

SCHEDULE OF AMENDMENTS

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

Name	Description
LURP Action 18 (viii)	Implementation of SDC Rural Residential Strategy

Rural Volume

Amendments from 9 July 2014 to 13 December 2014

Replace pages - Please recycle all pages removed

Part A1 – Rural Zone Rules - Cross Boundary issues with other Councils	A1 -005 - 006
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Amend table A1.1

Part B3 – Rural Zone Rules - People's health, Safety and Values	B3-049 -050
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Insert Policy B3.4.21

Part B4 – Rural Zone Rules - Growth of Townships	B4 007-008
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Delete Policy B4.1.4 replace with Policy B4.1.4 (a) and Policy B4.1.4 (b)

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Resource Management Act 1991

Under the Act, Regional Councils must have a Regional Policy Statement (RPS – section 60) and a Regional Coastal Plan (section 64(1)) at all times. They may also produce regional plans to address issues that are mostly under their control (section 65). District councils must produce a District Plan (section 73). Regional Plans must not be inconsistent with the RPS (section 66(2)(a)); district plans must not be inconsistent with both the RPS and any relevant regional Plan (section 74(2)(a)).

The Council must also, in preparing or changing a District Plan, take in to account any relevant planning document recognised by an iwi authority (section 74(2)). Such a document may also be relevant in the consideration of applications for resource consent (section 104(1)c). As at 1 July 2004 Te Runanga o Ngāi Tahu has prepared and recognised the following:

- Te Whakatau Kaupapa – Ngāi Tahu Resource Management Strategy for the Canterbury Region; and
- Te Runanga o Ngāi Tahu Freshwater Policy.

In addition, Te Taumutu Runanga has released a ‘Natural Resources Management Plan’.

Local Government Act 2002 (“the LGA”)

In New Zealand the powers of local government are set by parliament and are contained in the LGA, and other specific statutes, such as the Resource Management Act 1991. The LGA reflects a departure from the way in which powers and functions have traditionally been codified in legislation. Instead of prescribing all the functions that local government should undertake, the LGA has instead provided local government with a general form of empowerment. The LGA encourages local authorities to focus on promoting the social, economic, environmental and cultural well-being of their communities, consistent with the principles of sustainable development.

Under the LGA, district councils are required to prepare a Long Term Council Community Plan (LTCCP) and an Annual Plan. The LTCCP covers a period of ten years and outlines the Council’s medium to long term priorities. It describes how the Council intends to contribute to the community well-being over the life of the Plan. The Annual Plan sets out the budget for each year and includes:

- a funding impact statement;
- forecast financial statements;
- statements setting out service levels and performance measures; and
- details of any changes from the information in the LTCCP.

The LTCCP and Annual Plan allocate funds for all Council’s activities, including funds for non-regulatory methods, environmental monitoring in the District Plan and Asset Management Plans

The District Plan sets the policies and rules under which everyone (including the Council) must carry out their activities to protect the environment.

Other Legislation

The Council has functions, powers and duties under other statutes. Some of these functions and powers are used along with, or instead of, rules in the District Plan. The District Plan states where other legislation is used. Examples include:

- Building Act 1991 – safe and structurally sound buildings.

- Historic Places Act 1993 – protection of archaeological sites.
- Hazardous Substances and New Organisms Act 1996 – health and safety in use of hazardous substances.

The Resource Management Act 1991 does not apply to:

- Activities necessary for national security (section 4(2)).
- Activities by the Crown on land held under the Conservation Act 1987, or any act listed in the First Schedule of that Act, if the activity is consistent with a conservation management Plan or strategy or other management Plan prepared under those Acts (section 4(3)).

Regional Plans and Rules

Regional Plans contain rules that manage some activities that are primarily the function of regional councils under the Act. These include: earthworks (Port Hills), burning vegetation (hill and high country), discharge of contaminants on to land, and gravel extraction from river beds. There are also activities which cannot take place without a resource consent under the Act, unless allowed by a rule in a Regional Plan. These activities include: taking, use, damming or diverting of water (except taking water for domestic and stock use), and the discharge of contaminants into water.

A1.5 CROSS-BOUNDARY ISSUES WITH OTHER COUNCILS

A District Plan must identify issues which cross territorial boundaries and methods to address these issues, under the Act (section 75(2)(f)). Table A1.1 includes a list of cross-boundary issues in Selwyn District and methods to address each issue. The cross-boundary issues relate to both townships and the rural area in Selwyn, and are repeated in both volumes of the Plan.

Table A1.1 Cross-Boundary Issues in the Selwyn District

Issues	Local Authorities	Methods
Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch.	Christchurch City Council (CCC) and Environment Canterbury (EC)	Identified as an effect of residential growth in the Plan. CCC can submit on proposals to re-zone land for more growth.
Effects on “rural character” of small allotments on the boundary with Christchurch and the management of rural residential growth	CCC, EC, Waimakariri District Council (WDC) and New Zealand Transport Agency (NZTA)	Consistent provisions in plans for residential density in the District and rural residential densities in the Greater Christchurch area subject to Chapter 6 of the Canterbury Regional Policy Statement.
Effects of stormwater run-off in Christchurch on flood flows and water quality in the Halswell River.	CCC and EC	Submissions on proposals for residential development in Halswell catchment. Lobby EC to model flood flows.
Air pollution across the boundary with Christchurch.	CCC and EC	Submissions on Regional Air Plan.
Effects of land uses on groundwater supplies for Christchurch.	CCC and EC	Require reticulated sewage for West Melton township. Encourage EC research and monitoring.

- Tree planting

Policy B3.4.17

Ensure buildings are setback a sufficient distance from property boundaries to:

- (a) Enable boundary trees and hedges to be maintained;**
- (b) Maintain privacy and outlook for houses on small allotments; and**
- (c) Encourage a sense of distance between buildings and between buildings and road boundaries where practical.**

Explanation and Reasons

Many property boundaries in the Rural zone are marked by tree plantings or hedge rows. Buildings need to be set back a sufficient distance from property boundaries to enable trees and hedges to be trimmed.

Houses are erected on small sites in the rural area, particularly around townships and in the Existing Rural-Residential Developments. In these areas, buildings also need to be set back from property boundaries for privacy and to maintain an outlook.

In rural areas most houses and buildings tend to be set back greater distances from road boundaries than urban areas. This positioning adds to the sense of space between buildings and the unrestricted views from roadsides. The Plan acknowledges that it is not always desirable or practical to locate buildings large distances from road boundaries especially when the building is accessory to buildings that are already located close to the road boundaries. Policy B3.4.17 encourages a larger setback from the road boundary than urban areas, where practical. This Policy should be read in conjunction with Policy B2.1.9.

Policy B3.4.17 is implemented by a rule which sets a minimum setback distance for buildings from property boundaries as a permitted activity (no resource consent needed). Buildings sited closer to the boundary will require a resource consent.

Methods

District Plan Rules

- Setbacks

RELOCATED BUILDINGS

Policy B3.4.18

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

Explanation and Reasons

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

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

Policy B3.4.18 and the associated rules do not prevent people from relocating buildings into the Rural zone. The provisions enable the Council to require the building be set on a building pad or foundations and repaired to a certain standard, within the time specified in the resource consent.

The District Plan does not prevent people relocating buildings for the following reasons:

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

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

Method

District Plan Rules

- Relocated buildings

REVERSE SENSITIVITY EFFECTS

Policy B3.4.19

Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.

Policy B3.4.20

Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity.

Policy B3.4.21

Provide for the establishment of rural residential activities within the Greater Christchurch area covered by Chapter 6 of the Canterbury Regional Policy Statement only in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014 to reduce the risk of potentially adverse reverse sensitivity effects on the productive function of rural zoned land, strategic infrastructure and on established education and research facilities.

Explanation and Reasons

Policy B3.4.19 and B3.4.20 manage reverse sensitivity effects in the rural area. Policy B3.4.19 requires a resource consent for activities to set up which are likely to affect surrounding properties. This gives an opportunity for affected parties to participate in the consent process and for the Council to ensure those effects are mitigated to a satisfactory level. The policy also

this density on the landscape values and character of the rural area were assessed (see Densem, 2001, Plains Area Landscape Study).

The submissions and decisions on Plan Changes 23 and 25 to the Transitional Selwyn District Plan were also taken into account, in establishing the densities.

Policy B4.1.1 is implemented by rules. Erecting a house on an allotment which is as large as the maximum density standard or larger is a permitted activity (no resource consent needed). Erecting a house on a smaller allotment is a restricted discretionary activity (needs a resource consent). The Council shall restrict its discretion to the matters in the rule, including the method(s) used to keep the balance land needed to meet the density standard, free of houses or other large buildings.

Policy B4.1.2 allows houses to be erected on small allotments, as long as the residential density standards set out in Policy B4.1.1 are not exceeded.

The policy can be achieved by putting the balance land needed to comply with Policy B4.1.1 in some form where dwellings cannot be erected on it. The Plan does not have a set method to do this because different options may suit different people. Refer to the Council's pamphlet -Building a House in the Rural Area for further information on possible methods to comply with this policy and rule.

Policy B4.1.2 requires the house allotment to be of a size and shape to avoid adverse effects on adjoining property owners. For example: zones of influence from a well or septic tank, shading, or "reverse sensitivity" effects with other activities. The policy also limits the number of houses which may be clustered together on small allotments to avoid creating small villages or settlements. Creating new villages or settlements in the District is contrary to objectives and policies in both the Township and Rural Volumes of the Plan.

Policy B4.1.2 does not apply to the Inner Plains. The residential density standards in the Inner Plains is sufficiently high that:

- A minimum allotment size of 4 ha is needed to avoid adverse effects on adjoining properties; and
- To avoid creating clusters of houses.

Methods

District Plan Rules

- Residential Density
- Subdivision

Policy B4.1.3

Recognise Taumutu as the ancestral home of Ngāi Te Ruahikihiki and provide for papakainga housing in this area.

Explanation and Reasons

Taumutu is the ancestral home of Ngāi Te Ruahikihiki and one of the oldest settlements in the District. Policy B4.1.3 recognises the history of this area and provides for tāngata whenua to create a living environment which retains the links to their past and incorporates the traditions of tribal living and land ownership. This provision reflects the Council's duty under section 6(e) of the Plan to recognise and provide for:

“The relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.”

Papakainga housing is defined in Part D of the Plan. It is the erecting of dwellings for members of the same iwi or hapū on land which is owned by that iwi or hapū. Such land cannot be subdivided or sold outside the iwi or hapū, so several dwellings need to be erected on one allotment.

The Plan allows dwellings to be erected for papakainga housing at much higher densities than other dwellings in the Rural Zone, to provide for this relationship. The rules limit the development of papakainga housing to Māori Land (within the meaning of section 129 of Te Ture Whenua Māori Act 1993) at Taumutu. Therefore, there is unlikely to be any precedent or cumulative effects on residential density in the Rural Zone. The rules also stipulate conditions to ensure that each dwelling has access to sunlight, potable water and outdoor living space to ensure a pleasant living environment within the papakainga housing area.

Methods

District plan rules

- Buildings
- Subdivision

Policy B4.1.4(a)

Recognise Existing Development Areas, Ski and Recreation Areas and Tourist Resort Areas within the Rural Zone, but ensure new residential development at densities higher than those provided for in Policy B4.1.1, to occur within townships that are located outside the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement.

Policy B4.1.4(b)

Within the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement, any new residential development at densities higher than those provided for in Policy B4.1.1 shall only be provided for in the Living 3 Zone in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014.

Explanation and Reasons

Past plan changes have provided for residential developments and tourist resorts in the Rural Zone, at densities higher than the ratios set out in Policy B4.1.1. Policy B4.1.4 recognises these existing developments and provides for them to be completed to the original approved plan. However, any further residential developments at these higher densities should occur in or around townships, where the services and amenity values are appropriate for the density. It is also important to maintain the character of the rural area and to reduce potential ‘reverse sensitivity’ issues by keeping the distinction between townships and the rural area.

In the case of Lots 7, 8, 10 and 11 DP 309872 at Edendale, the Council notes that the subdivision and residential density minimum and average allotment size requirements reflect the maximum development potential that could have been achieved in accordance with the relevant provisions of the Transitional District Plan. Any further development of this land that exceeds 10 dwellings and/or allotments would therefore exceed the residential density anticipated to occur within the Edendale Existing Development Area.

Policy B4.1.4 does not prevent new holiday homes, tourist resorts and other forms of visitor accommodation in the Rural Zone, provided any such development is at a scale which maintains