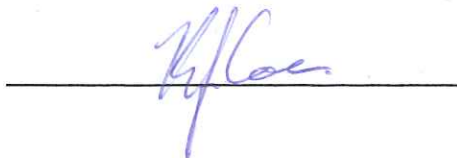
CERTIFICATE OF APPROVAL

The Council resolved to make operative those parts of the Selwyn District Plan relating to Plan Change 46 (Removal of the deferred status over 130.39 hectares of land currently zoned Living 2A (deferred) at 160 Bangor Road, Darfield) on the 13th of May 2016.

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:



Mayor
Kelvin Coe



Chief Executive
David Ward

Dated at Rolleston this 3rd day of May 2016

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4 LIVING ZONE RULES — BUILDINGS

4.1 BUILDINGS AND NATURAL HAZARDS

Restricted Discretionary Activities — Buildings and Natural Hazards

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

Non-Complying Activities — Buildings and Natural Hazards

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

Prohibited Activities — Buildings and Natural Hazards

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

4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

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

For the Living 3 Zone at Rolleston and Prebbleton identified on the Outline Development Plan in Appendix 19, 39 and 40 the following shall apply:

4.2.2 Any principal building shall be a permitted activity if:

- i. That apart from one vehicle crossing and access not exceeding 100m² in area all land within the setback areas from roads as specified in Rule 4.9.17, excepting State Highway 1, will be devoted to landscaping; including the provision of at least one specimen tree capable of growing to at least 8m high being planted for every 10 metres of frontage and to be spaced at no less than 5 metres and no greater than 15 metres. The area between all road boundaries (other than with State Highway 1) and a line parallel to and 15m back from the road boundary is landscaped with shrubs and specimen trees covering as a minimum the lesser of 30% of the area or 250m²; and
 - ii. The number of specimen trees in this area is not less than 1 per 10m of road frontage or part thereof; and
 - iii. The trees are selected from the list below planted at a grade of not less than Pb95; and
 - iv. Shrubs are planted at 'aa' grade of not less than Pb3 and a spacing of not less than 1 per square metre, typically located within a garden area dressed with bark chips or similar material; and
 - v. Any paved surface area within the area does not exceed 100m² in area.
 - vi. The list of suitable specimen trees for the purpose of this rule is:
 - Maple, Silk Tree, Alder, Birch, River She Oak, Leyland Cypress, Monterey Cypress, Lacebark, American sweet gum, Magnolia, Pohutukawa, weeping Kowhai, Common Olive, Pine, Lemonwood, Kohuhu, Ribbonwood, Plane, Totara, Poplar, Oak, Elm, Michelia
- This list does not apply to the Living 3 zone on the north east corner of Trents Road and Springs Road.
- vii. The Council will require a planting plan to be submitted at building consent stage, prepared by a suitably qualified landscape professional, identifying compliance with the above control.
 - viii. The landscaping shall be maintained and if dead, diseased or damaged, shall be removed and replaced.

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

4.2.3 Any Fencing in the Living 3 Zone, and the Living 2A Zone in Darfield, as identified in Appendix 47, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;

Except that nothing in the above controls shall preclude:

- (i) the use of other fencing types when located within 10m of the side or rear of the principal building. Such fence types shall not project forward of the line of the front of the building.

- (ii) fencing required by an Outline Development Plan and/or rule in this Plan as a noise barrier.

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

Discretionary Activities – Buildings and Landscaping

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

Restricted Discretionary Activities – Buildings and Landscaping

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

4.3 BUILDINGS AND CONTAMINATED LAND

Refer to Rule 10.1 – Activities and Contaminated Land.

4.4 BUILDINGS AND WATER SUPPLY

Permitted Activities – Buildings and Water Supply

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

Discretionary Activities – Buildings and Water Supply

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

Non-Complying Activities — Buildings and Water Supply

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

4.5 BUILDINGS AND SEWAGE TREATMENT AND DISPOSAL

Permitted Activities — Buildings and Sewage Treatment and Disposal

4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.

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

Non-Complying Activities — Buildings and Sewage Treatment and Disposal

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

Notes

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

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:

- One dwelling and one family flat up to 70m² in floor area; or
- One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

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

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

Restricted Discretionary Activities – Buildings and Building Density

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

Note: Building density and site coverage rules both apply.

Discretionary Activities – Buildings and Building Density

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

Non-Complying Activities – Buildings and Building Density

- 4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 zones.

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

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

- 4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

Table C4.1 Site Coverage Allowances

Zone		Coverage
Living 1	Including garage	40%
	Excluding garage	40% minus 36m ²
	Emergency Services Only	50%
Living 1A	Castle Hill	40%
Living 1A3	Lincoln	45%
Living 1A4	Lincoln	40%
Living Z	Including Garage	40%
	Excluding Garage	40% - 36m ²
	Medium Density	Including garage 40%
	Comprehensive Medium Density	Excluding garage 40% - 18m ² 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.
Living 1A2	Prebbleton	40%
Living 1A5	Prebbleton	40%
		For <u>comprehensive residential development</u> , site coverage shall be applied over the whole Living 1A5 Zone
Living 1A6	Prebbleton	40%
Living WM	Including garage	40%
	Excluding garage	40% minus 36m ²
	<u>Emergency Services</u> only	50%
Living 2 (all townships not otherwise listed) and Living 2A (Blakes Road, Prebbleton)	Including garage	Lesser of 20% or 500m ²
	Excluding garage	Lesser of 20% minus 36m ² or 500m ² minus 36m ²

Zone		Coverage
Living 2A	<u>Emergency Services</u> only	40%
	Prebbleton and West Melton	10% and a maximum additional area in hardsurfacing of 10%
Living 2A1	<u>Emergency Services</u> only	40%
	Darfield	10% and a maximum additional area in hardsurfacing of 10%
Living 3	<u>Emergency Services</u> only	40%
		Lesser of 10% or 500m ²

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 Small Lot Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:

(a) 45% - including a garage; or

(b) 45% - 18m² - excluding a garage; or

4.7.3.2 Where a site forms part of a comprehensive residential development the maximum site coverage shall be 55% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.

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

- (a) 45% - including a garage; or
- (b) 45% - 18m² - excluding a garage; or
- (c) part of a comprehensive residential development of four or more adjoining lots under 350m² in size, in which case the maximum site coverage shall be 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.

4.7.4 Under Rule 4.7.3, any resource consent application shall not be notified and shall not require the written approval of affected parties, and the Council shall restrict the exercise of its discretion to consideration of:

4.7.4.1 The number of sites in the street or subdivision where the site coverage already exceeds

- (a) 40% for Small Lot Medium Density
- (b) 50% for Comprehensive Medium Density.

4.7.4.2 Any adverse effects, singularly or cumulatively, on the residential density or 'spaciousness' of the area, including:

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

Non-Complying Activities — Buildings and Site Coverage

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

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

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

Restricted Discretionary Activities — Buildings and Building Height

- 4.8.2 The erection of any building within the area shown as “Medium Density (potential 11m height area)” within Lincoln ODP 7 which has a height of between 8m and 11m shall be a restricted discretionary activity.
- 4.8.3 Under Rule 4.8.2 the Council shall restrict the exercise of its discretion to consideration of:
- 4.8.3.1 The scale and bulk of the building in relation to adjacent sites, the street and the surrounding area.
 - 4.8.3.2 The extent to which the height would have any adverse effect on other sites in the surrounding area in terms of loss of privacy through being over-looked from neighbouring buildings.
 - 4.8.3.3 The extent to which the additional height will shade or physically dominate adjacent sites.
 - 4.8.3.4 The extent to which the non-compliance leads to a better or more efficient use of the site and/or creates a higher level of on-site amenity.

Discretionary Activities — Buildings and Building Height

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

Note

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

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities:

Recession Planes

- 4.9.1 Except in Rule 4.9.1.1 and 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;
- 4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is:
 - a) not a boundary of a lot in a low density area; and

- b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and

4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

Setbacks from Boundaries

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

Table C4.2 - Minimum Setbacks for Buildings

<u>Building Type</u>	<u>Metres from Boundary</u>	
	<u>Internal</u>	<u>Road (or shared access where specified)</u>
<u>Dwelling or principal building</u>	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces <u>road</u> or shared access	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> or shared access	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.

Setbacks from State Highways and internal noise levels

4.9.3 Except for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, and ODP Area 3 and ODP Area 8 in Rolleston, and the Living 2A Zone in Darfield, as identified in the Outline Development Plan in Appendix 47, 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 edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater.

- 4.9.4 Except for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, and ODP Area 3 and ODP area 8 in Rolleston, and the Living 2A Zone in Darfield, as identified in the Outline Development Plan in Appendix 47, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes within 100m from the edge of the sealed carriageway of State Highways with a posted speed limit of 70 Km/hr or greater shall have internal noise levels from road traffic that do not exceed the limits set out below with all windows and doors closed.

24 hours	
Within Bedrooms	35 dBA (Leq 24 hour)
Within Living Area Rooms	40 dBA (Leq 24 hour)

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

- 4.9.5 In the Living 2A Zone at Darfield, as identified in Appendix 47, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 20m from the edge of the sealed carriageway of State Highways.
- 4.9.6 In the Living 2A Zone at Darfield, as identified in Appendix 47, any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purpose withing 80m from the edge of the sealed carriageway of State Highways shall be required to comply with internal noise guidelines outlined in AS/NZS2107:2000.

Common Wall

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

Castle Hill

- 4.9.8 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.
- 4.9.9 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:
- 4.9.9.1 Along the Living 1A Zone boundaries the minimum setback shall be 3 metres; and
- 4.9.9.2 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

- 4.9.10 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.

- 4.9.11 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.
- 4.9.12 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.
- 4.9.13 For the Living 1A6 Zone in Prebbleton, no dwelling shall be sited within 5m of the north western common boundary with the Kingcraft Drive Existing Development Area, as identified in the ODP contained in Appendix 19.
- 4.9.14 Any dwelling in the Living 2A Zone in Prebbleton shall have:
- 4.9.14.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.
- 4.9.14.2 A setback from the southern zone boundary of not less than 20 metres.
- 4.9.15 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.
- 4.9.16 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Zone in Prebbleton, as identified in Appendix 19.
- 4.9.17 Any building in the Living 3 Zone (Hamptons Road) at Prebbleton shall be set back at least:
- (i) 20 metres from any road boundary except on corner lots a minimum setback of 15m applies to one boundary.
 - (ii) 15 metres from any other boundary.
- 4.9.18 Any building in the Living 3 zone (Trents Road), Prebbleton (as shown on the Outline Development Plan in Appendix 19) shall be set back at least:
- (i) 15 metres from any road boundary except on corner lots a minimum setback of 10m applies to one road boundary.
 - (ii) 5 metres from any other boundary.

Living 3 Rural Residential – Shands Road, Noise Mitigation

- 4.9.19 For the purpose of protection against traffic noise intrusion from Shands Road any dwelling, family flat and any rooms within accessory buildings used for sleeping or living shall be located at least 25 metres from Shands Road and physical acoustic barriers shall be established in the locations indicated on the Outline Development Plan, Trents Road, Prebbleton in Appendix 19. The finished height of any acoustic barrier shall be no less than 3 metres above the adjacent ground level of any residential lot. The mass of any acoustic barrier shall be 8-10 kg/m² and shall be constructed and maintained with no gaps in the barrier construction or at ground level.

West Melton

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

Leeston

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

Small Lot Medium Density areas located within an Outline Development Plan

- 4.9.23 Any dwelling or principal building shall be set back a minimum of 3m from any road boundary, with the exception of any comprehensive development within the Medium Density area of Lincoln ODP 7 where any dwelling or principal building shall be set back a minimum of 2m from any road boundary.
- 4.9.24 Where an allotment has legal access to a private Right of Way or shared access, any dwelling or principal building on that allotment shall be set back a minimum of 3m along the entire length of the boundary with that private Right of Way or shared access, with the exception of Medium Density area of Lincoln ODP 7 where any dwelling or principal building on that allotment shall be set back a minimum of 2m.
- 4.9.25 Any garage where a vehicle door faces the road, a private Right of Way or shared access shall be set back a minimum of 5.5m from the road boundary, private Right of Way, or shared access.
- 4.9.26(a) No garage or accessory building is to be located between the front façade of the dwelling and the road boundary, or the rear service lane by which the allotment is accessed, where the lot does not have any other frontage to a public road.
- 4.9.26(b) If the site has a net area of less than 430m², garages with a total vehicle door width greater than 3m are to be accessed off a rear service lane only. (This rule does not apply to lots that gained subdivision consent prior to 30th June 2014).

Please refer to the Medium Density guide for examples on garaging.

- 4.9.27 Any dwelling or principal building, excluding garages or accessory buildings, shall be set back a minimum of 2m from any internal boundary. Buildings may however be sited along an internal boundary if the building shares a common wall with another building on an adjoining site.
- 4.9.28 No set back is required for any garage or accessory building from an internal boundary, provided that the total length of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided those garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary, except when the site is on the boundary of a low density area or another Living zone, in which case Rule 4.9.2 applies.
- 4.9.29 All balconies at first floor level and above may only be located in a façade that faces a road boundary or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes.

4.9.29.1 Any windows at first floor level or above must:

- face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or
- Be set back a minimum of 10m from an internal boundary; or
- Have a sill height of at least 1.6m above internal floor level; or

- Be obscure glazed, and either non-opening or top- hinged, and be associated with a bathroom, toilet, or hallway.

Temporary Activities

- 4.9.30 Rule 4.9.2 does not apply to the siting of any building, tent, caravan or trailer on a site if:
- 4.9.30.1 The building, tent, caravan or trailer is erected for a temporary activity; and
- 4.9.30.2 The building, tent, caravan or trailer is removed within 2 days of the activity ceasing.
- 4.9.31 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:
- 4.9.31.1 The building is removed within 12 months or when construction ceases, whichever is the shorter time.

Setback from Lincoln Sewerage Treatment Plant

- 4.9.32 Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewage Treatment Plant, as identified on Planning Maps 122 and 123.

Lincoln

- 4.9.33 Within the Living Z zone at Lincoln, ODP Area 5, Appendix 37, no dwelling or principal building shall be constructed within 50m of the Landscape Buffer located at the northern end of the Business 2B zone until appropriate noise attenuation measures, as determined by a suitably qualified noise expert and designed to achieve the noise standards contained in Rule 22.4.1.6 have been constructed.
- 4.9.34 Within the Living 3 Zone at Lincoln shown on ODP Area 8, Appendix 37, no dwelling or principal building shall be constructed within 50m of the Business 2B Zone boundary.

Rolleston

- 4.9.35 In ODP Area 3 and ODP Area 8 in Rolleston, no dwellings shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1.
- 4.9.36 In ODP Area 3 and ODP Area 8 in Rolleston, for any dwelling constructed between 40m and 100m (measured from the nearest painted edge of the carriageway) from State Highway 1:
- Appropriate noise control must be designed, constructed and maintained to ensure noise levels within the dwelling meet the internal design levels in AS/NZS2107:2000 (or its successor) – 'Recommended design and sound levels and reverberation times for building interiors';
 - Prior to the construction of any dwelling an acoustic design certificate from a suitable qualified and experienced consultant is to be provided to Council to ensure that the above internal sound levels can be achieved.

- 4.9.37 Any building in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 and 40) shall be set back at least:
- i) 15 metres from any road boundary except that on corner lots a minimum setback of 10m applies to one road boundary;
 - ii) 5 metres from any other boundary
- 4.9.38 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes, and any internal areas associated with noise sensitive activities in the Living 3 Zone at Rolleston (as shown on the Outline Development in Appendix 39) shall be setback at least 80m from State Highway 1.
- For the purposes of this rule, noise sensitive activities means any residential activity, travellers accommodation, educational facility, medical facility or hospital, or other land use activity, where the occupants or persons using such facilities may be likely to be susceptible to adverse environmental effects or annoyances as a result of traffic noise from State Highway 1 over its location.
- 4.9.39 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)).

Special Character Low Density Areas (Living 1C zoning)

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

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

Living 3 Rural Residential densities located within an operative Outline Development Plan

- 4.9.42 Any building in the Living 3 Zone shall have:
- (i) A setback from any road boundary of not less than 20m, except that for areas located within an urban growth path identified in an adopted Township Structure Plan and where the subdivision layout and associated methods have been established to facilitate future intensification to urban densities, a minimum setback from any road boundary of not less than 7m shall apply.
 - (ii) A setback from any other boundary of not less than 15m.
- 4.9.42(a) Any building in the Living 3 Zone at East Rolleston (as shown on the Outline Development Plan in Appendix 46) shall be set back at least:
- 20 metres from any road boundary except that on corner lots a minimum setback of 15m applies to one road boundary;
 - 40 metres from any boundary with a state highway;
 - 15 metres from any other boundary

Restricted Discretionary Activities – Buildings and Building Position

4.9.43 Any activity which does not comply with Rule 4.9.1, 4.9.25 or 4.9.26 shall be a restricted discretionary activity.

4.9.44 Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of:

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

4.9.45 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.30 and 4.9.32 to 4.9.33 shall be a restricted discretionary activity.

4.9.46 Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of:

4.9.46.1 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

4.9.46.2 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

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

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

Type of Occupancy/Activity	Recommended Internal Design Sound Level (dBA Leq (24hr))
Dwelling/Family Flat/Accessory buildings – bedroom Within Bedrooms	35

All other habitable spaces	40
Noise Sensitive Activities	35

- 4.9.47 Any activity which does not comply with 4.9.34 shall be a restricted discretionary activity.
- 4.9.48 Under Rule 4.9.47 the Council shall restrict the use of its discretion to consideration of any reverse sensitivity issues at the eastern zone boundary with the Business 2B Zone.
- 4.9.49 Any activity which does not comply with 4.9.40 or 4.9.41 shall be a restricted discretionary activity.
- 4.9.50 Under rule 4.9.49 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

- 4.9.51 Any activity which does not comply with Rule 4.9.3 and Rule 4.9.35 to 4.9.39 and Rule 4.9.42 and Rule 4.9.42(a) shall be a discretionary activity.

Non-Complying Activities – Buildings and Building Position

- 4.9.52 Any dwelling which does not comply with Rule 4.9.30 shall be a non-complying activity.
- 4.9.53 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 39 and 40.

4.10 RELOCATED BUILDINGS

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

Permitted Activities – Relocated Buildings

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

building is removed from the site within the lesser of a 12 month period or when the construction work ceases.

- 4.10.1.5 The building is being relocated within or between schools.

Controlled Activities — Relocated Buildings

- 4.10.2 Any activity which does not comply with Rule 4.10.1 shall be a controlled activity which shall not be notified and shall not require the written approval of affected parties. The matters the Council has reserved control over are:

- 4.10.2.1 The time period within which the building is to have its new foundations established and covered; and
- 4.10.2.2 The time period within which any repair work to the exterior of the building is to be repaired; and
- 4.10.2.3 The standard to which the exterior of the building is to be finished; and
- 4.10.2.4 Whether any bond is required to cover the cost of reinstatement works in relation to matters listed under Rules 4.10.2.1 to 4.10.2.3, and the type of bond.

4.11 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN PREBBLETON

Discretionary Activities — Comprehensive Residential Development in Prebbleton

- 4.11.1 In the Living 1A5 Zone in Prebbleton, comprehensive residential development shall be a discretionary activity where Council shall take into account, but not be limited to, the following:
- 4.11.1.1 Effects associated with the width, location, form and layout of accesses and roads on the amenity of the area;
- 4.11.1.2 Effects of vehicle parking and garaging on the amenity of the area or the enjoyment of neighbouring properties;
- 4.11.1.3 The ability to provide adequate vehicle parking and manoeuvring on the site;
- 4.11.1.4 Impacts on the road network in traffic generation and traffic safety;
- 4.11.1.5 The extent to which levels of traffic generation or pedestrian activity will result that are incompatible with the character of the surrounding living environment;
- 4.11.1.6 Effects on the sense and spaciousness of the immediate area and wider neighbourhood;
- 4.11.1.7 The extent to which the scale, form, modulation, design, colours and materials of buildings will be compatible with other buildings in the surrounding area and will not result in visual dominance or incongruency;

- 4.11.1.8 The extent to which site layout and buildings have been designed to avoid adverse effects on the privacy, outlook, access to sunlight and daylight and other amenity values of neighbouring properties;
- 4.11.1.9 The amount of variety in design and size of dwellings on the site, in order to provide a choice of living accommodation;
- 4.11.1.10 Whether the dwellings are clustered in larger or smaller groups and the extent to which the grouping or spacing of dwelling units on the site leads to an attractive and varied development rather than a monotonous one;
- 4.11.1.11 The need for a 'step in plan' to be provided at 20 metre intervals along a continuous building wall in order to mitigate adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property;
- 4.11.1.12 The attractiveness of the street frontages of the site;
- 4.11.1.13 The extent to which mature vegetation is retained and the character of the site remains dominated by tree and garden plantings;
- 4.11.1.14 Privacy between habitable rooms of neighbouring dwellings;
- 4.11.1.15 The quality of landscaping and its effectiveness in mitigating adverse effects;
- 4.11.1.16 Impacts on the sense of spaciousness of the immediate area and wider neighbourhood;
- 4.11.1.17 The extent to which outdoor living space remains open and not contained or partitioned by fencing;
- 4.11.1.18 Whether the amount of outdoor living space is accessible to, and adequate for, the occupants of all dwellings and whether it will receive direct sunlight on the shortest day of the year.

4.12 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN MEDIUM DENSITY AREAS COVERED BY AN OUTLINE DEVELOPMENT PLAN

Restricted Discretionary Activities — Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan

- 4.12.1 Within any comprehensive residential development shall be a restricted discretionary activity where there is at least one gap of a minimum of 6m between units for every 8 road-fronting residential units.

Please refer to the Medium Density guide for examples of the use of this gap and the design of short terraces

4.12.2 Any comprehensive residential development which comply with rule 4.12.1 shall not be notified and shall not require the written approval of affected parties. Under Rule 4.12.2 the Council shall restrict the exercise of its discretion to consideration of:

4.12.2.1 Context and Spaciousness

The extent to which medium density development responds to the existing context through:

- (a) Providing compatibility in scale between the new development and any neighbouring buildings;
- (b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;
- (c) Providing dwellings which relate to each other and surroundings in terms of regularity of features such as window height and detailing and a consistency in roof slope and form.
- (d) Provide visual breaks by varying the alignment of dwellings and variation in dwelling type and form. In general the same design should not be used for more than 6 adjacent dwellings where they are an attached terrace, or more than 4 dwellings where they are detached or semi-detached townhouses.
- (e) Avoid long terraces or rows of dwellings in order to provide both visual separation and to facilitate if appropriate mid-block pedestrian access and/or vehicle access to rear service lanes.

4.12.2.2 Attractive street scene, Public Interface and External Appearance

The extent to which the street scene, public interface and external appearance of buildings in medium density developments:

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

4.12.2.3 Dwelling design, position and orientation

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

- (a) Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;
- (b) Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;
- (c) Positions dwellings to capitalise on any views or natural features;
- (d) Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged;
- (e) Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection;
- (f) Provides attractive and efficient shared parking where required.
- (g) Windows of Living rooms and kitchens should be set back a minimum of 2m from internal boundaries.

4.12.2.4 Visual and acoustic privacy

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

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

4.12.2.5 Private outdoor living spaces

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

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

4.12.2.6 Safety and security

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

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

4.12.2.7 Accessibility and connectivity

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

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

Discretionary Activities — Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan

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

4.13 BUILDINGS AND STREETSCENE

Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix E45) or a Living Z zone

4.13.1 That any fence between the front façade of the dwelling and the street boundary or Private Right of Way or shared access over which an allotment has legal access which is parallel or generally parallel to that boundary shall be a maximum height of 1m. For allotments with frontage to more than one road, any fencing on the secondary road boundary is to be no higher than 1.8m.

4.13.2 Any other fence shall be a maximum height of 1m if it is located within 3m of the street boundary or Private right of Way or shared access over which allotment has legal access.

Restricted Discretionary Activities - Buildings and Streetscene

4.13.3 Any activity which does not comply with Rule 4.13.1 shall be a restricted discretionary activity.

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

4.13.4.1 The degree to which an open streetscene is maintained and views between the dwelling and the public space, private Right of Way or shared access are retained.

4.13.4.2 The extent to which the visual appearance of the site from the street, or private Right of Way or shared access over which the lot has legal use of any part, is dominated by garden planting and the dwelling, rather than front fencing.

4.13.4.3 The extent to which the proposed fence is constructed out of the same materials as the dwelling and incorporates steps in plan, landscaping, and see-through materials such as railings or trellis.

4.14 BUILDINGS AND PRIVATE OUTDOOR LIVING SPACE

Permitted Activities — Buildings and Private Outdoor Living Space

Living Z Medium Density areas located within an Outline Development Plan

- 4.14.1 (a) In Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m² and a minimum dimension of 4m.
- (b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.
- (c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary.

Restricted Discretionary Activities – Buildings and Private Outdoor Living Space

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

4.15 SETBACKS FROM WATERBODIES

Permitted Activities – Setbacks from Waterbodies

- 4.15.1 The siting of any dwelling or principal building or any other structure shall be a permitted activity if it is setback not less than either:
- 4.15.1.1 20m from the edge of any waterbody listed in Appendix 12; or
- 4.15.1.2 10m from the edge of any other waterbody (excluding aquifers).

Discretionary Activities – Setbacks from Waterbodies

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

Notes

1. Rule 4.15 does not apply to walkway facilities; utility structures attached to existing buildings or structures; or signs which are permitted activities under Rule 7.
2. The edge of any waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks”.
3. Rule 4.15 shall not apply on any allotment adjoining an esplanade reserve or strip along a waterbody where the reserve or strip has previously been vested in the Council.

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

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

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

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

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

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

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

4.17 FENCES ADJOINING RESERVES

Permitted Activities – Fences Adjoining Reserves

- 4.17.1 All development located within the Living Z zone or the High Street, Southbridge Outline Development Plan area (Appendix E45) that shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).

Restricted Discretionary Activities – Fences Adjoining Reserves

- 4.17.2 Any activity which does not comply with Rule 4.17.1 shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the following:
- 4.17.2.1 The extent to which the proposed fencing promotes passive surveillance to reduce the fear and incidence of crime;
 - 4.17.2.2 The extent to which the fencing design and materials complement the open space amenity of the reserve;
 - 4.17.2.3 The extent to which the orientation of the section and aspect of the outdoor living areas within the section is able to reduce the effects of the non-complying fence on the open space amenity of the adjoining reserve; and

- 4.17.2.4 The need to avoid adverse cumulative effects arising from the number of non-complying fences being established along a reserve boundary and the extent to which the incremental reduction of the open space amenity of the reserve is mitigated through appropriate fencing design and construction materials and the layout of future dwellings and yard space.

4.18 BUILDINGS AND URBAN DESIGN

Notes:

1. The Council has developed a Commercial Design Guide addressing the design of new developments. However, resource consents are only assessed against the matters of control listed in these rules.
2. Rule 4.18.1 does not apply to a Utility.

Controlled Activities – Buildings and Urban Design

- 4.18.1 In Key Activity Centre Precinct 5, as identified in Appendices 29A or 29B, the following activities shall be a controlled activity.
- 4.18.1.1 Any development comprising:
- (i) one or more new buildings; and/or
 - (ii) building additions for commercial purposes; and/or
 - (iii) conversion of all or part of an existing dwelling for commercial use.
- 4.18.2 Under Rule 4.18.1, the Council shall reserve its control to the following matters:
- 4.18.2.1 The extent to which the development;
- (a) contributes to visual variety, including in relation to the architectural modulation and detailing proposed, and
 - (b) visually integrates or disguises roof mounted servicing equipment.
- 4.18.2.2 The extent to which the design and layout of the site provides for and addresses attractive pedestrian areas, either public streets or spaces with an equivalent amenity to public streets, where practicable.
- 4.18.2.3 For new buildings, identified in Appendix 29C(i) and Appendix 29C(ii) as requiring an active frontage and building line, the extent to which the development maintains and/or provides continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes.
- 4.18.2.4 For building additions between an existing building and a street identified in Appendix 29C(i) and Appendix 29C(ii) as requiring an active frontage and building line, the extent to which the development maintains and/or provides continuous building lines, active frontage and verandahs along street boundaries and main pedestrian routes.

- 4.18.2.5 The extent to which any proposed car parking areas are enhanced and/or screened from the street by landscaping.
 - 4.18.2.6 The extent to which the design and location of landscaping will contribute to a high quality pedestrian experience by mitigating any adverse visual effects of development and defining the edges of streets and other space accessible to the public.
 - 4.18.2.7 The extent to which the design and location of landscaping and fencing will mitigate any adverse visual and amenity effects of development to adjoining sites containing residential activities.
 - 4.18.2.8 Whether the site layout and location of storage and waste areas minimises the potential for disturbance and a loss of amenity for residential neighbours.
 - 4.18.2.9 The degree to which the reflectivity proposed for the exterior of buildings, including roofs, will contribute to pleasant and attractive streets and public areas.
- 4.18.3 Any application arising from Rule 4.18.1 will not require the written approval of other persons and shall be non-notified.

Reasons for Rules

Natural Hazards

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

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

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

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

Landscaping

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

Water Supply

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

Sewage Treatment and Disposal

The townships listed in Rule 4.5.1 either have a reticulated sewerage treatment and disposal system, or need such a system to avoid adverse effects on groundwater.

A reticulated sewerage scheme for West Melton Township to cater for the anticipated township growth is now available. It was considered that this was necessary given the position of Environment Canterbury in relation to the rezoning of land at West Melton for residential development.

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

Building Density

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

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

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

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

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

Site Coverage

Rule 4.7 is designed to maintain 'spaciousness' in the Living zones of Selwyn District. It does this by controlling the ratio of land to building rules. The rule does not affect the size of an allotment (only the extent of the lot that can be covered in buildings), therefore a variety of allotment sizes may be provided for. An exemption has been made for Dunsandel Primary School from the maximum building floor space requirement of the Living 2 Zone to bring it into line with other schools which are subject to a percentage of site covered, rather than a maximum floor area figure.

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

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

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

Building Height

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

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

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

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

Building Position

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

In the Living Z Medium Density areas included within an Outline Development Plan, buildings are required to be set back a minimum of 3m from the road boundary, or shared Rights of Way and shared accessways by which the site is accessed. The road boundary setback is smaller than that required for sites in the lower density Living zones in recognition of the higher density character anticipated in the Medium Density areas and the need to enable smaller sites to be used in an efficient manner. Some setback is however still necessary to provide the opportunity for some landscaping and tree planting along the road frontage, Rights of Way, and shared accessways and will help to maintain an open and pleasant street scene and to provide adequate levels of amenity and the opportunity for landscaping along shared driveways. The need for buildings to be set back from private Rights of Way and shared accessways is in recognition that these areas function as private lanes and as such there is a need to maintain adequate levels of amenity along such areas and to ensure that they are not overly dominated by buildings and blank high boundary fencing.

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

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

dwelling to be designed on relatively small sites, the recession plane requirements start at 4m rather than 2.5m, with a standard 45 degree angle required from all boundaries. This will encourage buildings to be oriented towards the street and rear garden, rather than towards side boundaries.

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

Controls on side and front yard spaces apply to sites in the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39· 40 or 46 in order to retain views between residences and to assist in retaining elements of rural character and provide visual integration and visual attractiveness.

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

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

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

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

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

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

The requirement in the Living 3 Zone, Trents Road, Prebbleton, for a larger building setback from Shands Road and a noise attenuation structure near the Shands Road boundary and 25m along the adjoining side boundaries, has the purpose of reducing adverse noise impacts of Shands Road traffic on residents and any consequential reverse sensitivity effects.

In the Living 3 Zone in Lincoln shown on ODP Area 7 in Appendix 37, a building setback from the acoustic and landscape area adjoining the Business 2B zone on the site's eastern boundary will assist to manage reverse sensitivity effects with this zone and maintain open space and semi-rural character.

Relocated Buildings

Generally, the district plan does not control the design and standard of buildings, except for in the alpine villages at Arthur's Pass and Castle Hill (refer to Part B, Section 1.4). Buildings which are relocated as a whole, or in parts, on to a site have to be set on a building pad or foundations and often require restoration work to repair minor damage. If relocated buildings are left sitting on blocks or unrepaired for long periods of time, they can detract from the amenity values of Living zones.

Rule 4.10 identifies minor activities involving relocated buildings for which resource consent is not required. Also set out are the matters the Council will consider for relocated buildings of a large scale or of a permanent nature. The matters include the nature of reinstatement works, the time needed to complete them, and the mechanism to give Council the surety they will be completed.

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

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

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

Within comprehensive residential developments in Medium Density areas covered by an Outline Development Plan, the Plan enables higher density forms of development to occur. Due to their higher density, such developments need to be planned in a comprehensive manner to ensure that adequate levels of urban design and amenity are achieved. The Plan therefore requires resource consent as a restricted discretionary activity with the Council's discretion limited to the urban design, appearance, and amenity of the development. This provision has been inserted to ensure that the widespread community concerns that have been voiced in other Districts regarding poor quality high density developments are able to be avoided in Selwyn, whilst still enabling the provision of a wide range of housing choice for residents. This provision includes an extensive set of assessment matters to ensure that higher density development provides a good level of amenity for residents, neighbours and views from public places including streets.

Buildings and Streetscene

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

Another key element in maintaining a pleasant and attractive streetscene is to ensure that developments are not visually dominated by garaging when viewed from the road, private Rights of Way, or shared accessways. The rule therefore limits the width of garages to no more than 50%

of the front façade of the dwelling to ensure that front facades contain visual interest, and the opportunities for glazing and passive surveillance. In medium density areas this provision works in tandem with the requirement that garages not project forward of the front building façade to further minimise the visual impact of garaging.

Buildings and Private Outdoor Living Space

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

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

Setbacks from Waterbodies

Locating structures close to waterbodies (excluding aquifers) may:

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

Rule 4.15 sets the distances for structures from waterbodies (excluding aquifers) as a permitted activity. The distance varies with the type of waterbody, its flood potential and its ecological and recreational values. Structures may be able to locate closer to the waterbody with a resource consent. However, the closer siting (less than 20 metres) of dwellings and principal buildings is generally recognised as inappropriate.

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

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

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

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

12 LIVING ZONE RULES — SUBDIVISION

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading “Matters over which the Council has restricted the exercise of its discretion”.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under Sections 104, 104B and 104D of the Act.
4. Rule 12 applies to the subdivision of land, within the meaning of Section 218 of the Act.
5. The design of any road, vehicle accessway, right of way or vehicle crossing must comply with Rule 5: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 2: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 4: Buildings or Rule 6: Utilities.
8. Attention is drawn to the provisions of any other relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those roles, then application for consent will also need to be made in respect to those rules.
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 New Zealand Transport Agency. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
11. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.
12. The Selwyn District Council “Design Guide for Residential Subdivisions in the Urban Living Zones” and “Engineering Code of Practice” should be consulted when preparing subdivision applications.
13. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Sites. In addition, any Earthworks affecting any of these sites may require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
14. Earthworks affecting any archaeological site, including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require the consent of the New Zealand Historic Places Trust Pouhere Taonga.
15. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.

12.1 SUBDIVISION — GENERAL

Restricted Discretionary Activities — Subdivision – General

12.1.1 A subdivision of land, which is not a subdivision under Rules 12.2 or 12.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 12.1.3.

12.1.2 Any subdivision subject to Rule 12.1.1, and which complies with 12.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in Rule 12.1.4 following Table C12.1.

12.1.3 Standards and Terms

Access

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

Corner Splays

12.1.3.2 The corner of any allotment at any road intersection shall be splayed with a rounded minimum radius of 3 metres.

Water

12.1.3.3 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, West Melton or is within a Living 3 Zone is supplied with reticulated water; and

Effluent Disposal

12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone is supplied with reticulated effluent treatment and disposal facilities; and

Solid Waste Disposal

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

Size and Shape

12.1.3.6 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and

12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1; and

Coalgate

- 12.1.3.8 In the Living zones at Coalgate, no allotment has vehicular access directly on to Homebush Road.

Darfield

- 12.1.3.9 No subdivision of land in any of the areas labelled “Areas 1, 2, 4 and 5” as shown in Appendix 25, shall take place until:
- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
 - (b) An Outline Development Plan addressing those matters identified in the explanation and reasons to Policy B4.3.22, Darfield Specific Policies has been incorporated into the District Plan for the area as identified in Appendix 25 within which the subdivision is proposed.
- 12.1.3.10 Where a potable water supply is available which is capable of serving the lots within the subdivision, and there is an Outline Development Plan which has been incorporated into the District Plan for the area identified in Appendix 25 within which the subdivision is proposed, the subdivision complies with the layout and contents of the Outline Development Plan for that area.
- 12.1.3.11 The subdivision of land shown in Appendix 27 (east of Clintons Road) is in accordance with the plan shown in that Appendix.
- 12.1.3.12 Subdivision of land to which Appendix 41 Darfield Outline Development Plan applies shall be in general accordance with the layout (and other details) shown for that area.
- 12.1.3.13 For the subdivision of Living 1 and Living 2A zoned land shown in Appendix 41 Darfield Outline Development Plan, any subdivision plans submitted to the Council shall be accompanied by a landscape plan and planting plan detailing plantings to be undertaken and reserve areas to be established. Landscaping and planting of reserve areas shall be established generally in accordance with the Landscape Concept Plans in Appendix 41.
- 12.1.3.14 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 2.2m high acoustic fence shall be constructed along the southern boundary of 1 – 15 Cardale Street, with a 3m wide landscaping strip immediately to the south of the fence (to visually screen the acoustic fence). A cul-de-sac shall run adjacent to the landscaping strip.
- 12.1.3.15 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 3m high acoustic fence along the eastern boundary of Darfield Collision Repair and Lovelady Racing Ltd with a 3m wide landscaping strip immediately to the east of the fence (to visually screen the acoustic fence).
- 12.1.3.16 Any subdivision of land within the area shown in Appendix 47 - Living 2A Darfield – Bangor Road Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.

Dunsandel

12.1.3.17 In the deferred Living Zone (Area A) at Dunsandel, no subdivision of land shall take place until:

- (a) An acceptable effluent disposal system has been identified and/or established; and
- (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
- (c) A potable water supply is available which is capable of serving the potential lots within the subdivision; and
- (d) Investigations are undertaken into any reverse sensitivity issues with the adjoining Business 2 Zone; and
- (e) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Business 2 Zone should any reverse sensitivity issues be identified as a result of (d) above, and indicative road layout and pedestrian access between the Living 2 Zone and the domain.

12.1.3.18 In the deferred Living Zone (Area B) at Dunsandel, no subdivision of land shall take place until:

- (a) An acceptable effluent disposal system has been identified and/or established; and
- (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
- (c) The impact of the subdivision on the intersection of the Browns Road extension with State Highway 1 has been assessed and considered to be acceptable; and
- (d) A potable water supply is available which is capable of serving the potential lots within the subdivision; and
- (e) Investigations are undertaken into any reverse sensitivity issues with the adjoining Rural zone; and
- (f) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Rural zone should any reverse sensitivity issues be identified as a result of (e) above and an indicative road and pedestrian access layout.

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

Kirwee

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

Lincoln

- 12.1.3.21 In relation to the Living 1A Zone at Lincoln:

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

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

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

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

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

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

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

- 12.1.3.27 The subdivision of the Living 1 Zone at Lincoln, as shown in Appendix 35 shall demonstrate the ability to achieve a minimum density of 10.5 lots/households per hectare over the whole of the Outline Development Plan area as shown in that appendix. Any subdivision not able to achieve that density shall be a non-complying activity.
- 12.1.3.28 In that part of the Living Z Zone located in Lincoln as depicted within the Outline Development Plan for ODP Area 5, Appendix 37, no subdivision shall occur within 50m of the Landscape Buffer located at the northern end of the Business 2B zone until appropriate noise attenuation measures, as determined by a suitably qualified acoustic expert and designed to achieve the noise standards contained in Rule 22.4.1.6, have been constructed.

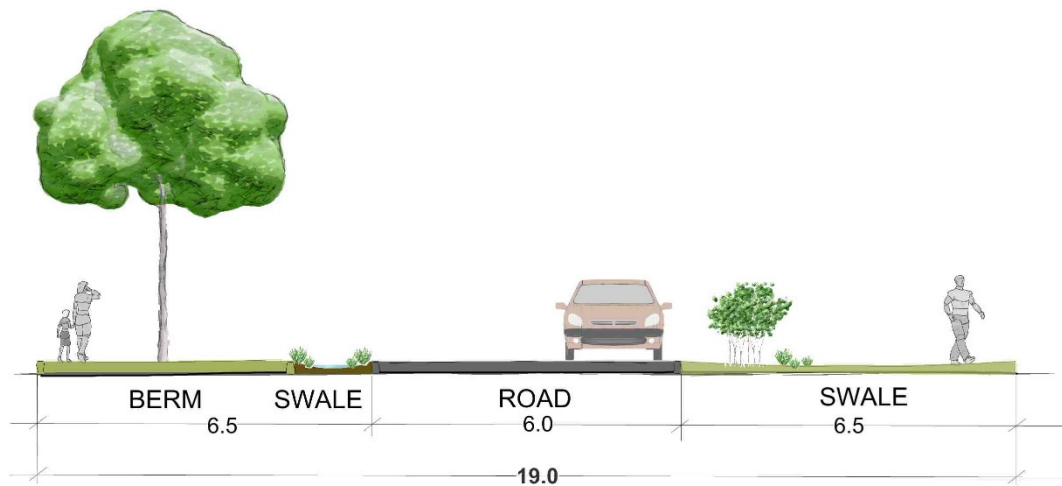
Prebbleton

- 12.1.3.29 In the Living 1A, 1A1, 1A2, 1A3, 1A6, LX, 2A and 3 zones in Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and
- 12.1.3.30 In the Living 1A3, 1A4 and 2A zones at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:
- (a) A road or indicative road identified on an Outline Development Plan in Appendix 19; or
 - (b) Any allotments(s) that are wholly contained within the Banham & Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road; and
- 12.1.3.31 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.
- 12.1.3.32 In the Living 1A6 Zone, any subdivision plan submitted to the Council shall be accompanied by a landscape plan detailing plantings to be undertaken:
- a) Along the common boundary with the Kingcraft Drive Existing Development Area, in accordance with the ODP contained in Appendix 19. At least 65% of the species identified on the landscape plan shall be from the list of species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres. Native shrubs shall provide under planting to this tree row and shall be spaced at no more than 3m centres and that this area is to be fenced along all boundaries. The native shrubs shall form a continuous screening and obtain a mature height of approximately 2.5-3m.

- b) Along the common boundary with Lot 1 DP 46168 (Meadow Mushrooms), in accordance with the ODP, contained in Appendix 19. At least 65% of the species from the landscape plan shall be from the list of deciduous tree species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
 - c) Within any reserve adjacent to a residential allotment, in accordance with the ODP, in Appendix 19. At least 65% of the species from the required plan shall be from the list of species identified in appendix 19 the deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
 - d) And any subdivision of land within the area shown in Appendix 19 shall be in accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive covenant in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council requiring:
 - (i) The ongoing maintenance and retention of the landscape mitigation in accordance with the approved landscape plan; and
 - (ii) The restriction of buildings within the landscape buffer identified in the Appendix 19 ODP.
- 12.1.3.33 In the Living 1A6 Zone, any fencing proposed along the common boundary of the Kingcraft Drive Existing Development Area and fronting onto Blakes Road shall be limited to post and wire fencing.
- 12.1.3.34 In the Living 1A6 Zone, any fencing along a boundary adjoining a reserve or pedestrian accessway shall be limited to a height no greater than 1.2m.
- 12.1.3.35 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
- 12.1.3.36 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
- 12.1.3.37 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.
- 12.1.3.38 For the Living 2A Zone at Prebbleton, prior to the issue of any completion certificate under section 224 of the Act for subdivision of Certificate of Title CB41C/255 (comprising part of the land shown on the Outline Development Plan for the Shaw Block in Appendix 19) a restrictive covenant over the remaining Rural (Inner Plains) zoned land in the form

of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council, the Canterbury Regional Council and the Christchurch City Council to prevent subdivision of the remaining Rural (Inner Plains) zoned land below 4 hectares.

- 12.1.3.39 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.
- 12.1.3.40 Any subdivision of land within the Living 3 Zone (Hamptons Road) at Prebbleton is in general accordance with the density of allotments, subdivision layout and access layout of the Outline Development Plan shown in Appendix 19. ^(PC36)
- 12.1.3.41 Within the Living 3 Zone (Hamptons Road) at Prebbleton, all publicly accessible areas (including the access/local road, stormwater swales and public walkway reserve) are to provide plantings of native species. A landscaping plan is to be submitted with any subdivision consent application showing compliance with this rule. ^(PC36)
- 12.1.3.42 Any allotment created within the Living 3 Zone (Hamptons Road) at Prebbleton is supplied with reticulated effluent treatment and disposal facilities.
- 12.1.3.43 Within the Living 3 Zone (Hamptons Road) at Prebbleton, the right of way / local road shown on the Outline Development Plan in Appendix 19 shall be constructed in general accordance with Appendix 43. ^(PC36)
- 12.1.3.44 Any subdivision of land in the area shown in Appendix E45, at High Street Southbridge, shall be designed in general accordance with the Outline Development Plan Shown in Appendix E45
- 12.1.3.45 An acoustic bund and/or fence of 3m high shall be constructed at the time of subdivision in the reverse sensitivity buffer as shown in Appendix E45, at High Street, Southbridge.
- 12.1.3.46 The design of the acoustic bund and/or fence and other mitigation measures (if any) are to be supported by a report from an acoustic engineer confirming that the design will achieve its intended purpose (as set out in assessment matter 12.1.4.104).
- 12.1.3.47 Within the Living 3 Zone (Hamptons Road) at Prebbleton, the right of way/local road shown on the Outline Development Plan in Appendix 19 shall be constructed in general accordance with Figure C12.1.



* Lights at intersection only

Figure C12.1. Right of way / local road standards for the Hamptons Road ODP Area.

12.1.3.48 Any subdivision in the Living 3 Zone on Trents Road, Prebbleton shall be in general accordance with the Outline Development Plan, Trents Road, Prebbleton in Appendix 19.

Rolleston

12.1.3.49 Any subdivision of land within the area shown in Appendix 39 and 40 (Living 3 Zone at Rolleston) complies with:

- a) the Countryside Area layout of the Outline Development Plan at Appendix 39 and 40;
- b) the location of the Lower Density Area as shown on the Outline Development Plan at Appendix 39 and 40;
- c) the establishment of shelterbelt planting comprising three rows of Leyland Cypress along the common boundary with Lot 3 DP 20007 in accordance with the Outline Development Plan at Appendix 40;
- d) the roading layout of the Outline Development Plan at Appendix 39 and 40;
- e) where any conflict occurs with Rule E13.3.1 the cross sections in Appendix 39 and 40 shall take precedence; and
- f) full public access is maintained to internal roads so that the area shown on the Outline Development Plan in Appendix 39 and 40 does not become a gated community.

- 12.1.3.50 (a) In respect of the land identified at Appendix 39 (Holmes Block), no more than 97 rural residential allotments may be created;
- (b) In respect of the land identified at Appendix 40 (Skellerup Block), no more than 51 rural residential allotments may be created and no subdivision shall take place to densities less than what are provided for under the Rural (Outer Plains) Zone until:
- (i) a publicly owned sewerage reticulation system has been extended to the site.
- 12.1.3.51 Any subdivision application within the Living 3 Zone west of Dunns Crossing Road that includes any part of the Countryside Areas as identified on the Outline Development Plan included at Appendix 39 and 40 shall be accompanied by a Countryside Area Management Plan which addresses the following matters:
- (a) The ownership and management structure for the Countryside Area(s);
- (b) Mechanisms to ensure that the management plan applies to and binds future owners;
- (c) The objectives of the proposed rural use of the Countryside Area(s);
- (d) Identification of the rural activity or activities proposed for the Countryside Area(s), which meet the above objectives;
- (e) Measures to maintain and manage open space and/or rural character;
- (f) Measures to manage plant pests and risk of fire hazard;
- (g) Measures to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential allotments;
- (h) Measures to provide for public access within the Countryside Area(s) along Dunns Crossing Road; and
- (i) Whether there is sufficient irrigation water available to provide surety of crop within the Countryside Area(s).
- 12.1.52 Any subdivision of land within the area shown in Appendix 46 (Living 3 Zone at East Rolleston) complies with:
- (a) the establishment of discontinuous framework tree planting following some private lot boundaries and planting within the State Highway 1 Landscape Reserve , where the trees shall be comprised of the following species; existing species, or Tulip tree (*Liriodendron tulipifera*), Chinese poplar (*Populus yunnanensis*), Aspen poplar (*P. Tremula*), Plane tree (*Platanus orientalis*), Algerian oak (*Quercus canariensis*), Turkey oak (*Q. Cerris*), Pin oak (*Q. Palustris*), Sessile oak (*Q. Petraea*), Large-leaved lime (*Tilia plataphyllos*), Weeping silver lime (*T. Petiolaris*), Wych elm (*Ulmus glabra*) or similar species. A planting plan showing the detail of proposed framework planting shall be supplied and approved at

the time of subdivision and the planting shall be undertaken by the developer. Planting shall be maintained at all times. Any dead, damaged or diseased trees shall be removed and replaced. The purpose of the framework planting is to provide shelter and amenity for private lots; maintain and/or create rural character elements; reduce the overall apparent scale of the development; and provide screening of glare and vehicle movement from the proposed southern motorway extension to the east. The planting will not be continuous and will retain vistas through the planting to the surrounding rural landscape.

- (b) The roading layout of the Outline Development Plan at Appendix 46;
- (c) where any conflict occurs with Rule E13.3.1 the cross sections in Appendix 46 shall take precedence;
- (d) No more than 36 lots shall be created.

Springston

12.1.3.53 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

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

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

- (a) provide a bund for mitigation of traffic noise along the frontage of State Highway 73 to a height of not less than 2 m and a width of not less than 8.5 m, which shall be landscaped by retention of existing hedges or new planting of sufficient height to visually screen dwellings from the highway;
- (b) if it is within the area shown in Appendix 20, provide a pedestrian/cycle underpass beneath State Highway 73 between the Living 1 and Living 2 Zones, prior to titles being issued for more than 30 dwellings in the Living 2 Zone.

- (c) if it is within the area shown in Appendix 20A, be subject to an Accidental Discovery Protocol where in the event of any discovery of suspected cultural/archaeological remains (e.g. concentrations of shell, charcoal or charcoal-stained soil, fire-fractured stone, bottles, pieces of glass or ceramics, bones etc) during the undertaking of earthworks and/or the installation of services, the following protocol shall be followed by the consent holder, or his/her representative:
- Cease all earthworks immediately; and
 - Contact the local Runanga being Te Taumutu Runanga; and
 - Contact the Regional Archaeologist at the Christchurch office of the New Zealand Historic Places Trust (03 365 2897); and
 - Do not commence earthworks until approval in writing has been given by the Regional Archaeologist of the New Zealand Historic Places Trust, as required under the Historic Places Act 1993.

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

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

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

Outline Development Plans

12.1.3.58 Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

12.1.3.59 For Medium Density areas shown on an Outline Development Plan, subdivisions consented after 30th June 2014 shall be designed to provide rear service lane access to small lot medium density sites. Comprehensive development blocks are to be a minimum of 35m deep to enable the provision of a rear service lane as part of a future comprehensive development.

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 ²
Castle Hill	Living 1A	500m ² , and a minimum <u>allotment</u> size of 350m ²
Coalgate	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 2	1 ha
Darfield	Living 1	650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	Refer to Subdivision – General Rules. 5,000m ² if criteria met.
	Living 2A (Deferred)	Refer to Subdivision – General Rules. 1 ha if criteria met.
	Living 2A1	2 ha
	Living X (Deferred)	Refer to Subdivision – General Rules. What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m ²) if criteria met.
Doyleston	Living 1	650m ²
Dunsandel	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	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 ²
Hororata	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Kirwee	Living 1	800m ²
	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 ²
Leeston	Living 1	650m ²

Township	Zone	Average Allotment Size Not Less Than
	Living 1 (Deferred)	4 ha until deferral lifted, then 650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m ²
	Living 2A	5,000m ²
	Living XA	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (650m ²)
Lincoln	Living 1	650m ²
	Living 1A	850m ² Minimum of 31 lots for any subdivision plan
	Living 1A1	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A2	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A3	500m ²
	Living 1A4	1,500m ²
	Living 2	3,000m ²
	Living 3	As shown on ODP Area 8 in Appendix 37, where the maximum number of allotments shall be 110.
	Living X	2,000m ²

Township	Zone	Average Allotment Size Not Less Than
	Living Z	<p>Low Density: Average allotment size of 600m² and a minimum individual allotment size of 500m²</p> <p>Medium Density (Small-lot): Maximum average allotment size of 500m², with a minimum individual allotment size of 400m²</p> <p>Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.</p> <ul style="list-style-type: none"> – Comprehensive <i>Medium Density</i> residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs – Appendix 37; and – Within a comprehensive <i>Medium Density</i> residential development, a section 224 certificate shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided. <p>Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 37 of the township volume of the District Plan.</p>
Prebbleton	Living 1	800m ²
	Living 1A	<p>Area A: 1,250m²;</p> <p>Area b: 1,000m²</p> <p>Area C: 800m²</p> <p>In all cases development shall proceed in accordance with the ODP contained in Appendix 19 and shall achieve a minimum net density of 8 households/per hectare once the entire site has been developed.</p> <p>2,000m² shall apply to the balance of the zone.</p>
	Living 1A1	800m ²
	Living 1A2	800m ² and no more than 10 % at less than 700m ²
	Living 1A3	800m ² and no more than 10 % at less than 700m ²
	Living 1A4	800m ² and no more than 10 % at less than 700m ²
	Living 1A5	800m ² and no more than 10 % at less than 700m ² . For <u>comprehensive residential development</u> , the minimum average area shall be 350m ² .

Township	Zone	Average Allotment Size Not Less Than
	Living 1A6	<ul style="list-style-type: none"> – Area A: 1000m² minimum net allotment area; – Area B: 600m² minimum net allotment area and 900m² maximum net allotment area; – Area C: 550m² minimum average allotment area and 450m² minimum net allotment area; and – 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.
	Living 2	5,000m ²
	Living 2A	5,000m ² 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 ² Subdivision shall proceed in substantial accordance with the development plan in Appendix 19
	Living 2A (The Paddocks)	1.5 ha minimum allotment size
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m ²)
	Living 3 (Hamptons Road)	5,000m ² minimum average allotment size (calculated across all allotments in the ODP area) and 4,000 m ² minimum allotment size The number of allotments shall be in accordance with the maximums per sub area shown on the ODP (Appendix 19)
	Living 3 (Trents Road)	Between 5000m ² and 1ha

Township	Zone	Average Allotment Size Not Less Than
	Living Z	<p>Low Density: Average allotment size of 700m² with a minimum individual allotment size of 550m²</p> <p>Medium Density (Small-lot): Maximum average allotment size of 500m², with a minimum individual allotment size of 400m²</p> <p>Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.</p> <ul style="list-style-type: none"> – Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs – Appendix 42; and – Within a comprehensive Medium Density residential development, a section 224 certificate shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided. <p>Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 42 of the township volume of the District Plan.</p>
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Rolleston	Living 1	750m ²
	Living 1A	Minimum lot area of 300m ²
	Living 1B	1,200m ² with a minimum lot area 750m ²
	Living 1C	2,000m ² with a minimum lot area of 1,000m ²
	Living 2	5,000m ²
	Living 2A	1 ha

Township	Zone	Average Allotment Size Not Less Than
	Living 3 (Appendix 39 & 40)	<p>At least 20ha of the land within the area defined by the Outline Development Plan at Appendix 39 and 40 shall be developed as a Lower Density Area in the location shown on the Outline Development Plan with a minimum and an average allotment size of no less than 4ha.</p> <p>The balance of the land on the Outline Development Plans at Appendix 39 and 40 outside the above area shall be developed with an average allotment size of no less than 5000m² with a minimum allotment size of 4000m².</p> <p>The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 39 shall be 97.</p> <p>The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 40 shall be 51.</p>
	Living 3 (Appendix 46)	<p>The land contained within the Outline Development Plan at Appendix 46 shall be developed with an average allotment size of no less than 4700m² with a minimum allotment size of 2500m²</p> <p>The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 46 shall be 36</p>
	Living Z	<p>Low Density: Average allotment size of 650m² with a minimum individual allotment size of 550m²</p> <p>Medium Density (Small-lot): Maximum average allotment size of 500m², with a minimum individual allotment size of 400m²</p> <p>Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.</p> <ul style="list-style-type: none"> – Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs – Appendix 38; and – Within a comprehensive Medium Density residential development, a section 224 certificate shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided. <p>Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 38 of the township volume of the District Plan.</p>
Sheffield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 1A	The size needed for on-site effluent disposal but not less than 800m ²

Township	Zone	Average Allotment Size Not Less Than
Southbridge	Living 1	650m ²
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Springston	Living 1	800m ²
	Living 1A	800m ²
Tai Tapu	Living 1A	800m ²
	Living 2A	5,000m ²
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 1	1,000m ²
	Living 1B	2,800m ²
	Living 2	5,000m ²
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
	Living WM Medium Density	Minimum lot area of 500m ² and maximum lot area of 3000m ² (Appendix 20A)
	Living WM Low Density	Minimum lot area of 3000m ² and maximum lot area of 5000m ² (Appendix 20A)
	So that a total of 292 allotments must be achieved across the whole Living WM Zone	
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m ²
All <u>Townships</u>	Heritage Buildings listed in Appendix 3	The <u>building</u> , curtilage and any other area needed to: <ul style="list-style-type: none"> - mitigate adverse effects; or - maintain the heritage values of the site
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area
All Living Zones	Calculating <u>Allotment</u> Sizes The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u> , reserves or to house <u>utility structures</u> , or which are subject to a designation. Any <u>allotment</u> which is twice or more the size of the average <u>allotment</u> required in the zone, shall be calculated as being: 2 x average <u>allotment</u> size for that zone – 10 m ² ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.	

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

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

Access

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

- (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.

12.1.4.2(a) If access by a private accessway is proposed, whether the land the accessway serves has capacity for any intensification of density under District Plan averages for the zone and, if so, whether provision of a formed and vested legal road instead of a private accessway is appropriate.

12.1.4.2(b) For Medium Density areas shown on an Outline Development Plan the ability to provide vehicle access to lots via a rear service lane to provide increased flexibility for future residential unit design and to minimise the visual impact for garaging on the street scene.

12.1.4.2(c) For medium density areas, whether these areas are small pockets where the provision of a rear service lane is not practical or will result in significant design constraints on the layout of the balance area.

Water

12.1.4.3 The provision of water for firefighting; and

12.1.4.4 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

- 12.1.4.5 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

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

Telephone and Power

- 12.1.4.7 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

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

On-Site Effluent Disposal

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

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

Geotechnical Assessment

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

Roads, Reserves and Walkways/Cycleways

- 12.1.4.14 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 12.1.4.15 The design and layout of any new road shall ensure the desired design speed is achieved with to respect to the classification of road (including the subsets of local roads) and surrounding environment.
- 12.1.4.16 The avoidance of areas which could create unsafe situations e.g. dark corridors, a lack of natural surveillance or clear sightlines across pedestrian and cyclist routes, or where a safe and secure environment may be compromised; and
- 12.1.4.17 Whether the design and layout of roading, footpath patterns, and layout of allotments complements the natural characteristics of the site and the design and layout of any adjoining urban areas; and
- 12.1.4.18 The length of cul-de-sacs and whether a pedestrian connection is appropriate from the end of the cul-de-sac through to another road; and
- 12.1.4.19 The access to cul-de-sacs being from a through road rather than another cul-de-sac; and
- 12.1.4.20 The balance of benefits of enclosing a subdivision i.e. gated subdivisions against potential longer term issues for residents, such as maintenance costs of facilities, and costs to the wider community including lack of connectivity or viability of public transport; and
- 12.1.4.21 The provision, location, co-ordination, layout and formation of any land required for reserves, which is to comply with the 'Criteria for Taking Land Instead of Cash' clause of the 'Reserves Specific Issues regarding Development Contributions Assessment' in the Development Contribution Policy; and
- 12.1.4.22 The provision of footpaths, lighting and street furniture; and

- 12.1.4.23 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways; and
- 12.1.4.24 Whether roads and reserves have a coherent and logical layout to facilitate connectivity, legibility and permeability e.g. desire lines are provided to cater for cyclists and pedestrian users.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rules 12.1.4.14 to 12.1.4.24.

Point Strips

- 12.1.4.25 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the point strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Note: Point Strips may also be required to prevent access to any road. See. Rule 12.3.2.8.

Special Sites

- 12.1.4.26 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).
- 12.1.4.27 If the land to be subdivided contains any ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

Size and Shape

- 12.1.4.28 The size and shape of allotments in accordance with Rules 12.1.3.5 and 12.1.3.6; and
- 12.1.4.29 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3; and.
- 12.1.4.30 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
- 12.1.4.31 If any allotment is to be created which is too small to enable a dwelling to be erected on it as a permitted activity under the district plan rules.
- 12.1.4.32 The mechanism(s) used to alert any prospective buyer(s) of the allotment.
- 12.1.4.33 Whether residential blocks achieve an average perimeter of 800m and maximum perimeter of 1000m, unless precluded by an existing pattern of development. NOTE: Section 4.6 of the “Design Guide for Residential Subdivision in the Urban Living Zones” can be referred to for other examples of how residential blocks can be measured.

Note: The consent authority shall consider a dwelling as being a minimum of 150m² in gross floor area (except in the Medium Density areas located within an Outline Development Plan where the minimum gross floor area shall be 80m²), when using its discretion under Rules 12.1.4.28 to 12.1.4.33 for compliance with District Plan rules.

Residential Allotments

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

Context

- 12.1.4.38 The extent to which the subdivision relates well to its surroundings, cultural features, and makes use of existing features and amenities, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area; and

- 12.1.4.39 The convenience to community infrastructure such as schools, shops, sports fields and medical facilities; and
- 12.1.4.40 The location of water races in prominent locations such as along the front of lots rather than along rear boundaries.
- 12.1.4.41 The retention of existing mature trees within public spaces, but also within residential areas where it is practical to do so e.g. the tree species does not have a tendency to drop debris and sufficient space can be practically retained around the tree to prevent it dying.
- 12.1.4.42 The retention of shelter belts where they serve to maintain rural character but do not cause excessive shading or maintenance issues on residential properties.
- 12.1.4.43 The extent to which stormwater treatment contributes to an attractive public realm or provides ecological value.

Utilities and Facilities

- 12.1.4.44 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
- 12.1.4.45 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 Code of Practice where appropriate, in using its discretion under Rule 12.1.4.45.

Construction of any Works

- 12.1.4.46 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

- 12.1.4.47 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

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

High Voltage Transmission Lines

- 12.1.4.49 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

- 12.1.4.50 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 12.1.4.51 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

- 12.1.4.52 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
- 12.1.4.53 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.54 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
- 12.1.4.55 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.53, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.56 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
- 12.1.4.57 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.
- 12.1.4.58 In the Living 1A6 Zone in Prebbleton, the extent to which the extension of Cairnbrae Drive is compatible with the existing road network in terms of carriageway width, footpaths, lighting, street furniture and landscaping.
- 12.1.4.59 In the Living 1A6 Zone in Prebbleton, the extent to which the subdivision layout and design provides for a natural surveillance for the purpose of minimising the potential for criminal behaviour to occur.
- 12.1.4.60 In the Living 1A6 Zone in Prebbleton, any measures to reduce reverse sensitivity on established adjoining land uses.
- 12.1.4.61 In the Living 1A6 Zone in Prebbleton, any measures introduced to ensure subdivisions are able to factor in water demand managements and other household sustainability ideas.

- 12.1.4.62 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 Code of Practice where appropriate, in using its discretion under Rule 12.1.4.62.

Rolleston

- 12.1.4.63 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;
- 12.1.4.64 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;
- 12.1.4.65 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;
- 12.1.4.66 The need to provide for pedestrian and cycle movement within the road reserve;
- 12.1.4.67 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;
- 12.1.4.68 The need for local reserves;
- 12.1.4.69 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.70 The design guidelines contained in Appendix 23;
- 12.1.4.71 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.
- 12.1.4.72 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.
- 12.1.4.73 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.

- 12.1.4.74 Except as provided by rule 12.1.4.75, for allotments within or adjacent to the Lowes Road Outline Development Plan area, that the proposed layout is in general accordance with the Outline Development Plan map in Appendix 34.
- a) In assessing whether the layout is in general accordance with the structure plan map the following will be considered:
 - b) that the ability for Council to obtain the indicated linkages is not compromised.
 - c) that the ability for Council to obtain the indicated reserves is not compromised.
 - d) that the layout will result in a logical pattern of development for the area as a whole.
 - e) That the ability of adjoining landowners to develop their land whilst providing for the indicated reserves and linkages is not unduly compromised.
 - f) That the proposal will result in public space of equal or better quality than the Outline Development Plan
 - g) That the proposal will not involve excessive additional costs for Council in the construction of roads or paths funded by development contributions.
- 12.1.4.75 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 4000m² and the layout plan demonstrates that the connections can be provided in a logical fashion by future re-subdivision. This exception shall not apply to the connection to the adjacent school site (along the southern boundary of 35 Fairhurst Place) and shall not apply to any subsequent re-subdivision of the lots created.
- 12.1.4.76 In relation to the Living 3 Zone (Holmes and Skellerup) at Rolleston as shown in Appendix 39 and 40:
- a) Whether the pattern of development and subdivision is consistent with the Outline Development Plan in Appendix 39 and 40;
 - b) Whether local roading, and trees and planting on roads and lots, are proposed in general accordance with the Outline Development Plan, road cross section(s) and associated planting schedules and requirements shown in Appendix 39 and 40;
 - c) Whether the roading and lot pattern follow a rectilinear pattern with orientations generally established by the surrounding road network, consistent with the typical subdivision patterns of the Rolleston rural area;
 - d) Whether the roading pattern and proposed hard and soft landscape treatments in the road reserve will create a rural character to the development and distinguish it from conventional suburban development;

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

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

- a) The adequacy of the management plan to achieve open space and/or rural character across the Countryside Area(s) in a manner that is compatible with the surrounding rural residential environment;
- b) The adequacy of proposed mechanisms to maintain and manage the Countryside Area(s) long term in a consistent manner;
- c) Whether rural landscape, visual and amenity value characteristics of the Countryside Area(s) are able to be maintained;
- d) The extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Area(s);
- e) The extent to which adverse effects of plant pests and fire hazard risks will be avoided or remedied; and
- f) The suitability of proposed access within the Countryside Area(s) along Dunns Crossing Road.

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

12.1.4.78 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.

12.1.4.79 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.

12.1.4.80 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

12.1.4.81 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.

Darfield

12.1.4.82 Notwithstanding any other provisions in this Plan, subdivision of the Living 1 land within the Darfield Outline Development Plan (Appendix 41) in excess of 186 lots shall be a restricted discretionary activity if:

- a) the observed average delay for vehicles turning right out of Mathias Street onto State Highway 73 in the morning peak hour is more than 35 seconds per vehicle, or subdivision is expected to result in the average delay for vehicles turning right out of Mathias Street onto State Highway 73 in the morning peak hour becoming more than 35 seconds per vehicle; and
- b) there is no sealed road link formed between the site and Creyke Road; and
- c) Creyke Road is unsealed between the road link to the site and the State Highway 73/Creyke Road intersection:

With Council's discretion restricted to considering the effects of traffic on the efficiency and safety of the State Highway 73 / Mathias Street intersection.

The "observed average delay" shall be determined through recording the amount of time that elapses for each right-turning vehicle between it either joining a queue of vehicles at the intersection or stopping at the intersection (whichever happens soonest) and it progressing beyond the limit line of the intersection. Measurements shall be made by a qualified traffic engineer over three consecutive days between 8am and 9am, and the average of all observations shall be taken.

12.1.4.83 Any residential development of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall commence with Stage 1. Stage 1 shall commence with the development of not more than 100 lots (the first release). The balance of Stage 1 shall not commence until 80% of the first release has been developed and sold.

12.1.4.84 Development of Stage 2 of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall only occur at such time that 80% of the residential allotments within the Stage 1 area have been developed and sold. Development of the land shown within Stage 3 of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall only occur at such time that 80% of the residential allotments within the Stage 2 area has been developed and sold.

Hamptons Road, Prebbleton ODP Area (Living 3 Zoning)

12.1.4.85 The extent to which native plant species are used within the street environment (right of way or local road), stormwater swales and public walkway reserve.

Rural Residential Areas (Living 3 Zoning)

- 12.1.4.86 The extent to which features that contribute to rural character, including open space and plantings, have been retained or enhanced.
- 12.1.4.87 Whether fencing, roading (including cross sections and typologies) and utilities reflect the semi-rural nature and level of service appropriate for rural-residential areas.
- 12.1.4.88 The extent to which any identified natural hazards and/or constraints, including flood and liquefaction hazard areas have been addressed.
- 12.1.4.89 Whether overall densities based on the level of development and open space anticipated for rural residential living environments have been achieved
- 12.1.4.90 Whether provision is made for safe connections and linkages between the subdivision and adjoining Townships to enable access to public transport and community and commercial facilities.
- 12.1.4.91 Ensure connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater.
- 12.1.4.92 The extent to which native species are used as street tree plantings and within vegetated stormwater swales.
- 12.1.4.93 Whether street trees are proposed with regard to the cross-section shown in Appendix 44.
- 12.1.4.94 Whether an appropriate net density of households has been achieved that is consistent with the densities specified in Chapter 6 to the Canterbury Regional Policy Statement and delivers the anticipated rural residential character, form and function. In particular, whether the subdivision plan covers the entire Outline Development Plan area so that new densities across the entire area encompassed within the Outline Development Plan can be calculated.
- 12.1.4.95 The extent to which any identified ground contamination and natural hazards, including flood and liquefaction areas have been addressed.
- 12.1.4.96 Ensure that connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater. Where a reticulated water supply cannot provide adequate quantities and pressure for firefighting as set out in SNZ PAS 4509:2008, an on-site firefighting water supply shall be provided in accordance with SNZ PAS 4509:2008.
- 12.1.4.97 Principal through roads, connections and integration with the surrounding road network and adjoining Townships are provided, including the extent to which the proposal accords with the cross sections and typologies provided within Appendix 44 and reflect the semi-rural nature and level of service appropriate for rural residential areas.

12.1.4.98 Whether fencing achieves a high level of transparency, with a preference for designs that express rural vernacular, accord with the typologies outlined in Appendix 44, and formulating mechanisms to ensure fencing remains on an ongoing basis (such as consent notices).

12.1.4.99 The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following elements:

- Existing water courses, water bodies, wetlands, groundwater and springs;
- Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora;
- Heritage values and any sites of archaeological significance;
- Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/Lake Ellesmere and mahinga kai sites and the Wahi Tapu and Wahi Taonga of Te Rununga o Ngai Tahu and Te Taumutu Rununga;
- View shafts to the Port Hills;
- Provision of green linkages, ecological corridors and interface treatments on boundaries with rural or urban forms of development where appropriate;
- Indicate how the form and layout of the subdivision fits into the wider setting and is able to be integrated into these surrounds, including in particular the provision of measures to retain rural landscape elements, including views to rural and landscape reference points;
- Avoids urban elements, such as street lights (except at intersections), formed kerb and channel, sealed footpaths, or prominent entrance features;
- Maintains rural residential character through the retention of a low ratio of built form to open space;
- Reduces any potentially adverse visual effects with adjoining land use activities, in particular strategic infrastructure and education and research facilities.

12.1.4.100 For areas located within an urban growth path identified in an adopted Township Structure Plan, whether the lot and road layout, and functional and efficient infrastructure servicing is designed to readily enable intensification of the area to urban densities to occur in the future.

12.1.4.101 In relation to the Living 3 (East Rolleston) Zones as shown on Appendix 46:

- Whether the pattern of development and subdivision is consistent with the Outline Development Plan 46;
- Whether local road, and trees and planting on roads and lots are proposed in general accordance with the Outline Development Plan, road cross sections and associated planting schedules and requirements shown in Appendix 46;
- Whether the roading pattern and proposed hard and soft landscape treatments in the road reserve and on private lots will create a semi rural character to the development and distinguish it from conventional suburban development;
- Whether suburban road patterns and details such as cul de sacs, arbitrary curves and kerb and channels are avoided;

- Whether the provision of public walkways is consistent with the public walkways identified on the Outline Development Plans in appendix 46
- Whether the proposed framework planting meets the purpose of the planting as specified in Rule 12.1.3.51

Southbridge – High Street, Southbridge Outline Development Plan (Appendix E45)

- 12.1.4.102 The extent to which any amendments to the roading pattern will provide for connectivity and avoid piecemeal and uncoordinated subdivision patterns
- 12.1.4.103 The extent to which any amendments to the layout of development will still enable efficient and coordinated provision of services, and provide adequately for reserve, pedestrian or cycle linkages.
- 12.1.4.104 The extent to which the proposed noise attenuation works and dwelling design and construction are required to achieve reasonable noise levels inside and outside the dwelling, in the context of existing ambient noise climate and with regard to current guidelines of acceptability and avoidance of sleep disturbance.
- 12.1.4.105 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects and public safety from the blasting explosives storage area located on the adjoining site to the north (McMillan Drilling Ltd site).

Note: The consent authority shall consider any relevant provisions in the District Plan and Engineering Code of Practice appropriate, in using its discretion under Rule 12.1.4

Restricted Discretionary Activities – Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.
- 12.1.5.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.37.

Corner Splays

- 12.1.5.3 Any application arising from Rule 12.1.5.1 shall be non-notified and will not require the written approval of any persons. The exercise of the Council's discretion shall be restricted to the matters listed in 12.1.5.4 and 12.1.5.5 below.
- 12.1.5.4 Effects on the efficient functioning of any road, and the safety of road users;
- 12.1.5.5 The effect on the amenity of surrounding allotments.

West Melton

- 12.1.5.6 The exercise of discretion in relation to Rule 12.1.5.2 shall be restricted to the matters listed in 12.1.5.7 to 12.1.5.10 below.
- 12.1.5.7 Whether any amendments to the roading pattern will retain connectivity and avoid piecemeal and uncoordinated subdivision patterns;
- 12.1.5.8 Whether any amendments to the subdivision would still enable efficient and coordinated provision of services;
- 12.1.5.9 Whether any amendments to the subdivision layout will provide adequately for reserves, pedestrian or cycle linkages;
- 12.1.5.10 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 5000m².
- 12.1.6.5 Any subdivision in a Living 1C zone with an average lot size between 1,200m² – 2,000m².
- 12.1.6.6 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m².
- 12.1.6.7 Any subdivision in a Living Z Zone that is not in general compliance with an operative Outline Development Plan.

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

- 12.1.6.8 Any subdivision subject to 12.1.1 which does not comply with Rule 12.1.3.43 to 12.1.3.45.

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 1,200m².
 - 12.1.7.6 Any subdivision within a Living Z (deferred) Zone shown on the Planning Maps shall be a non-complying activity where it does not comply with the provisions of the Rural (Inner Plains) Zone.
 - 12.1.7.7 In a Medium Density Area identified on an Outline Development Plan, any subdivision to create an allotment less than 400m² that is not part of a comprehensive medium density residential development shall be a non-complying activity. Subdivision of a comprehensive medium density residential development shall be a non-complying activity prior to the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided.
 - 12.1.7.8 Any subdivision that does not comply with Rule 12.1.3.34.
 - 12.1.7.9 The subdivision of land within the Living 1 and Living 2A Zones within the Darfield Outline Development Plan within Appendix 41 shall be a non-complying activity until:
 - a) A potable water supply is available which is capable of serving the lots within the subdivision; and
 - b) A wastewater disposal system is available which is capable of serving the lots within the subdivision.

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.

12.2.1.5 The corner of any allotment at any road intersection shall be splayed with a rounded minimum radius of 3 metres.

If the subdivision complies with Rules 12.2.1.1 to 12.2.1.5, 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 State Highway listed in Appendix 7:

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

Corner Splays

12.2.2.2 Under Rule 12.2.1.5 the Council shall restrict its discretion to consideration of:

- (a) Effects on the efficient functioning of any road, and the safety of road users; and
- (b) The effect on the amenity of surrounding allotments.

Water

- 12.2.2.3 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.

Size and Shape

- 12.2.2.4 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 12.2.2.4(c), the consent authority shall consider a dwelling of 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

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

On Site Effluent Disposal

- 12.2.2.8 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

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

Utilities

- 12.2.2.10 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 12.2.2.11 Whether any utility cables shall be laid underground; and
- 12.2.2.12 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
- 12.2.2.13 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
- 12.2.2.14 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

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

High Voltage Transmission Lines

- 12.2.2.16 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

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

Tai Tapu

- 12.2.2.18 If any allotment subject to the boundary adjustment is located in an area which is identified on the planning maps as being in the Living 1A or 2A zones at Tai Tapu:
- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and
 - (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:
 - Minimum floor heights for dwellings and other principal buildings; and
 - Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and
 - The filling (with inert hardfill) of any low lying area; and
 - (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

Non-Complying Activities – Subdivision – Boundary Adjustments

12.2.3 The following activities shall be non-complying activities

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

12.3 SUBDIVISION – ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities – Subdivision – Access, Reserve and Utility Allotments

12.3.1 Subdivision of land to create allotments used solely for:

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

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

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

12.3.2 Matters over which the Council has reserved control:

Access

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

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

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

Size and Shape

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

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

Special Sites

12.3.2.4 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers), the setting aside of esplanade strips or other methods to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).

12.3.2.5 If the land to be subdivided contains any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua;

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

Utilities

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

Easements

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

Point Strips

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

High Voltage Transmission Lines

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

Esplanade Reserves and Strips

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

Tai Tapu

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

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

Reasons for Rules

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

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

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

Rules 12.1 and 12.2 make subdivision a restricted discretionary activity if the activity complies with all relevant standards and terms. The resource consent application is not notified and does not require the written approval of affected parties. These rules are slightly different from the more common controlled activity for two reasons:

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

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

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

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

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

In Living Z Medium Density areas that are located within an Outline Development Plan, provision has been made for comprehensive residential developments. Such developments are anticipated to result in lots that are generally smaller than 350m², and therefore the development needs to be built in an integrated manner to ensure that acceptable urban design and amenity outcomes are achieved. A minimum of four dwellings designed and built in a comprehensive manner is required to ensure that the building design and relationship to each other has a good standard of urban design. The Plan requires a building commitment to be in place prior to subdivision consent (typically unit titles) being granted to ensure that the lot boundaries are located in a logical position and to also control the creation of very small allotments below 350m² prior to building that could then potentially be sold and built individually, thereby frustrating the creation of a comprehensive, integrated development. Given that the intention of comprehensive residential developments is to facilitate higher density housing options, the final subdivision (post-building) should be such that subdivision does not exceed a maximum average of 350m² per allotment i.e. the comprehensive residential development provisions are to be used for small lots rather than large lot developments which would be counter to the purposes of a Medium Density area.

As urban growth pressures increase, the integration of land use and transport planning to ensure that new developments are accessible, permeable and connected to adjoining land and transport networks is paramount for sustainable and efficient development. Point strips are methods to ensure that development of land that is in one ownership is able to be connected to adjoining land that also has subdivision potential. Point strips are commonly utilised for road connections, but can also be applied to cycle ways and pedestrian links.

Corner splays on the corner of road intersection can improve sightlines, particularly due to being able to step back and trim encroaching vegetation. In addition it can allow the upgrading of intersections to improve safety through minor realignments and smoothing of corners and the installation of kerbing etc. In some instances carriageways are not located in the centre of the road reserve and then any realignment around intersections may encroach on private property within the area of a typical corner splay. In urban areas a radius specified splay is appropriate to fit into the streetscape and allows, for example footpaths alignments closer to pedestrian desire lines. In both urban and rural areas the larger splays required on higher classification roads commensurate with the likely higher design standards e.g. design speeds, sight lines etc and alignments needed to support a wider range of vehicles, in particularly large vehicles such as truck and trailer units. Similarly the same logic applies to Local Business roads.

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ODP – LIVING 2A, BANGOR ROAD, DARFIELD

The following Outline Development Plan (ODP) allows for approximately 130ha on the northwest edge of Darfield Township, to be developed to Living 2A densities which would provide for a low-density residential style of development.

The following matters form part of this ODP, and are required to be taken into consideration at the time of future development of the site.

CONNECTIVITY

The roading hierarchy within the site is intended to remain at the local road level, given the number of potential private allotments and the resulting traffic demand. The roading pattern shown on the ODP includes the primary roading only and it is anticipated that additional secondary and possibly tertiary roading will be required at subdivision design stage. When considering a subdivision layout, rear sections should be avoided where possible.

No direct access from allotments shall be made to State Highway 73, with all vehicle based traffic directed through either roading links to Bangor Road, or through a potential future roading connection on State Highway 73 to the south of the site. No direct access shall be made from the allotments to the west of the second access on State Highway 77 identified on the ODP for 1 hectare development with all vehicle based traffic being directed internally within the ODP roading network.

Off-road footpaths within low-density residential developments are not necessary due to low traffic volumes and the tendency for people to walk along the road verges. However consideration should be given to a dedicated off road pedestrian/cycleway path to connect from Bangor Road through to a non-vehicular link to SH73 approximately opposite Horndon Street, to provide a loop tracks for Darfield, as shown on the ODP plan.

INFRASTRUCTURE

Due to potential population growth, low-density residential areas often transition into higher density residential living over time. At time of subdivision to low-density residential, consideration needs to be made for future proofing infrastructure for higher densities. This might include consideration of the following features:

- The size and location of water supply pipework ensuring there is capacity for growth.
 - The widths of road reserves to accommodate increased traffic volumes, and future formed footpaths and cycleways.
 - Building platforms and property orientation to reduce the amount of future subdivision resulting in rear sections.
 - Reserve areas set aside to meet current and future needs.
-

LANDSCAPE

Landscape work is a useful tool for retaining rural character within a low-density residential development. It is acknowledged that the development of the site will change the character of the area from open paddocks to a built environment, but the provision of appropriate landscape works within road and recreational reserve areas, as well as any consideration of planting with new allotments can potentially provide for a sense of rural character. Existing shelterbelts may be removed or modified to enable view shafts. Planting in the building setbacks from the State Highways may contain breaks to avoid a tunnel effect.

Subdivision plans will need to identify landscape provisions being provided as part of the development including road reserve landscape works. Particular regard shall be given to the retention and management of the existing water race into any landscape design.

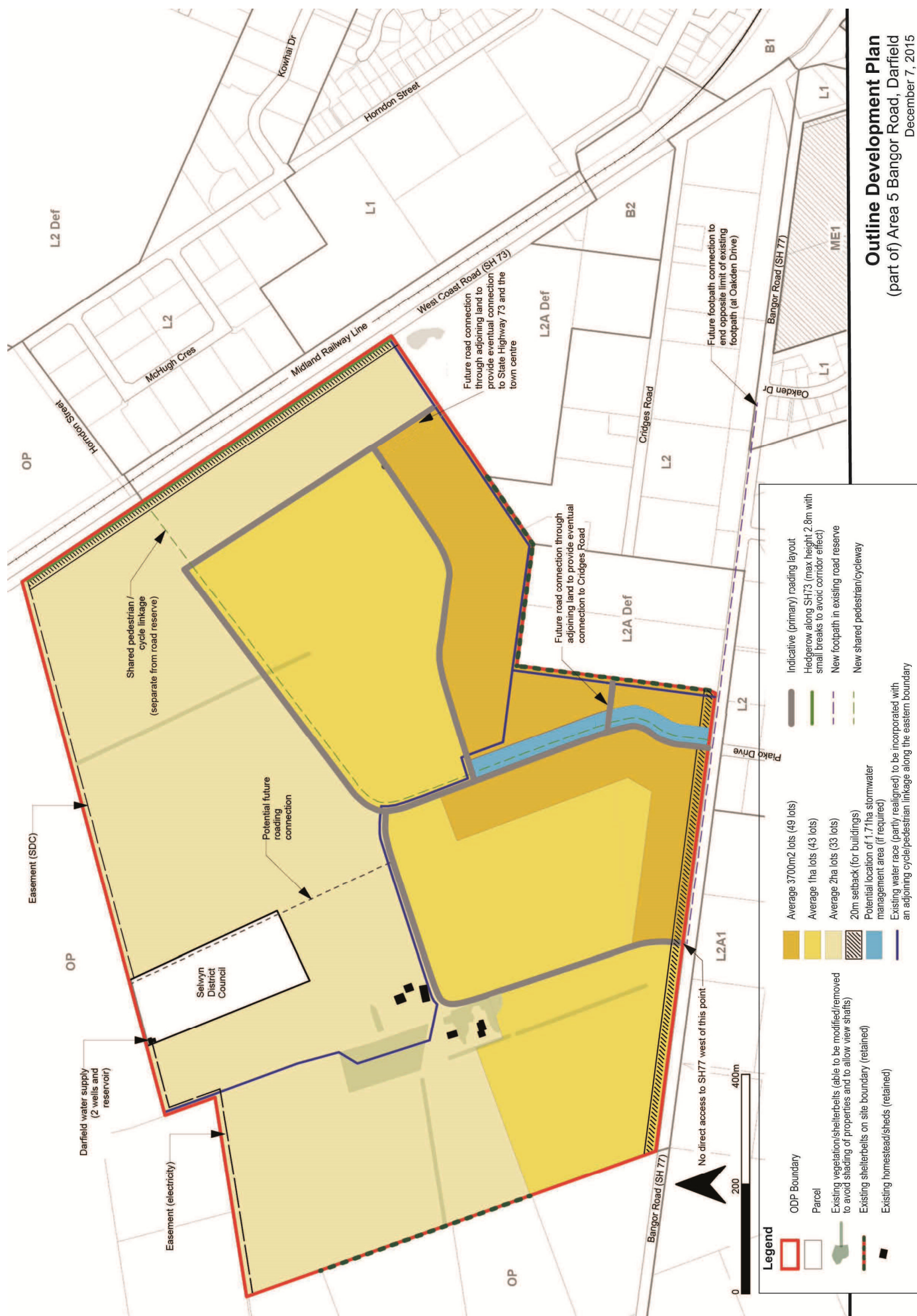
Subdivision plans should identify appropriate building setbacks from water races to maintain open space and amenity alongside these key site features.

FENCING

When considering an application to subdivide the area, the Council will take into consideration the mechanisms being provided to ensure that any fencing achieves a high level of transparency, with a preference for designs that express a rural vernacular and accord with the typologies in Appendix 44 of the Selwyn District Plan. Consideration will also be made of any legal mechanisms to alert future buyers of these properties, of this fencing requirement.

STAGING

As part of any subdivision of the site, a plan showing the overall anticipated development of the site should be provided, highlighting any potential staging of development and the intended provision of services.



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