

2 PHYSICAL RESOURCES

B2.1 TRANSPORT NETWORKS – ISSUES

ROAD, RAIL AND AIRFIELDS

- Integration of land use and transport planning to control the demand for transport and also to achieve more sustainable travel within and beyond the district.
- Effects of activities on the safe and efficient operation of the transport network particularly roads, railway lines, cycleways, footpaths and airfields.
- A transport network that facilitates a sustainable transport system to meet the future needs of a growing population.
- Adverse effects including noise and vibrations from roads and rail networks and from the operation of aircraft utilising Christchurch International Airport and other airfields, on surrounding land uses and the environment.

~~Noise, vibration and other effects from roads, railway lines and airfields on the environment.~~

- Effects on the operation of transport networks from adjoining land uses.
- Accessibility and effects of transport on energy use and the environment.

~~Effects of transport on energy use and the environment.~~

Introduction

Transport systems move people, goods and services throughout Selwyn District and between the District and other areas. ~~The major transport networks in the Selwyn District are road, railway lines and airfields.~~ Transport networks also come within the ~~ambit and general~~ definition of utilities.

Selwyn District is experiencing continuing population growth necessitating the integration of transport and land use planning to reduce dependence on private motor vehicles (minimising energy use) through the provision of infrastructure designed to promote and achieve good connectivity and linkages to and through developments including access to public transport, walking and cycling routes. There is an increasing need to integrate land use and transport planning through the district and with adjoining districts.

Roading Network

The ~~roading~~ network is the main transportation link in the District. ~~Transit~~ The New Zealand Transport Agency manages all State Highways and the Selwyn District Council manages all other public roads in the District. ~~Some landowners have private roads or rights of way for access to or over their property.~~ State Highways 1, 73, 75 and 77 pass through Selwyn District. ~~Some landowners have private roads or rights of way for access to or over their property. The District has many kilometres of road for its size. Many roads are sealed, but there is a large number of unsealed roads in the rural area. The district has just over 2400km of formed roads. Just over half of the road network is sealed, the remainder un-sealed. There is also approximately 950 kilometres of unformed “paper” roads within the District.~~

Pathways

There is an increasing network of formed pathways within the District, some of these are shared use (for both walking and cycling). The main existing pathway is the Little River Railtrail however provision for similar paths between townships is being made.

Paths need to be strategically located to ensure they meet the needs of the potential users. Paths may be provided in a variety of locations both on and off road and or located within the road reserve but separated from the carriageway. There is also potential to utilise reserves and esplanade strips / reserves for walking and cycling pathways, often these areas have higher amenity than a road and are popular for recreational users but also add to the overall walking and cycling network for commuters and local trips.

The interaction of pathways with other transport networks also needs to be considered, commonly pathways for example cross roads and vehicle crossings.

Railway Lines

There are two railway lines running through the District: the Midland line which runs east-west, and the South Island Main Trunk railway line which runs north-south. These are owned and managed by ONTRACK (a division of NZ Railways Corporation).

Airfields

Many rural properties have private airstrips or helipads. Recreational gliding occurs at the Hororata Domain. West Melton Airfield holds a private operator status for pilots and for training and facilities for aircraft maintenance. Noise contours from the approach paths to Christchurch International Airport extend over land in Selwyn District. These areas are shown on the Planning Maps.

Issue 1

Integrating Land Use and Transport

Land use patterns can exacerbate the adverse effects of transport and result in a high dependency on the use of private motor vehicles. Initiatives such as the Greater Christchurch Urban Development Strategy (UDS) and the Regional Policy Statement (RPS) have identified where growth may be appropriate. The identification of future growth also requires consideration and integration of the strategic provision of transport infrastructure.

To reduce demand for transport and hence dependency on private motor vehicles, a network that facilitates more sustainable transport is required. This necessitates good connectivity (the linking of local facilities, adjoining land and surrounding neighbourhoods through interconnectivity of transport networks) and permeability (choice and ease of movement through the network) within and between urban areas in the district as well as to destinations in surrounding districts.

In order to reduce adverse effects associated with transport, Selwyn District also needs to improve and promote the accessibility (ensuring all users, particularly active transport users have access to and through the network) and permeability for sustainable travel modes such as walking, cycling and public transport.

The provision of good quality infrastructure for pedestrian, cycle and other sustainable modes is necessary to promote and provide for alternatives to private motorised transport. Good pedestrian and cycle links must be located such that they provide a direct route between key land use destinations and activities.

Selwyn District has a number of urban areas separated by large areas of rural land use. A significant number of persons commute daily between Selwyn District and Christchurch. Given these characteristics, the provision or improvement of public transport services between townships and to Christchurch may require the provision of land for transit exchanges such as park and ride schemes.

Issue 12

Safe and Efficient Use of the Transport Network

Activities occurring alongside ~~roads, railway lines or airfields~~ the transport network can affect ~~transport safety and efficiency~~ the safe and efficient operation of the transport system.

Road Network

Activities occurring both alongside and within the space occupied by transport networks can affect how safely and efficiently these networks operate. Roads carry a variety of traffic: motor vehicles; towed vehicles (boats and caravans); heavy vehicles; cyclists; pedestrians; and stock, all of which move at different speeds. These different uses within the road network create the potential for accidents and reduce the efficiency and effectiveness of the road in meeting the transport needs of any one group of road users. This problem is not so apparent for railway lines and airfields, which primarily deal with one mode of transport.

Activities occurring on land adjoining roads can adversely affect their safety and efficiency in several ways:

- Activities which generate lots of people or vehicles on opposite sides of a road or railway line can increase the number of people and vehicles crossing these networks, e.g. when a school and sportsgrounds are located on opposite sides of a main road or railway line.
- Cars parked on roadsides and incorrectly-positioned signs or structures can reduce the visibility of intersections, vehicle crossings or railway crossings.
- Cars parked on roadsides reduce the carriageway width available to motorists and cyclists travelling along the road.
- Vehicle crossings sited too close to intersections or on bends or 'blind spots' can obscure the visibility of oncoming traffic and other road users.
- Roadways, which are not designed or formed to the standard necessary to carry the volume or type of traffic using them (including ~~active non-motorised~~ modes), can create safety problems and congestion.
- Signs along roadsides can distract drivers' attention for too long, particularly if the sign is hard to read or contains too much information.
- Inappropriately-sited signs, or inappropriately-designed vehicle crossings, entranceways or intersections can cause motorists to make sudden manoeuvres (stops or turns) or delay the vehicle exiting the traffic stream, in particular heavy vehicles that require more space to turn.
- Other utilities are often located in (or under) road reserves. The installation, maintenance or replacement of utilities within the road reserve can disrupt traffic flows and affect safety and access to sites.

- Areas in the approach paths to airfields or airports need to be clear of very high structures, to enable the airfield or airport to operate within Civil Aviation Authority regulations.

~~For example, a school or sports ground without on-site parking.~~

- ~~— Visibility along roads and at vehicle crossings and intersections can be impaired by: parked vehicles, signs or structures; or inappropriately designed or positioned vehicle crossings.~~
- ~~— Roads which are not designed or formed to the standard necessary to carry the volume or type of traffic using them, can create safety problems and congestion.~~
- ~~— Activities or signs along roadsides can distract driver's attention, if the sign is hard to read.~~
- ~~— Sudden driving manoeuvres may occur if activities have insufficient warning signs or inadequately designed access and egress.~~
- ~~— Other utilities are often located in (or under) roads. The installation, maintenance or replacement of these utilities within the road reserve can affect traffic flow, safety and access to sites.~~
- Stock droving on roads has the potential to cause conflict between farmers and road users.

These effects ~~are can be~~ compounded by the speed limit in the rural area (100km/hr) on roads that are, for example, winding, have narrow carriageways or are icy in winter.

Heavy Vehicles

Heavy vehicle use on roads increases with changes in rural land uses. In Selwyn District the activities most likely to lead to increases in heavy vehicles are increases in forestry and dairy conversions and the general transporting of freight (including stock, rural products and farm machinery). Tourism ventures may lead to increases in bus trips. Freight passing through the district is most likely to be on State Highways, arterials and other specific routes (i.e. over dimension routes and routes where increased tonnage may be permissible).

Heavy vehicles pay for the additional wear and tear on roads through road user charges. An upgrade to a particular road may be required to strengthen it for heavy vehicles associated with a new activity. For example: strengthening a bridge or culvert, widening the carriageway, or providing a turning area.

Stock

Most rural roads in the District are used for droving stock. Stock droving can have two effects on the roading network:

- Safety, if the vehicles are not aware that stock are ahead; and
- Effects of stock effluent on the road surface.

Stock effluent corrodes the tar seal, deteriorating the road surface. It also makes the road surface slippery. Dairy cows have the worst effect due to the concentration of nitrates in their effluent and the frequency with which they are driven along roads between milking sheds and grazing paddocks.

Resident Growth

Residential density is increasing in the rural area particularly within 30km of Christchurch. Many of these residents live in the rural area predominately for lifestyle reasons and commute between Selwyn District and Christchurch City (see Section 4.1). This activity has two effects on the road network:

- More people using arterial routes between Selwyn and Christchurch contributing to congestion.
- Higher expectations about the standard to which roads in the rural area should be formed.

A paper published by Statistic New Zealand (Statistics New Zealand, 2008, Workforces on the move: An examination of commuting patterns to the cities of Auckland, Wellington and Christchurch) stated that the 2006 census revealed that around 7,700 people commute from Selwyn District to Christchurch City for work. A study undertaken for the Council (Barber, 1999, Energy Use and Settlement) estimates that between 4,000 and 5,000 people commute daily between Selwyn District and Christchurch City. Staff at Christchurch City Council are Of particular concern about the effects of additional traffic using the Ellesmere/Sabys Roads route, as it passes volumes entering and leaving Christchurch City travelling through the residential areas at of Hornby, Halswell and Hoon Hay and townships such as Prebbleton. Selwyn District Council is concerned about effects on Prebbleton Township of additional traffic along Springs Road, and on Lincoln Township along Ellesmere Road and James Street Gerald Street and access to State Highway 1 at Rolleston township and the Izone industrial area.

Another effect of subdivision and residential growth in the rural area appears to be a demand for roads in the rural area to be sealed, even when there are insufficient vehicle numbers on the road to warrant sealing. The demand is greatest on roads which lead into the City and roads which lead to Arterial Roads into the City. Therefore, the demand may be to reduce perceived travel time to Christchurch.

The Council funds roading maintenance and upgrades anticipates recovering the majority of its funds for road upgrades from rates income and or LTNZNZTA subsidies through the National Land Transport Programme. However, the LTCCP Development Contribution Policy also provides for development contributions to be taken in specific situations where the roading improvements provide a direct benefit to the development being considered or the development itself requires the upgrade of the roading network adjacent to the development. This may require Council also providing supporting funding.

Railway Lines

Pedestrians, motorists, stock and other road users moving across railway lines can also create potential safety hazards. The two main trunk railways lines in the Selwyn District cross many roads. Not all railway crossings in the District have bells or barrier arms, so visibility at railway line crossings is very important for both train drivers and motorists. Railway crossings need to be appropriately designed for the number and type of vehicles using them. Where activities increase the number of people or vehicles crossing the railway line, any effects on the safety of the crossing need to be mitigated.

Airfields

Areas in the approach paths to airfields or airports need to be clear of very high structures, to enable the airfield or airport to operate within Civil Aviation Authority regulations. This includes approach paths to West Melton Airfield and Hororata Domain (see Appendix 19).

Pathways

In order to encourage active travel modes and increase connectivity through rural areas it is necessary to establish a greater provision for walking, cycling and shared paths. Such paths need to be strategically located to ensure they meet the needs of the potential users. Such paths may be provided in a variety of locations both on and off road and or located within the road reserve but separated from the carriageway. The main existing pathway is the Little River Railtrail.

The interaction of such pathways with other transport networks also needs to be considered, often pathways must cross roads and vehicle crossings as such the location and design of the path particularly where it may interact with other transport networks needs consideration.

Issue 3

Future Transport Network

The Christchurch Rolleston Environs Transportation Study (CRETS)¹ identified the issue of efficient travel within and beyond the district to meet the future needs of the growing population in both Selwyn District and Christchurch City and the increasing demand for travel between these districts.

There is an identified need to provide adequate capacity and ensure a good level of service on State Highways, arterial and collector roads between townships, to Christchurch City and other major destinations around Selwyn District. This requires upgrading existing links and providing new roads to encourage the use of main roads and avoid adverse effects of through traffic particularly on the townships of Rolleston, Lincoln, Prebbleton and Templeton.

Main routes need to provide for the future expansion of public transport services within Selwyn District to Christchurch City and other major destinations. In conjunction with public transport, there is also a need to provide off road cycle and pedestrian links between townships to offer alternatives to private motor vehicle travel as part of the overall strategy to meet the travel demands associated with growth.

Many of the future transport network issues facing Selwyn District cross territorial boundaries and require co-operative planning of the timing and funding of road upgrades in the short, medium and long term, with other stakeholder partners such as Christchurch City Council, New Zealand Transport Agency, Environment Canterbury and the Christchurch International Airport. These include upgrading the road network, new motorways, public transport and walking and cycling links.

Future local transport networks need to be designed to ensure long term sustainability of the land transport system and to ensure future roads created by subdivisions are appropriately located within the existing road network to accommodate all potential road users including buses, pedestrians and cyclists.

In the next 40 years freight demands are expected to double in the Canterbury region. The efficient movement of freight is beneficial to the district and needs to be considered in the planning of the transport network. The future network may see the establishment of freight hubs and inland ports to cater for this growth by providing efficient opportunities to store, distribute and transfer freight between different transport modes e.g. sea, air, road and rail.

Future transport solutions may require utilisation of a variety of transport modes including alternatives to road transport. Viable opportunities to diversify the transport network via utilisation of alternatives to road transport need to be considered. The movement of freight via rail has been identified as an opportunity to control heavy vehicle use of the road networks where a practical and viable opportunity exists.

¹ CRETS commenced in 2000 and is a partnership between SDC, NZTA, CCC, ECAN and CIAL to investigate and develop a transport strategy to accommodate transport growth and demand in the greater Christchurch area up to and beyond 2021. CRETS was adopted by SDC in 2007.

Issue 24

Effects of transport networks on the Environment and Surrounding Land uses

The operation of transport networks can also adversely affect the activities and surrounding environment. Examples include:

- Noise and vibration from heavy vehicles on road and rail.
- Dust and dirt from heavy vehicles, particularly stock trucks and coal trains.
- Reduced safety and amenity values from either increased traffic or from heavy vehicles servicing or passing through residential areas.
- Noise from aircraft flying overhead, as they approach and take off from, airports.
- Effects of constructing or maintaining roads, pedestrian and cycling pathways and/or railway lines on adjoining waterbodies and wetlands.
- The visual effects from road and pathway construction on slopes or bridges across waterbodies.
- The effects of noise, vibration, emissions, glare or dust from roads, railway lines or airfields on adjoining residents and reverse sensitivity effects.
- The effects of stormwater run-off on the adjacent environment, particularly run-off if it flows directly into streams.
- The effects of stock droving on road surfaces and road verges.

Increasing growth and development pressures are exacerbating such adverse effects in the Rural zone which can be more sensitive to these effects compared to most urban areas. It is therefore becoming increasingly important to integrate land use and transport planning.

Issue 35

Effects on the Operation of Transport Networks From Adjoining Land Uses (Reverse Sensitivity Effects)

Reverse Sensitivity Effects

Sometimes nearby residents complain about these effects, and try to restrict the activity to reduce the effects. This 'reaction' is known as a reverse sensitivity effect. It often occurs when for example:

- People buy or build houses next to busy roads, pathways, railways lines or airfields and do not expect the effects
- The traffic using the road, railway line or airfield changes and the effects increase.

Often these effects can cause nearby residents to complain, and try to restrict:

- the type of vehicles which use the road;
- the speed of vehicles; or
- the times when trains, aircraft and ancillary activities (such as loading of freight) operate

Increasing urban growth and development pressures are exacerbating such adverse effects in the Rural zone which can be more sensitive to these effects compared to most urban areas. By taking an integrated approach to land use and transport planning such effects can be avoided or minimised.

Christchurch International Airport

Christchurch International Airport is one of very few international airports which operates without any restrictions on the type of aircraft or hours of operation to reduce noise effects. New Zealand's geographic location means it is usually the 'last leg' on international flight schedules and many large aircraft arrive and leave at night-time. The current absence of restrictions on the airport's operating hours is important for the commercial viability of the airport and the South Island's economy.

CIAL has identified the area of land in the District where people are likely to be exposed to noise from aircraft taking off and landing at the airport. Areas subject to sound exposure levels sufficient to have adverse effects are shown on planning maps within "airport noise contour" lines. The noise contours represent the predicted levels of sound exposure expressed as the day-night average sound level (Ldn) in A-frequency weighted decibels (dBA). This basis is used because annoyance from aircraft noise is a cumulative effect caused by a combination of loudness, the number of events and the increased sensitivity of people to noise at night-time.

The areas affected in Selwyn District are shown on the Planning Maps. The noise contours are calculated using the number of aircraft flights when the existing runway is operating at its full capacity. Therefore, land is shown in the noise contour area which is not affected now, but will be within the next 15 years. As the airport gets busier three effects occur which will concentrate aircraft noise in the area shown in the noise contours:

- There will be more flights;
- Aircraft will have to join the approach path to the Airport much sooner than what they do now (ie, they will start to queue);
- They will have to fly using instruments rather than visual approaches. Aircraft will need to turn into the flight path further south of the airport than they do now.

Christchurch International Airport Limited wants provisions in the District Plan to avoid potential "reverse sensitivity" effects on the airport from 'noise sensitive' activities on land under the noise contours for 50 dBA Ldn and 55 dBA Ldn. It is therefore desirable that the density of noise-sensitive activities (and hence the number of people potentially affected) within the area contained by the 50 dBA Ldn air noise contour be kept as low as possible. There is a requirement for additional noise insulation in houses erected in the area covered by the 55 dBA Ldn noise contour.

Note: 'Noise sensitive' activities include activities that are likely to be affected by aircraft noise. For example: residential activities and visitor accommodation.

Issue 46

Accessibility, Energy Use and Diversity of Transport Modes

Effects of Transport on Energy Use and the Environment

One of the core functions of transport infrastructure is to provide safe, efficient and effective transport options. Another is to ensure that both the transport options and adjoining land uses are accessible to the people who use them.

Transport involves energy use. The most common forms of transport in New Zealand rely on the consumption of non-renewable carbon-based fuels (petrol, diesel, etc) and the use of private motor vehicles. Carbon-based fuels are thought to contribute to increased concentrations of carbon dioxide (CO₂) in the atmosphere. These increases could cause changes to atmospheric and climatic conditions (the Greenhouse Effect). Private motor vehicles are not as efficient, in terms of fuel consumed per weight transported, as other modes of transport (Regional Policy Statement, 1998, p. 215).The New Zealand Transport Strategy indicates that around one third of all vehicle trips are less than 2km and the majority less than 6km. Although a number of these trips may be linked to form tours or trip chains there are still around a quarter of these tours which are less than 4km long and around half are less than 10km long². A large proportion of private motor vehicle trips are made by a single occupant. Travel by private motor vehicle is inefficient in terms of fuel consumption and environmental effects per weight transported.

The provision of transport infrastructure and the use siting and design of transport infrastructure and land use patterns can cause and exacerbate adverse effects on the environment. These effects may include “green house” gas emissions with atmospheric and climatic changes. The adverse effects of transport on energy efficiency and air quality are identified by the RPS as a resource management issue for the whole of Canterbury. In addition, direct effects of transport on the environment of the Selwyn District may result, such as: air pollution, noise and vibration, contaminated stormwater run-off from roads, loss of public amenity including effects on visual amenity, natural character and areas of significant flora and fauna, effects on ancestral lands, sites and other taonga of value to Tāngata Whenua, spread of noxious weeds from road verges, loss of land to roads and to the parking of vehicles and effects on sites of heritage value.

The Regional Policy Statement instructs District Councils to promote land use and settlement patterns which reduce the demand for transport, especially by private motor vehicles. The RPS (Plan Change 1) also seeks to ensure that planning and provision of transport infrastructure is integrated with development and settlement patterns to reduce network congestion, reduce dependency on private motor vehicles, reduce emission of contaminants to air and water, reduce energy use and promote the use of sustainable transport modes.

The Regional Policy Statement identifies adverse effects of transport (particularly private motor vehicles) on energy efficiency and air quality, as resource management issues in Canterbury (Chapter 12, Policy 1, p. 189, Chapter 13, Policy 9, p. 215, Chapter 15, Policy 3, p. 235). The Regional Policy Statement instructs district councils to promote land use and settlement patterns which reduce the demand for transport, especially private motor vehicles (Chapter 13, p. 215).

Existing settlement patterns in Selwyn District include concentrations of people in growing townships separated by rural areas. This settlement pattern results in large commuter travel distances and heavy reliance on private motor vehicles. The existing nature of Selwyn District and the anticipated increase in future population growth makes it imperative to integrate future land use and transport planning to ensure that new development and a variety of transport infrastructure and modes are sustainable, functional and accessible.

Within the Selwyn District, transport networks need to be upgraded and when necessary new networks provided to improve accessibility and provide for sustainable travel options to reduce both local and wider environmental effects of travel. Transport routes linking townships pass through the rural area, and as such the rural area will also benefit from the promotion of sustainable modes of transport, for example the Christchurch to Little River Railtrail pathway.

Any new development needs to be appropriately located within the transport network (including roads and pathways) that are accessible, connected, safe, well designed and appropriately located to encourage the use of active transport. New developments should also consider the ability to accommodate future public transport systems.

² O’Fallon, C., Sullivan, C. 2005. Trip chaining: understanding how New Zealanders link their travel. *Transfund New Zealand Research Report No. 268*. Pg.46, Table 5.9

TRANSPORT NETWORKS – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address transport issues:

Integration of Land use and Transport

- Policies and rules that reflect the need for an integrated approach to land-use and transport planning to avoid adverse effects of development.

Safe and Efficient Use

- A roading classification (referred to as a road hierarchy) is used to identify and manage roads in the district based on their function and roles.
- Rules for: the design and siting of roads; vehicle crossings; vehicle access ways; car parking; and roadside signs, and activities on and alongside the road, based on the classification of the road.
- Policies to manage and plan the growth of townships to reduce effects of traffic movements on to or across main roads or across railway lines.
- A policy and rule to manage the height of structures near airfields.
- A policy to encourage network utility operators to minimise the effects of their activities in road reserves, on traffic flow and efficiency.
- A policy and rule to maintain visibility along railway lines and to avoid access to properties across railway lines.

Future Transport Network

- Policies and rules to encourage the development of roads and subdivisions which provide for sustainable transport modes (both on and off road).
- Rules for the provision of cycle parking.
- Policies and rules to encourage development patterns that reduce the need to travel long distances and enable short trips to be undertaken by more sustainable travel modes.
- Policies and rules that ensure the long term protection of transport systems including transport corridors

Effects on Surrounding Land-use

- Rules to control the minimum building setback from road boundaries
- Rules to control the orientation and frontage of new residential developments adjoining arterial roads and state highways.

Safe and Efficient Transport Networks

- ~~Each road in the District is based on its function and the volume of traffic using it (see Appendix 9).~~
- ~~Policies and rules to manage:~~
 - ~~Design of roads; and~~
 - ~~Activities on and alongside roads;~~

~~Based on the classification of the road.~~

- ~~— A policy and rule to maintain visibility along railway lines and to avoid access to properties across railway lines.~~
- ~~— A policy and rule to manage the height of structures near airfields.~~

Environmental Effects and Reverse Sensitivity

- A policy to encourage roading authorities to reduce the effects of constructing and maintaining roads on the surrounding environment.
- A policy and rule to manage the location of new airfields relative to houses.
- A policy and rules to protect existing airfields and the flightpaths to Christchurch International Airport from reverse sensitivity effects within the area covered by airport-noise contours.
- A policy to promote the provision of, and encourage the use of, sustainable modes of transport within the rural area.
- The Plan policies encourage growth patterns that limit new residential areas to be developed parallel with and along main roads or railway lines.

TRANSPORT NETWORKS – OBJECTIVES

ROAD, PATHWAYS, RAIL AND AIRFIELDS

Objective B2.1.1

An Integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads, pathways, railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.

~~The safe and efficient operation of roads, railway lines and airfields is not compromised by effects of new land uses.~~

Objective B2.1.2

An Integrated approach to land use and transport planning to manage and minimise Adverse effects on the operation of transport networks on adjoining land uses, and to avoid “reverse sensitivity” effects on the operation of transport networks. environment from constructing and maintaining roads and rail links are mitigated.

Objective B2.1.3

Future road networks and transport corridors are designed, located and protected, to promote and provide for sustainable transport modes and alternatives to road movement of freight such as rail.

Objective B2.1.4

Adverse effects of land transport networks on natural or physical resources or amenity values, are remedied or mitigated, including adverse effects on the environment from construction, operation and maintenance.

Objective B2.1.35

Continued operation of existing airfields without adverse noise effects on land uses near airfields or under flight-paths to airfields including Christchurch International Airport while ensuring such resources are not compromised by inappropriate development of noise-sensitive land use activities.

Explanation and Reasons

Transport networks are vital to provide and improve accessibility (ensuring all users, particularly active modes have access to services) to social, cultural and economic activities in the District. People need access to quality transport networks, to move themselves and their goods safely and efficiently. Activities alongside roads, pathways, railway lines and airfields can affect the safe and efficient operation of the transport networks.

~~They need to operate safely and efficiently. Activities alongside roads, railway lines and airfields can affect their safety and efficiency. Objective B2.1.1 is to ensure these effects do not occur. The objective relates to land uses, because this is the function of district councils under the~~

~~Act. Other legislation addresses the safe operation of motor vehicles, trains and aircraft.~~
Objective B2.1.1 is achieved by policies and rules to:

- ~~— Ensure roads are formed and maintained to a standard to accommodate the volume and type of traffic.~~
- ~~— Avoid land uses creating hazards alongside roads and railway lines or around airfields.~~

At the same time, residents living near transport networks sometimes object to effects such as noise, dust and vibration from the network. Objectives B2.1.1 and B2.1.2 are centred on ensuring transport networks operate safely and efficiently while not adversely affecting people living nearby.

Objective B2.1.2 recognises the potential impacts land use and transport can have on each other. Managing and mitigating such effects necessitates an integrated approach to the planning of transport systems and surrounding land uses.

Integrated assessments become increasingly important where activities are proposed out of zone, areas of land are rezoned, land is subdivided or activities that generate significant levels of traffic (all modes) are proposed.

The fundamental purpose of an integrated assessment from a transport perspective is to consider the accessibility of any proposal, for a range of modes and the ability to improve the accessibility for all modes. Other important considerations relate to how well the proposal fits with the objectives and policies of the wider area, the nature and scale of traffic (not just motorised) associated with the proposal and the impact on the existing transport network including any changes needed to meet appropriate policies and standards or improve connectivity (the linking of local facilities, adjoining land and surrounding neighbourhoods through connected transport networks) particularly for active modes.

An integrated land use and transport planning approach will manage the effects of urban growth and development on the existing transport network, manage the effects of transport networks on land uses and integrate the provision of newsustainable transport modes into the network based on anticipated urban growth.

~~The e~~Objective B2.1.3 relates to improving the permeability (providing choice and ease of movement through the network) and accessibility of the transport network in terms of the design, form, function and location of roads for example to achieve greater connectivity, as well as the provision for sustainable modes of travel. Providing a high level of connectivity can reduce travel distances and make active modes more attractive and efficient for users where such provision can have environmental and social benefits.

Objective B2.1.3 recognises that future solutions to transport particularly in and through rural areas need to consider sustainable transport modes. Consideration shall be given to the potential for public transport and expanding the active transport network and utilising and promoting the movement of freight via existing and future rail infrastructure.

Whilst the majority of sustainable transport options are focussed in urban areas, the road network in the rural area provides key transport links between townships, and as such needs to allow for public transport, cycle and pedestrian routes. An example is the Rail Trail cycleway.

Roads, pathways and rail links may pass through or alongside bush areas, waterbodies and wetlands, over slopes, and over or near sites of special cultural or heritage values. Objective B2.1.24 addresses the effects which the construction and maintenance of roads, pathway and rail links may have on the surrounding area. ~~Roads and railways are maintained by requiring authorities using designations (see Part A, Section 2.6), so District Plan rules do not apply~~
Objective B2.1.24 is implemented using a combination of: advocacy; encouraging good practice among requiring authorities; and the Council's power under section 176(A) of the Act to

approve outline plans for designations. Objective B2.1.3–5 protects existing airfields and Christchurch International Airport from potential reverse sensitivity effects caused by residential activities locating too close to airfields or underneath the flight paths to Christchurch International Airport while ensuring that adverse effects of noise on other land uses in the District are limited. The objective is achieved by policies and rules to manage residential density in the rural area generally and under the flight paths to Christchurch International Airport, specifically. The policies and rules require additional noise insulation in houses erected in the area covered by the 55 dBA Ldn noise contour for Christchurch International Airport (see the Planning Maps).

TRANSPORT NETWORKS – POLICIES AND METHODS

ROADS AND PATHWAYS

Policy B2.1.1

Apply a road hierarchy classification in Selwyn District to recognise the different functions and roles of the Districts roads.

~~Manage the Districts road network based on the function of each road and the volume of traffic it carries.~~

Policy B2.1.2

Manage effects of activities on the safe and efficient operation of the District's existing and planned road network, considering the classification and function of each road in the hierarchy.

~~When the function of a road or the volume of traffic on it changes:~~

- ~~— Ensure the road is upgraded to comply with the Council's Engineering Design Standards 2000 (see Appendix 10).~~

NOTE:

The upgrading of State Highways is undertaken by Transit New Zealand to their own standards.

Policy B2.1.3

Recognise and protect the primary function of Manage roads classified as Strategic State Highways or Arterial Roads in Appendix 9, primarily to ensure the safe and efficient flow of through traffic en route to its destination.

Policy B2.1.4

~~Recognise all other roads in the District as providing equally important functions of:~~

- ~~— carrying 'through' traffic;~~
- ~~— providing access to properties; and~~
- ~~— providing pedestrian, cycle and stock access to properties.~~

Policy B2.1.4(a)

Ensure all sites, allotments or properties have legal access to a legal road which is formed to the standard necessary to meet the needs of the activity considering:

- ~~— the number and type of vehicle movements generated by the activity;~~
- ~~— the road classification and function; and~~
- ~~— any pedestrian, cycle, public transport or other access required by the activity.~~

Policy B2.1.4(b)

Avoid adverse effects on the safe flow of traffic along State Highways and Arterial Roads from new property access or activities which generate a high level of traffic movements.

Policy B2.1.5

Promote the strategic planning of transport networks to achieve a high level of connectivity and provision for sustainable transport including public transport, cycling and walking.

Explanation and Reasons

Every road in the District is classified using a combination of destination (the link the road provides), ~~and~~ the number of vehicles using it and the function of the road. The ~~standards rules~~ for the design and formation of roads, ~~vehicular~~ vehicle accessways, and vehicle crossings; and the rules for land uses, alongside roads, are based on the classification the road has in the road hierarchy. Road classifications are listed in Part E, Appendix 9.

~~Roads classified as Strategic Roads in the road hierarchy carry large volumes of traffic between destinations, often at high speeds. Due to the volume and speed of traffic, the function of Strategic Roads to carry through traffic takes precedence over other functions of these roads. Policy B2.1.3 ensures activities which may affect this function such as: property access; signs; car parking; and stock droving are managed. The Strategic Roads in Selwyn District are listed in Appendix 9. They include all State Highways and Springs Road.~~

~~Policy B2.1.4 ensures all other roads in Selwyn District are managed to balance each of their functions equally. The Plan uses rules to manage effects of activities both alongside and within the road reserve. Within the road reserve, the Council and Transit New Zealand can also control activities through their powers under the LGA and the Transit New Zealand Act 1989, respectively.~~

Roads classified as State Highways are highest in the road hierarchy, they are required to accommodate connections by arterial roads, collector and local roads in a very controlled manner. Due to the higher volume and speed of traffic, the function of State Highways to carry 'through' traffic takes precedence over other functions of these roads. Activities which may affect this function such as: property access; signs; car parking; and stock droving are managed.

Arterial Roads connect the districts townships and other important places and activities together, including across district boundaries. They are medium capacity roads and have intersection priority over other roads lower in the hierarchy. They can provide a continuity of linkage between State Highways and collector roads and may be required to accommodate inter town bus services. Arterial roads are required to minimize, and control local road and property access to ensure they operate efficiently.

Collector Roads are low to medium capacity roads typically in urban areas that have an increased degree of access compared to other roads higher in the hierarchy. In some situations they may link smaller rural communities to the arterial road network. They provide a continuity of linkage between arterial roads and local roads and are the most likely used, in conjunction with arterial roads, to accommodate bus routes. Collector roads are required to balance the necessary traffic movement function against the property access function that they also need to provide.

Local Roads make up the largest proportion of the districts rural roads, and almost entirely their function is to provide for access to properties and adjoining land uses. They are not intended to act as main through routes for traffic, and generally have lower traffic volumes. They are not specifically identified in this Plan as there are no specific planning policies associated with them.

Policy B2.1.2 ensures all collector and local roads in Selwyn District are managed to balance each of their functions in respect to their classification within the road hierarchy. Within the road

reserve, the Council and the New Zealand Transport Agency can also control activities through their powers under the Local Government Act and the Government Rounding Powers Act 1989, respectively.

It is important to consider the location and design of new roads within the context of existing and anticipated transport networks and adjoining land use patterns. Policy B2.1.5 acknowledges that the strategic planning of transport networks to achieve a high level of connectivity and providing for sustainable transport (including public transport, cycling and walking) modes can reduce dependence on private motor vehicles with associated environmental, social and other benefits.

Developments can affect the classification of a road by increasing volume of traffic. When a development changes the volume or type of traffic on a road, the LTCCP Development Contribution Policy enables Council to take development contributions to pay for road upgrades (see Section B4.2). ~~This may include the forming of any unformed legal road to provide access to a property.~~ The forming of any unformed legal road necessary to provide access to a development or activity is the responsibility of those wishing to utilise the road.

~~Appendix 10 outlines the standards for road design and vehicle crossings, for roads as classified. These standards are taken from the Council's Engineering Design Standards 2000. These standards also stipulate standards for construction of roads and other utilities to be vested in the Council.~~

Methods

Road Hierarchy

- **Appendix 9.**

District Plan Rules

- **Road Formation**
- **Vehicle Accessways**
- **Vehicle Crossings**
- **Car Parking**
- **Intersection Distances**
- **Outdoor Signs**
- **Subdivision rules**
- **Outline Development Plans**

Bylaw

- **Stock Droving**
- **Traffic and Parking**
- **Speed Limits**

LTCCP

- **Development Contribution Policy**
- **Community Outcomes**

Design Guide for residential subdivision in the urban living zones

Policy B2.1.6

Avoid adverse effects of on-road parking and loading generated by surrounding land uses on rural roads.

Policy B2.1.7

Provide for pedestrian safety, security, circulation and access within parking areas by considering the interaction of vehicle access and manoeuvring, circulation, loading and parking, with likely pedestrian routes onto the site and between car and cycle parks, and building entrances.

Explanation and Reasons

The majority of rural roads have a narrow carriageway and do not provide adequate width or sealed shoulders to allow for parking. Parking on grassed berms can damage the berm and drainage systems (for example, swales) and result in dust nuisance, spread of noxious weeds as well as mud and other deleterious material being deposited on the sealed carriageway. The provision of parking off-road avoids the potential for additional conflict associated with vehicles manoeuvring to and from road side parking with high speed vehicles on the frontage road. The type of traffic on rural roads for example heavy or over width vehicles and farm machinery that needs to use the road sides for access, can also exacerbate these effects. In addition to adverse effects on the safety, efficiency and other roles and functions of the road, road side parking in rural areas can have a noticeable impact on the character and amenity of the surrounding rural area.

Activities (particularly those with high visitor parking demand) with larger parking areas require the consideration of pedestrian safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk and cycle within townships and provide for safe movement of pedestrians within the site, to and from motor vehicles and cycle parks.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicle access and manoeuvring areas relative to pedestrian entrances to sites, parking areas and the building entrance and does not always require provision of separate pedestrian facilities.

Methods

Road Hierarchy

- Appendix 9.

District Plan Rules

- Vehicle manoeuvres
- Subdivision

LTCCP

- Development Contribution Policy

District Plan Rules

- Road formation

- Vehicle Accessways
- Vehicle crossings
- Car parking
- Intersection distances
- Outdoor signs
- Subdivision rules
- Outline Development Plans

Bylaw

- Stock droving
- Traffic Control and Parking
- Speed Limits

Policy B2.1.58

Ensure roadside signs are designed and positioned so they can be read quickly and clearly by motorists without causing prolonged distraction from the road or sudden vehicle manoeuvres.

Explanation and Reasons

Traffic safety is paramount and efficient traffic flow is important, to efficiently move people and freight throughout the District. Signs that are incorrectly sited or designed may be hard to read and cause drivers to be distracted from the road for too long. Similarly, if signs are not sited far enough away or roadside activities have insufficient room for vehicles to move safely onto or off the road, they can cause drivers to make sharp or sudden manoeuvres which may disrupt traffic flow or cause an accident. The District Plan can reduce potential adverse effects on traffic safety or flow, caused by incorrectly positioned roadside structures such as signs, intersections, vehicular vehicle crossings and roadside stalls.

Policy B2.1.79

Ensure buildings are set back a sufficient distance from road boundaries to maintain good visibility for pedestrians, cyclists and motorists, to allow safe access and egress.

Explanation and Reasons

Buildings positioned too close to road boundaries can affect the visibility of pedestrians, cyclists and motorists. If garage doors are parallel to the road it is desirable that there is sufficient room for a motor vehicle to park in front of the garage and off the footpath when stopping to open the garage door. Policy B2.1.9 is to ensure that buildings are setback a sufficient distance from roads, to ensure road safety is not adversely affected.

The policy is implemented by rules for setbacks of buildings from road boundaries. Setbacks are also required to mitigate reverse sensitivity arising from road noise.

Policy B2.1.610

Ensure vehicle crossings, intersections, ~~vehicular accessways~~ **pathways**, roadside signs, and noticeboards ~~and roadside stalls~~ are designed and positioned to ensure good visibility for ~~motorists and pedestrians~~ **all road users**, and to allow safe **passage**, access and egress.

Explanation and Reasons

If vehicle accessways and intersections are located too close to one another, visibility is insufficient for motor vehicles to manoeuvre on and off the road safely.

Policy B2.1.11

Ensure roads are designed, constructed, maintained and upgraded to an appropriate standard to carry the volume and types of traffic safely and efficiently.

Explanation and Reasons

As land use changes, the volume and type of traffic (including active modes) on a road also changes. As roads get busier, they require different design standards to ensure safe and efficient traffic movements. Upgrades may include widening, strengthening, improved lighting and additional footpaths to provide sufficient capacity for the traffic volumes expected.

Methods

District Plan Rules

- Subdivision
- Roads and Vehicle Accessways

Policy B2.1.812

~~Discourage~~ **Avoid** new property access directly on to ~~Strategic~~ **the State Highway or Arterial** Roads, unless there is no alternative legal access available, or effects on the safe and efficient flow of traffic along the road will be minor.

Explanation and Reasons

~~Traffic safety is paramount and efficient traffic flow is important, in the District. The District Plan can reduce potential effects on traffic safety or flow, caused by incorrectly positioned roadside signs, intersections, vehicular accessways and roadside stalls.~~

~~Policy B2.1.6 manages the design and positioning of vehicle crossings, vehicular accessways, intersections and roadside signs and stalls, to ensure safe vehicle access and egress.~~

~~Policy B2.1.7 manages the position of buildings in relation to road boundaries for similar reasons.~~

Policy B2.1.812 prevents additional vehicle access directly on to roads classified as **Strategic State Highway or Arterial** Roads in the road hierarchy, unless: there is no alternative legal access to the property; or effects on passing traffic will be minor. The Policy and Rule apply to both:

- Additional vehicle crossings on existing properties; and

- New vehicle crossings created when allotments are subdivided and sold.

Strategic State Highway and Arterial roads are managed primarily to carry high volumes of “through” traffic at high speeds, safely and efficiently. In the rural area, the maximum speed limit on **Strategic these** roads is 100 km/hr. As residential density increases, residential and business activities ~~are starting to creep that seek to locate~~ beyond the speed restricted area **increase the chance of vehicle conflicts between adjoining land uses and traffic on the frontage road**. The corresponding rule makes vehicle crossings on to **Strategic State Highway** Roads a restricted discretionary activity (needs a resource consent) if the speed limit exceeds 70km/hr. The Council (as the consent authority) will consider matters such as: whether the property can have access from another road; the location of the ~~vehicular accessway~~ **vehicle crossing**; and the number and type of vehicles **and other modes** using it.

It is important to consider the location and design of new roads within the context of existing and anticipated transport networks and adjoining land use patterns.

Please note: Existing property access on to **Strategic State Highway** Roads may be an “existing use” under section 10 of the Act (see Part A, Section 2.3).

Methods

District Plan Rules

- Outdoor signs and noticeboards

Roadside stalls on Strategic Roads

- Utilities
- Access
- Building setbacks from road boundaries

Policy B2.1.913

Avoid planting trees or hedges in positions or allow them to grow to heights where they will shade roads for prolonged periods during winter.

Explanation and Reasons

Trees and hedges are often planted along the road boundaries of properties for shelter. Sometimes trees are planted up to property boundaries in plantation to maximise the size of plantations or to avoid having narrow strips of unkempt land along property boundaries. Trees or hedges planted close to the road boundary on the north side of the road can shade the carriageway for the whole day in the winter months when the sun is at low angles. There are many examples throughout the District of stretches of road which remain icy throughout the whole day because of trees and hedges shading the road. This adverse effect can be mitigated by planting trees or hedges a sufficient distance back from the road boundary or by keeping hedges and shelter belts trimmed to a height, so that they do not cast shadows over the road during the middle of the day.

Please note: Existing trees and hedges may be an “existing use” under section 10 of the Act (see Part A, Section 2.3)

Methods

Local Government Act, S.355

District Plan Rules

- Tree Planting

Advocacy

- Negotiation with landowners

Policy B2.1.1014

Ensure property gates are designed and positioned to leave adequate space for motor vehicles to move off the carriageway before stopping to open them.

Explanation and Reasons

Traffic hazards are created if vehicles cannot move off the carriageway before stopping to open gates. Policy B2.1.1014 is implemented by a rule which sets out a minimum distance for a gate to be set back from the road boundary of the property. The distance depends on whether the gate is swung so it can be opened towards the property or only opened towards the road.

Method

District Plan Rules

- Gates

Policy B2.1.1115

Promote stock driving practices that are safe, controlled and alert motorists that stock are ahead and which minimise disruption to traffic flow along Strategic and Arterial Roads.

Explanation and Reasons

Droving stock along and across roads is an integral part of the use of the road corridor in the rural environment. The risk of accidents between motorists and stock increases as roads get busier. Stock move more slowly than motor vehicles and some motorists hesitate about driving through stock and areas where stock effluent has been left on the road. The potential for conflict appears is greatest on main routes into Christchurch, during busy times however can create significant disruptions and be a hazard to motorists particularly those unaccustomed to such rural activities. The Council will not prevent stock droving along or across roads in the Rural zone where it occurs in a controlled manner, except where Policy B2.1.1216 applies. Stock droving is part of the rural environment, and roads were used to drive stock long before motor cars. Rather, Policy B2.1.1115 manages the issue by requiring good stock droving practices which give including providing adequate warning to motorists; and which moving stock along roads as quickly and orderly as practical. Policy B2.1.1115 is implemented through the Council's stock droving by-laws.

Method

Bylaw

- Stock droving

Policy B2.1.1216

Require dairy farms to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

Explanation and Reasons

Policy B2.1.1215 requires dairy farms to have other means by which to move dairy cows between milking sheds and grazing paddocks, than along legal road reserves. This is particularly prudent where dairy cows have to cross roads between milking sheds and grazing areas. The legal road reserve includes both the carriageway and the grass berms.

The Policy applies specifically to dairy herds because they have the greatest effect on the road reserve; due to the frequency of stock movements.

This practice ~~causes premature wear to the road tar seal~~ damages the road surfacing, road side drains and water races and can lead to slippery driving conditions where effluent and mud is carried and deposited onto the road carriage way. Dairy herds trampling in the road berm churns up the frontage outside other people's properties affecting private vehicle crossings, making them unpleasant to use.

Method

District Plan Rule

- Dairy farms

Bylaw

- Stock droving

Policy B2.1.17

Encourage people to walk or cycle within and between townships by providing a choice of routes for active transport modes and ensuring there is supporting infrastructure such as parking for cycles, at destinations.

Explanation and Reasons

All of Selwyn District's townships are small enough that business and community facilities are within easy walking or cycling distance for residents. The Council cannot 'force' residents not to use cars, but it can help develop walkways, cycleways and street designs which make walking or cycling safer and more pleasant.

To be useful cycleways and walkways need to: be easy to access; be perceived as "safe" to use; and lead to focal points such as shops, recreation areas or the school. The provision of well designed facilities at destinations, such as cycle parking and seating, and also signage will help to support the use of cycleways and walkways. Where new pedestrian / cyclist links are provided, the width of the corridor should depend on its length, as the longer the corridor the wider it should be to maintain visibility through the link from both ends.

The Council is required to have regard to the Regional Land Transport Strategy (RLTS) in preparing its District Plan. The RLTS promotes the use of alternative (sustainable) modes of transport (e.g. buses, bicycles, and walking). It is therefore considered that the above policy integrates with the policies of the RLTS.

Methods

Selwyn District Walking and Cycling Strategy

- Goals and Action Plan

District Plan Policies

- To assess plan changes to rezone land for expansion of towns

District Plan Rules

- Subdivision, provisions for cycleways/ walkways

Subdivision Design Guide

- Layout and conceptual design

Selwyn District Council Engineering Code of Practice

- Design

LTCCP

- Funding to assist communities to develop walkways and cycleways

Policy B2.1.1318

Encourage network utility operators to **co-ordinate**, install and maintain **and repair** utilities located in the road reserve, at times and in ways which ~~reduce~~ **minimise any potential effects on traffic (all road users) flow, traffic safety, amenity or and activities on adjoining land Including access to properties.**

Explanation and Reasons

The maintenance or repair of roads and the installation, repair or replacement of pipes, cables and other utilities laid ~~under~~ **within** the road **reserve** disrupts traffic flow **and use by other road users**. The noise, dust and vibration from these works, and difficulty getting access into or out of properties can also adversely affect residents and businesses.

Utilities are sought to be installed in a coordinated manner to avoid issues associated with continual disruption to road users and infrastructure and perceived inefficiencies by the public.

Much of this sort of work is done by requiring authorities using designations or special statutory powers. The Council will encourage network utility operators to consider these matters when developing work programmes, particularly for non-emergency work.

Methods

Advocacy

- Discussions with network utility operators

District Plan Rules

- Construction noise and vibration
- Stockpiling of materials

RAILWAY LINES

Policy B2.1.19

Encourage viable alternatives to road transport such as the movement of freight via rail.

Explanation and Reasons

Future solutions to transport particularly through rural areas may necessitate alternatives to road transport. The use of existing and future rail infrastructure may facilitate more efficient movement of freight throughout and beyond the District.

Method

District Plan Rules - rail ways

Policy B2.1.1520

Ensure structures and plantings do not impair the visibility of railway lines and road/rail crossings for motorists, pedestrians, cyclists or train drivers.

Explanation and Reasons

Railway crossings are hazardous places and not all crossings have bells or barrier arms or other appropriate warning devices. Visibility of railway crossings is as important as visibility at any intersection. Some land alongside railway lines has building line restrictions to ensure visibility is not impaired.

Method

District Plan Rule

- Subdivision – building line restrictions for railway crossings
- Line of sight

Policy B2.1.1621

Avoid any property having access to a formed, legal road over across a railway line.

Explanation and Reasons

Pedestrians and vehicles should not have to cross a railway line to obtain access on to a formed legal road from their property. The crossing of railway lines, except at controlled level crossings, is dangerous. is best undertaken at controlled road level crossings as other situations can be dangerous where the necessary standards and controls cannot be provided.

Method

District Plan Rule

- Property access

Policy B2.1.22

Ensure any new development is designed and located to minimise the need for pedestrians, cyclists, motorists or other road users (including stock) to cross railway lines.

Explanation and Reasons

Where new development is proposed, consideration should be given to the location of the land relative to any railway line: in particular; whether pedestrians or motorists need to cross the railway line to access the main road out of the town or to access business or community facilities. Where a township has been confined wholly or largely to one side of a railway line, this pattern should continue unless there are other resource management reasons to avoid continuing to expand the township in that area.

Methods

District Plan Rules

- Property access

District Plan Policy

- To assess plan changes to rezone land for expansion of townships

AIRFIELDS

Policy B2.1.1723

Ensure structures and activities do not adversely affect the safety of aircraft approaches to Hororata Domain or West Melton airfield.

Explanation and Reasons

Restrictions on height of structures and trees in close proximity to these existing airfields are necessary to ensure the safe take off and landing of aircraft and are recommended by Civil Aviation Authority. These restrictions affect land outside the airfields, but height restrictions only affect very tall structures or trees (refer Appendix 19).

Methods

District Plan Rules

- Structures
- Tree Planting

Policy B2.1.1824

Manage the location and operation of new airports, airfields or helipads used for frequent and consistent take off or landing of aircraft; and

Once established, protect these facilities from reverse-sensitivity effects caused by new activities establishing around them.

Explanation and Reasons

The take off or landing of aircraft for top-dressing, frost prevention, crop and pest spraying, recreation, tourism, construction work, and logging, is part of the rural environment. Residents in rural areas can expect to hear noise from aircraft taking off and landing on sites around them from time to time.

Airfields and helipads are established in the rural area for more frequent take off and landing of aircraft on a consistent basis. Policy B2.1.1824 does not discourage these activities. The Rural zone is an appropriate area for these activities to locate. Their location, relative to existing townships and houses, and their operation should be managed to mitigate effects of noise and vibration on surrounding residents. Once established, these activities should also be protected from becoming surrounded by residential development or other activities which may be sensitive to their effects. This is achieved by keeping residential density low in the Rural zone, and by not allowing townships to expand to surround these sites.

“Noise sensitive” activities include any residential activities, other forms of accommodation and educational facilities.

Policy B2.1.1824 applies to new airfields. Existing lawfully established activities at West Melton and Hororata Domain may be “Existing Uses” under section 10 of the Act. The District Plan policies and rules will apply to either of these sites, if the effects of the activities on the site change.

Method

District Plan Rules

- Airfield or helipad

EFFECTS ON THE ENVIRONMENT AND REVERSE SENSITIVITY EFFECTS

ROADS AND RAILWAY LINES

Policy B2.1.2125

To encourage noise sensitive activities to be adequately set back from Strategic State Highway and Arterial Roads.

Explanation and Reasons

The ~~Strategic State Highway and Arterial~~ Roads within the District perform a valuable function as a transport network and represent a considerable investment of public funds. The ability of these roads to continue functioning ~~as a part of an~~ at the highest level in the important transport network cannot be jeopardised by inappropriate land uses being established along them that could suffer from reverse sensitivity effects. Requiring noise sensitive activities to be set back from these routes is one means of mitigating adverse effects of traffic noise.

Method

District Plan Rules

- Building Position

Policy B2.1.26

Encourage heavy vehicles to use routes which bypass townships, where practical, and avoid new residential development along heavy vehicle bypasses.

Explanation and Reasons

Heavy vehicles travelling through townships can adversely affect:

- Residential amenity values through dust, noise and vibration;
- Perceptions of safety, especially for cyclists and pedestrians; and
- Roads, if they are not designed for heavy vehicles.

Policy B2.1.26 encourages heavy vehicles to use routes that bypass rather than bisect townships, to avoid these effects. The preferred method to achieve this is to design ring roads and bypasses that are quicker and easier to use, than roads which bisect townships. Consequently, once a bypass or heavy vehicle route is created, it is important that it is not adversely affected by new residential or business activities occurring along the route, and then trying to slow or restrict the traffic using it.

Methods

Selwyn District Council Engineering Code of Practice

- Road design

Asset Management Plans

- Roads

District Plan Policies

- To assess plan change requests to rezone land for the expansion of townships around heavy vehicle routes or bypasses

Bylaws

- To prohibit heavy vehicle use of roads if necessary

Policy B2.1.2427

Discourage adverse effects from constructing or maintaining roads or railway lines on the natural environment, landscape values, and sites with heritage or cultural values.

Explanation and Reasons

Roads and railway lines traverse or adjoin parts of the rural area with special values. Constructing and maintaining them can affect the environment. For example: disturbing historic or cultural sites; placing sediment in wetlands and waterbodies; clearing vegetation; or visual effects on slopes. Roads and railway lines are managed by designations; so District Plan rules do not apply. The Council can use its powers under section 176(A) of the Act (to approve outline plans for designations) and advocacy, to encourage adverse effects to be mitigated.

Method

Advocacy

- Discussions with network utility operators

CHRISTCHURCH INTERNATIONAL AIRPORT

Policy B2.1.1928

Maintain residential density at a maximum of 1 house per 4 hectares in the rural area within the 50 dBA Ldn air-noise contour shown on the Planning Maps.

Policy B2.1.2029

Require any new dwelling or extension to an existing dwelling within the area under the 55 dBA Ldn (or greater) air-noise contour shown on the Planning Maps, to be insulated for noise to the standards required in the Table contained in Appendix 20 of this Plan.

Explanation and Reasons

Noise contours, shown on the Planning Maps, are for noise from aircraft on the approach path to the Christchurch International Airport.

Christchurch International Airport is one of the few international airports which currently operate without any restrictions on the type of aircraft or times of flights, to manage effects of aircraft noise.

Christchurch International Airport Limited, the Airport Company, is anxious to maintain unrestricted operation in the future. Therefore, Christchurch International Airport Limited wants to prevent residential activities, or other activities which may be sensitive to aircraft noise, locating close to the airport and then lobbying for restrictions on the airport's operations. To avoid this situation, Christchurch International Airport Limited opposes residential development at densities greater than 1 house per 4 hectares on land inside the 50 dBA Ldn contour line.

New Zealand Standard NZS 6805:1992 recommends restrictions on residential development apply where aircraft noise exposure is 55 dBA Ldn or greater, but notes that greater protection may be appropriate in some areas. Christchurch International Airport Limited advocates for land

use restrictions from 50 dBA Ldn. Overseas research shows people become annoyed by aircraft noise at levels lower than 55 dBA Ldn, so the risk of “reverse sensitivity” effects occurs before then. At 50 dBA Ldn, Christchurch International Airport Limited advocates restricting residential activities rather than requiring noise insulation. The reason is that the effects from aircraft noise at 50 dBA Ldn are mostly experienced outdoors or when windows are open. Policy B2.1.28 requires that residential density be maintained at a maximum of 1 house per 4 ha in rural areas within the 50 dBA Ldn air noise contour.

Policy B2.1.29 recognises that any risk of potential ‘reverse sensitivity’ effects on flight operations through Christchurch International Airport must be avoided because of the importance of the operation of the airport to the Region's and District's economy.

The noise contours are shown on the Planning Maps.

Methods

District Plan Rules

- Residential density
- Noise insulation

District Plan Policies

- Residential density and subdivision

TRANSPORT NETWORKS — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental ~~results~~ outcomes are expected to occur from implementing Section B2.1:

Roads and Access

- All roads are formed and maintained to the standard necessary to carry the type and volume of traffic using them, safely and efficiently.
- ~~Strategic State Highway and Arterial~~ Roads are the most efficient roads for carrying “through” traffic.
- The visibility of roads, intersections, vehicle crossings and railway crossings is not impaired.
~~Visibility is maintained for motorists and pedestrians at vehicle crossings and intersections, and for motorists, pedestrians and train drivers at road/rail crossings.~~
- ~~Roadside signs are easy and quick for motorists to read, with large letters and symbols.~~
- Adverse effects of residential and business growth in Selwyn District on road links into Christchurch City are addressed.
- Roadside stalls and ~~vehicular accessways vehicle crossings~~ are located along straight stretches of road with good visibility and with plenty of room to manoeuvre safely on and off the road.
- Fewer impacts from the construction, maintenance and repair of roads or other utilities in road reserves, on people and the environment and areas along side roads are replanted post construction.

~~Areas along roadsides and railway lines are not damaged or are replanted when roads or railway lines are constructed, repaired or realigned.~~

- The number of dairy cows driven along or across roads to milking sheds does not increase.
- Greater provision for public transport and active modes such as walking and cycling.
- The avoidance of situations that may give rise to reverse sensitivity and reduce the future viability and or efficiency of transport systems.
- New settlement and residential activities occur closer to places of work or existing townships.

Pathways

- Greater provision of and improvement of existing on and off road pathways, footpaths and cycleways.
- Improved accessibility and connectivity through the rural area by active travel modes.

Railways

- The safe operation of the District's railway lines is not reduced or impeded by land use activities.
- Properties do not have access directly over railway lines.
- Visibility along railway lines and at road/rail crossings is maintained.
- Opportunities for movement of freight via rail are encouraged

Airfields

- The height restrictions around West Melton Airfield and Hororata Domain are retained.
- Adequate distances between airfields, helipads and dwellings are maintained.
- Residential density is maintained at 1 house per 4 hectares or less in areas affected by noise from the flight paths to Christchurch International Airport and remains able to operate 24 hours a day.

TRANSPORT NETWORKS – MONITORING

See Part E, Appendix 1.

TRANSPORT NETWORKS – INFORMATION

- Road Classification
- Selwyn District Council Walking and Cycling Strategy
- Selwyn District Council Subdivision Design Guide
- Selwyn District Council Engineering Code of Practice
- Selwyn District Council Asset Management Plans
- Councils LTP

[No changes to B2 beyond this section]

2 PHYSICAL RESOURCES

B2.1 TRANSPORT NETWORKS – ISSUES

ROAD, RAIL AND AIRFIELDS

- Integration of land use and transport planning to reduce the demand for transport and also to achieve more sustainable travel within and beyond the district.
- Effects of activities on the safe and efficient operation of the transport network particularly roads, railway lines, cycleways, footpaths and airfields.

~~Adverse effects of activities on the safe and efficient use of the District's transport networks.~~

~~Effects of transport on energy use and the environment.~~

- A transport network that facilitates a sustainable transport system to meet the future needs of a growing population.
- ~~Adverse effects of the operation of the District~~including noise and vibrations from roads and rail networks and the noise from the operation of aircraft utilising Christchurch International Airport and other airfields, on surrounding land uses and the environment.
- Effects on the operation of transport networks from adjoining land uses.
- Accessibility and effects of transport on energy use and the environment.

Introduction

Transport systems move people, goods and services throughout Selwyn District and between the District and other areas. ~~The main transport networks in the District are roads and the Midland and South Island Main Trunk railway lines.~~ Transport networks also come within the general definition of utilities.

Selwyn District is experiencing continuing population growth necessitating the integration of transport and land use planning to reduce dependence on private motor vehicles (minimising energy use) through the provision of infrastructure designed to promote and achieve good connectivity and linkages to and through developments including access to public transport, walking and cycling routes. There is an increasing need to integrate land use and transport planning through the district and with adjoining districts.

Road Network

The road network is the main transportation link in the District. Transit The New Zealand Transport Agency manages all State Highways and the Selwyn District Council manages all other public roads in the District. State Highways 1, 73, 75 and 77 pass through Selwyn District. Many Some landowners have private roads or rights of way for access to or over their property. The district has approximately 2400km of formed roads. Just over half of the road network is sealed the remainder un-sealed. There is also approximately 950 kilometres of unformed "paper" roads within the District.

Pathways

There is an increasing network of formed pathways within the District, some of these are shared use (for both walking and cycling). The main existing pathway is the Little River Railtrail however provision for similar paths between townships is being made.

Paths need to be strategically located to ensure they meet the needs of the potential users. Paths may be provided in a variety of locations both on and off road and or located within the road reserve but separated from the carriageway. There is also potential to utilise reserves and esplanade strips / reserves for walking and cycling pathways, often these areas have higher amenity than a road and are popular for recreational users but also add to the overall walking and cycling network for commuters and local trips.

The interaction of pathways with other transport networks also needs to be considered, commonly pathways for example cross roads and vehicle crossings.

Railway Lines

There are two railway lines running through the District: the Midland line which runs east-west, and the South Island Main Trunk railway line which runs north-south. These are owned and managed by ONTRACK (a division of NZ Railways Corporation).

Airfields

Recreational gliding occurs at the Hororata Domain. West Melton Airfield holds a private operator status for pilots and for training and facilities for aircraft maintenance. Noise contours from the approach paths to Christchurch International Airport extend over land in Selwyn District. These areas are shown on the Planning Maps. Issues associated with taking off or landing of aircraft in rural areas are addressed in the Rural Volume of the Plan. Many rural properties have private airstrips or helipads.

Many rural properties have private airstrips or helipads. Recreational gliding occurs at the Hororata Domain. West Melton Airfield is located in Selwyn District and noise from aircraft flying to Christchurch International Airport affect land in Selwyn District. Issues associated with taking off or landing of aircraft in rural areas are addressed in the Rural Volume of the Plan.

Issue 1

Integrating Land Use and Transport

Land use patterns can exacerbate the adverse effects of transport and result in a high dependency on the use of private motor vehicles. Initiatives such as the Greater Christchurch Urban Development Strategy (UDS) and the Regional Policy Statement (RPS) have identified where growth may be appropriate. The identification of future growth also requires consideration and integration of the strategic provision of transport infrastructure.

To reduce demand for transport and hence dependency on private motor vehicles, a network that facilitates more sustainable transport is required. This necessitates good connectivity (the linking of local facilities, adjoining land and surrounding neighbourhoods through connected transport networks) and permeability (providing choice and ease of movement through the network) through and between urban areas in the district as well as to destinations in surrounding districts.

In order to reduce adverse effects associated with transport, Selwyn District also needs to improve and promote the accessibility (ensuring all users, particularly active transport mode users have access to services) and permeability for sustainable travel modes such as walking, cycling and public transport. Selwyn District therefore needs to take a more direct role in determining where and how urban growth occurs.

The provision of good quality infrastructure for pedestrian, cycle and other sustainable modes is necessary to promote and provide for active travel and provide alternatives to private vehicle transport. Good pedestrian and cycle links must be located such that they provide a safe and direct route between key land use destinations and residential areas. Consideration and provision of land for both on and off road pedestrian and cycle facilities is therefore critical in the initial stages of planning.

Selwyn District has a number of urban areas separated by large areas of rural land. A significant number of people commute daily between Selwyn District and Christchurch. Given these characteristics, the provision or improvement, and promotion, of public transport services between townships and to Christchurch may require the provision of land for transit exchanges such as park and ride schemes.

Issue 12

Safe and Efficient Use of Transport Network

Activities occurring both alongside and within the space occupied by transport networks can affect how safely and efficiently these networks operate. Roads carry a variety of motor vehicles, cyclists, pedestrians and stock which often move at different speeds and in different directions. These different uses within the road network create the potential for accidents and ~~slow down~~reduce the efficiency and effectiveness of the road in providing for any one ~~of these several functions~~ group of users. In urban areas the movement of people and goods needs to be balanced against the other functions of the road in respect to the classification of the road. This problem is not so apparent for railway lines and airfields, which primarily deal with one mode of transport. ~~Pedestrians', motorists and stock moving across railway lines can also create potential safety hazards~~Growth of Townships.

As the number of households and businesses in Selwyn District increases, so does the number of motor vehicles using the road network. ~~— A study undertaken for the Council (Barber, 1999, Energy Use and Settlement) estimates that between 4,000 and 5,000 people commute daily between Selwyn District and Christchurch City. A paper published by Statistics New Zealand (Statistics New Zealand, 2008, Workforces on the move: An examination of commuting patterns to the cities of Auckland, Wellington and Christchurch) based on the 2006 census revealed that around 7,700 people commute from Selwyn District to Christchurch City for work.~~ These transport patterns have three effects on the District's road network:

- Increased congestion and reduced efficiency of traffic flows on the State Highway and Arterial Roads in the District.
- Adverse effects on the safety and amenity values of residents in townships, which are bisected by these State Highways and Arterial Roads.
- Flow-on effects of congestion and reduced efficiency of traffic flows on the road links to Christchurch City.

Of particular concern ~~to staff of Christchurch City Council~~ the Christchurch City from Ellesmere/Sabys Road and travelling through the residential areas of Hornby, Halswell and Hoon Hay and townships such as Prebbleton.

Activities occurring on land adjoining transport networks can adversely affect their safety and efficiency in several ways:

- Activities which generate lots of people or vehicles on opposite sides of a road or railway line can increase the number of people and vehicles crossing these networks, e.g. when a school and sportsgrounds are located on opposite sides of a main road or railway line.
- Cars parked on roadsides and incorrectly-positioned signs, ~~or~~ structures and vegetation can reduce the visibility of intersections, vehicle crossings or railway crossings.
- Cars parked on roadsides reduce the carriageway width available to motorists and cyclists travelling along the road.
- Vehicle crossings sited too close to intersections or on bends or 'blind spots' can obscure the visibility of oncoming traffic and other road users.
- Roadways, which are not designed or formed to the standard necessary to carry the volume or type of traffic using them (including active modes), can create safety problems and congestion.
- Signs along roadsides can distract drivers' attention for too long, particularly if the sign is hard to read or contains too much information.
- Inappropriately-sited signs, or inappropriately-designed vehicle crossings, entranceways or intersections can cause motorists to make sudden manoeuvres (stops or turns) or delay the vehicle exiting the traffic stream, in particular heavy vehicles that require more space to turn or manoeuvre.
- Other utilities are often located in (or under) road reserves. The installation, maintenance or replacement of utilities within the road reserve can disrupt traffic flows and affect safety and access to sites.
- Areas in the approach paths to airfields or airports need to be clear of very high structures, to enable the airfield or airport to operate within Civil Aviation Authority regulations.

The Council funds roading maintenance and upgrades ~~anticipates recovering the majority of its funds for road upgrades from rates income and or LTNZTA subsidies~~ through the National Land Transport Programme. However, the Councils Development Contribution Policy also provides for development contributions to be taken in specific situations where the roading improvements provide a direct benefit to the development being considered or the development itself requires the upgrade of the roading network adjacent to the development. This may require Council also providing supporting funding.

Heavy Vehicles

In Townships, heavy vehicle use on roads increases with the utilisation of business land and the construction related to the development of land (albeit temporary heavy vehicle use). In Selwyn District the activities most likely to lead to increases in heavy vehicles in towns are; increased business activity and therefore the general transporting of goods to and from businesses (i.e. freight); increased growth requiring service vehicles such rubbish collection, and tourism ventures which may lead to increases in bus trips. Freight passing through the district is most likely to be on State Highways, arterials and other specific routes. (i.e. over dimension routes and routes where increased tonnage may be permissible).

Heavy vehicles pay for the additional wear and tear on roads through road user charges. An upgrade to a particular road may be required to strengthen it for heavy vehicles associated with a new activity. For example: strengthening a bridge or culvert, widening the carriageway, or providing a turning area.

Railway Lines

Road users moving across railway lines can also create potential safety hazards. The two main trunk railways lines in the Selwyn District cross many roads. Not all railway crossings in the District have bells or barrier arms, so visibility at railway line crossings is very important for both train drivers and road users. Railway crossings need to be appropriately designed for the number and type of vehicles using them. Where activities increase the number of people or vehicles crossing the railway line, any effects on the safety of the crossing need to be mitigated.

Airfields

Areas in the approach paths to airfields or airports need to be clear of very high structures, to enable the airfield or airport to operate within Civil Aviation Authority regulations.

Issue 3

Future Transport Network

The Christchurch Rolleston Environs Transportation Study (CRETS)¹ identified the issue of efficient travel within and beyond the district to meet the future needs of the growing population in both Selwyn District and Christchurch City and the increasing demand for travel between these districts and within the Selwyn District.

There is an identified need to provide adequate capacity and ensure a good level of service on State Highways, arterial and collector roads within and between townships and to Christchurch City and other major destinations around Selwyn District. This requires upgrading existing links and providing new roads to encourage the use of main roads and avoid adverse effects of through traffic particularly on the townships of Rolleston, Lincoln, Prebbleton and Templeton.

Main routes need to provide for the future expansion of public transport services within Selwyn District and to Christchurch City and other major destinations. In conjunction with public transport there is a need to provide off road cycle and pedestrian links within and between townships to offer alternatives to private motor vehicle travel as part of the overall strategy to meet the travel demands associated with growth.

Many of the future transport network issues facing Selwyn District cross territorial boundaries and require co-operative planning of the timing and funding of road upgrades in the short medium and long term, with other stakeholder partners such as Christchurch City Council, New Zealand Transport Agency, Environment Canterbury and Christchurch International Airport. These include upgrading the road network, new motorways, public transport and walking and cycling links.

Future local transport networks need to be designed to ensure long term sustainability of the land transport system and to ensure future roads created by subdivisions are appropriately located within the existing road network to accommodate all potential road users including buses, pedestrians and cyclists.

In the next 40 years freight demands are expected to double in the Canterbury region. The efficient movement of freight is beneficial to the district and needs to be considered in the planning of the transport network. The future network may see the establishment of freight hubs and inland ports to cater for this growth by providing efficient opportunities to store, distribute and transfer freight between different transport modes e.g. sea, air, road and rail.

¹ CRETS commenced in 2002 and is a partnership between SDC, NZTA, CCC, ECAN and CIAL to investigate and develop a transport strategy to accommodate transport growth and demand in the greater Christchurch area up to and beyond 2021. CRETS was adopted by SDC in 2007.

Future transport solutions may require utilisation of a variety of transport modes including alternatives to road transport. Viable opportunities to diversify the transport network via utilisation of alternatives to road transport need to be considered. The movement of freight via rail has been identified as an opportunity to control heavy vehicle use of the road networks where a practical and viable opportunity exists.

Issue 24

Effects of Transport Networks on the Environment and Surrounding Land Uses

The operation of transport networks can also adversely affect the activities and surrounding environment around them. Effects include:

- The effects of noise, vibration, emissions, glare or dust from roads, railway lines or airfields on adjoining residents and reverse sensitivity effects.
Noise and vibration from heavy vehicles on road and rail – Reduced safety and amenity values from either increased traffic or from heavy vehicles servicing or passing through residential areas.
- Noise from aircraft flying overhead, as they approach and take off from, airports.
- Loss of privacy due to increasing numbers of persons utilising walking and cycling links in residential areas and along esplanade reserves.
- Effects of constructing or maintaining roads, pedestrian and cycling pathways and railway lines on adjoining water bodies and wetlands.
- The visual effects from road and pathway construction on slopes or bridges across water bodies.

Increasing urban growth and development pressures are exacerbating such adverse effects. It is therefore becoming increasingly important to integrate land use and transport planning to achieve successful outcomes for both.

Issue 35

Effects on the Operation of Transport Networks From Adjoining Land Uses (Reverse Sensitivity Effects)

Sometimes nearby residents complain about the effects of other land uses, and try to restrict the activity to reduce these effects. This ‘reaction’ is known as a “reverse sensitivity” effect. It often occurs when for example:

- People buy or build houses next to busy roads, pathways, railways lines or airfields and do not expect the effects
- The traffic using the road, railway line or airfield changes and the effects increase.

Often these effects can cause nearby residents to complain, and try to restrict:

- the type of vehicles which use the road;
 - the speed of vehicles; or
 - the times when trains, ~~or~~ aircraft and ancillary activities (such as loading of freight) operate;
- to reduce these adverse effects.

~~This 'reaction' is known as a~~This "reverse sensitivity" effect occurs quite frequently, even when people knowingly build or buy houses next to railway lines or main roads, or close to airports or airfields. By taking an integrated approach to land use and transport planning such effects can be avoided, or minimised.

Christchurch International Airport

Christchurch International Airport Ltd (CIAL) is one of very few international airports that operates without any restrictions on the type of aircraft or hours of operation to reduce noise effects. New Zealand's geographic location means it is usually the 'last leg' on international flight schedules and many large aircraft arrive and leave at night time. Therefore, the current lack of restriction on the airport's operations is important for both the commercial viability of the airport and the South Island's economy.

CIAL has identified the area of land in the District where people are likely to be exposed to noise from aircraft taking off and landing at the airport. Areas subject to sound exposure levels sufficient to have adverse effects are shown on planning maps within "airport noise contour" lines. The noise contours represent the predicted levels of sound exposure expressed as the day-night average sound level (Ldn) in A-frequency weighted decibels (dBA). This basis is used because annoyance from aircraft noise is a cumulative effect caused by a combination of loudness, the number of events and the increased sensitivity of people to noise at night time.

The areas affected in Selwyn District are shown on the Planning Maps. The noise contours are calculated using the number of aircraft flights when the existing runway is operating at its full capacity. Therefore, land areas which are not affected now, but will be within the next 15 years are shown under the noise contours. As the airport gets busier three effects occur which will concentrate the noise in this area:

- There will be more flights, and
- Aircraft will have to join the approach path to the Airport much sooner than what they do now (i.e, they will start to queue).
- They will have to fly under instrument rules which will result in more consistency of flight paths.

CIAL wants provisions in the District Plan to avoid potential "reverse sensitivity" effects on the airport from 'noise sensitive' activities on land under the noise contours for 50 dBA Ldn or greater.

Issue 46

~~Effects on Energy Use and the Environment~~

Accessibility, Energy Use and Diversity of Transport Modes

One of the core functions of transport infrastructure is to provide safe, efficient and effective transport options. Another is to ensure that both the transport routes and adjoining land uses are accessible to the people who use them.

Transportation involves energy use. The most common forms of transport in New Zealand rely on the consumption of non-renewable carbon-based fuels (petrol, diesel, etc) and the use of private motor vehicles. The New Zealand Transport Strategy indicates that around one third of all vehicle trips are less than 2km and the majority less than 6km. Although a number of these trips may be linked to form tours or trip chains there are still around a quarter of these tours which are less

than 4km long and around half are less than 10km long². A large proportion of private motor vehicle trips are made by a single occupant. These transport patterns raise three resource management issues Travel by private motor vehicle is inefficient in terms of fuel consumption and environmental effects per weight transported.

Carbon-based fuels are, for all practical purposes, a non-renewable resource.

- ~~Private motor vehicles are not as efficient a form of transport (in terms of fuel consumption per weight transported) as some other forms of motorised transport (e.g. buses and trains).~~
- ~~Carbon-based fuels are contributing to changing concentrations of some gases in the atmosphere, particularly carbon dioxide (CO₂). These changes could potentially alter atmospheric and climatic conditions (the “Greenhouse Effect”).~~

The siting and design of transport infrastructure ~~and the management of transport and land use patterns~~ can cause and exacerbate adverse effects on the environment. These effects ~~may~~ include “green house” gas emissions with atmospheric and climatic changes. The adverse effects of transport on energy efficiency and air quality are identified by the RPS as a resource management issue for the whole of Canterbury. In addition direct effects of transport on the environment of Selwyn District may result such as: air pollution, noise and vibration, contaminated stormwater run-off from roads, loss of public amenity including effects on visual amenity, natural character and areas of significant flora and fauna, effects on ancestral lands, sites and other taonga of value to Tāngata Whenua, spread of noxious weeds from road verges, loss of land to roads and to the parking of vehicles and effects on sites of heritage value.

The Regional Policy Statement instructs District Councils to promote land use and settlement patterns which reduce the demand for transport, especially by private motor vehicles.(Chapter 13, p. 215). The RPS (Plan Change 1) also seeks to ensure that planning and provision of transport infrastructure is integrated with development and settlement patterns to reduce network congestion, reduce dependency on private motor vehicles, reduce emission of contaminants to air, re-use energy use and promote the use of sustainable transport modes.

Existing settlement patterns in Selwyn District include concentrations of people in growing townships separated by rural areas. This settlement pattern results in large commuter travel distances and heavy reliance on private motor vehicles. The existing nature of Selwyn District and the anticipated increase in urban growth makes it imperative to integrate future land use and transport planning to ensure that new development and a variety of transport infrastructure and modes are sustainable, functional and accessible.

Within the Selwyn District transport networks need to be upgraded and when necessary new networks provided to improve accessibility and provide for sustainable travel options to reduce both local and wider environmental effects of travel. Transport routes linking townships pass through the rural area, and as such the rural area will also benefit from the promotion of sustainable modes of transport, for example the Christchurch to Little River Railtrail pathway.

New developments need to provide and be appropriately located within transport networks (including roads and pathways) that are accessible, connected, safe, well designed and appropriately located to encourage the use of active transport. New developments should also consider the ability to accommodate future public transport systems.

² O’Fallon, C., Sullivan, C. 2005. Trip chaining: understanding how New Zealanders link their travel. *Transfund New Zealand Research Report No. 268*. Pg.46, Table 5.9

TRANSPORT NETWORKS— STRATEGY

ROAD, RAIL AND AIRFIELDS

The Township Volume of the District Plan uses the following basic strategy to address issues with transport networks:

Integration of Land use and Transport

- Policies and rules that reflect the need for an integrated approach to land-use and transport planning to avoid adverse effects of development.

Safe and Efficient Use

- A roading classification (referred to as a road hierarchy) is used to identify and manage roads in the district based on their function and roles, volume of traffic.
- Rules for: the design and siting of roads; vehicle crossings; vehicular accessways; carparking; and roadside signs and stalls and activities on and alongside the road, based on the classification of the road.
- Policies to manage and plan the growth of townships to reduce effects of traffic movements onto or across main roads or across railway lines.
- A policy and rule to manage the height of structures around West Melton Airfield and Hororata Domain near airfields.
- A policy to encourage network utility operators to minimise the effects of their activities in road reserves, on traffic flow and efficiency.
- A policy and rule to maintain visibility along railway lines and to avoid access to properties across railway lines.

Future Transport Network

- Policies and rules to encourage the development of roads and subdivisions which provide for sustainable transport modes (both on and off road).
- Rules for the provision of cycle parking.
- Policies and rules to encourage development patterns that reduce the need to travel long distances and enable short trips to be undertaken by more sustainable travel modes.
- Policies and rules that ensure the long term protection of transport systems including transport corridors

Effects on Surrounding Land-use

- Rules to control the minimum building setback from road boundaries
- Rules to control the orientation and frontage of new residential developments adjoining arterial/strategic roads.

Environmental Effects and Reverse Sensitivity

- A policy to encourage roading authorities to reduce the effects of constructing and maintaining roads on the surrounding environment.
- A policy and rule to manage the location of new airfields relative to houses.

- A policy and rules to protect existing airfields and the flight paths to Christchurch International Airport from reverse sensitivity effects within the area covered by airport-noise contours.
- A policy to promote the provision of, and encourage the use of, sustainable modes of transport within the rural area.
- The Plan policies encourage growth patterns that limit new residential areas to be developed parallel with and along main roads or railway lines.

Reverse Sensitivity Effects

- ~~The Plan policies encourage townships to grow in patterns where new residential areas are not developed parallel with and along main roads or railway lines.~~
- ~~The Plan policies are to avoid rezoning land for new residential development within the Airport noise contours shown on the Planning Maps.~~

TRANSPORT NETWORKS – OBJECTIVES

ROADS, PATHWAYS, RAIL AND AIRFIELDS

Objective B2.1.1

An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District's roads, pathways, railway lines and airfields transport networks is not impeded compromised by adverse effects from activities on surrounding land or by residential growth.

Objective B2.1.2

~~Adverse effects of transport networks on adjoining land uses.~~

An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid “reverse sensitivity” effects on the operation of transport networks.

Objective B2.1.3

Future road networks and transport corridors are designed, located and protected, to promote and provide for sustainable transport modes and alternatives to road movement of freight such as rail.

Objective B2.1.3

~~The establishment of land uses is to be avoided where they may give rise to “reverse sensitivity” effects on the operation of transport networks.~~

Objective B2.1.54

Adverse effects of land transport networks on natural or physical resources or amenity values, are remedied or minimised mitigated, including adverse effects on the environment from construction, operation and maintenance .

Objective B2.1.45

The future, unrestricted operation of Christchurch International Airport is not jeopardised by “reverse sensitivity” effects from residential development in the Selwyn District.

Explanation and Reasons

Transport networks are vital to provide and improve accessibility (ensuring all users, particularly active modes have access to services) to social, cultural, environmental and economic activities in the District. People need access to quality transport networks, to move themselves and their goods safely and efficiently. Activities alongside roads, pathways, railway lines and airfields can affect the safe and efficient operation of transport networks.

At the same time, residents living near transport networks sometimes object to effects such as noise, dust and vibration from the network. Objectives B2.1.1 and B2.1.2 are centred on ensuring transport networks operate safely and efficiently while not adversely affecting people living nearby.

Objective B2.1.2 recognises the potential impacts land use and transport can have on each other. Managing and mitigating such effects necessitates an integrated approach to the planning of transport and surrounding land uses.

Integrated assessments become increasingly important where activities are proposed out of zone, areas of land are rezoned, land is subdivided or activities that generate significant levels of traffic (all modes) are proposed.

The fundamental purpose of an integrated assessment from a transport perspective is to consider the accessibility of any proposal, for a range of modes and the ability to improve the accessibility for all modes. Other important considerations relate to how well the proposal fits with the objectives and policies of the wider area, the nature and scale of traffic (not just motorised) associated with the proposal and the impact on the existing transport network including any changes needed to meet appropriate policies and standards or improve connectivity (the linking of local facilities, adjoining land and surrounding neighbourhoods through connected transport networks) particularly for active modes.

An integrated land use and transport planning approach will manage the effects of urban growth and development on the existing transport network, manage the effects of transport networks on land uses and integrate the provision of new sustainable transport modes into the network based on anticipated urban growth.

Objective B2.1.3 relates to improving the permeability (providing choice and ease of movement through the network) and accessibility of the transport network in terms of the design, form, function and location of roads for example to achieve greater connectivity, as well as the provision for sustainable modes of travel. Providing a high level of connectivity can reduce travel distances and make active modes more attractive and efficient for users where such provision can have environmental and social benefits.

Objective B2.1.3 recognises that future solutions to transport need to consider sustainable transport modes. Consideration shall be given to the potential for public transport, expanding the active transport network and utilising and promoting the movement of freight via existing and future rail infrastructure.

Improving accessibility reduces travel distances and makes ~~alternative~~ **sustainable** modes more attractive and efficient for users, which can have environmental, cultural and social benefits. The objective is achieved by policies which promote the inclusion of these facilities and encourage their use.

Roads, pathways and rail links may pass through or alongside bush areas, water bodies and wetlands, over slopes, and over or near sites of special cultural or heritage values. Objective B2.1.4 addresses the effects which the construction and maintenance of roads, pathways and rail links may have on the surrounding area. Objective B2.1.4 is implemented using a combination of: advocacy; encouraging good practice among requiring authorities; and the Council's power under section 176(A) of the Act to approve outline plans for designations.

~~Objective B2.1.4~~ Objective B2.1.5 focuses specifically on Christchurch International Airport. The Plan recognises the unrestricted operation of CIAL.

TRANSPORT NETWORKS— POLICIES AND METHODS

ROADS AND PATHWAYS

Policy B2.1.1

Apply a road hierarchy classification in Selwyn District to recognise the different functions and roles of the Districts roads.

Policy B2.1.2

Manage effects of activities on the safe and efficient operation of the District's existing and planned road network, considering the classification and function of each road in the hierarchy.

Policy B2.1.3

Recognise and protect the primary function of Manage roads classified as State Highways and Strategic Roads In, Arterial Roads In Part E, Appendix 7, primarily to ensure the safe and efficient flow of 'through' traffic en route to its destination.

Policy B2.1.4(a)

Ensure all sites, allotments or properties have legal access to a legal road which is formed to the standard necessary to meet the needs of the activity considering:

- the number and type of vehicle movements generated by the activity;
- the road classification and function; and
- any pedestrian, cycle, public transport or other ~~steek~~ access required by the activity.

Policy B2.1.4(b)

Avoid adverse effects on the safe flow of traffic along ~~Strategic Road~~ State Highways and Arterial Roads from new property access, where the speed limit is more than 70 km/hr.

Policy B2.1.5

Ensure the development of new roads is integrated with existing and future transport networks and landuses; and is designed and located to maximise permeability and accessibility through achieving a high level of connectivity within and through new developments to encourage use of public and active transport.

Explanation and Reasons

Each road in the District is classified using a combination of destination (the link the road provides), the number of vehicles using it and the function of the road. The rules for the design and formation of roads, vehicular accessways, vehicle crossings and effects of adjoining land

uses relate to the classification the road has in the road hierarchy. The road hierarchy is listed in Part E, Appendix 7, this includes State highways, arterial Roads and collector roads.

Roads classified as ~~Strategic State Highways~~ in the road hierarchy carry large volumes of traffic between destinations, often at high speeds. Due to the volume and speed of traffic, the function of ~~Strategic Roads~~ are highest in the roading hierarchy, they are required to accommodate connections of arterial roads, collector and local roads in a very controlled manner. Due to the higher volume and speed of traffic, the function of State Highways to carry 'through' traffic takes precedence over other functions of these roads. Activities which may affect this function such as: property access; signs; car parking; and ~~stock-droving bus stops~~ need to be managed.

In most townships in the District, the speed limit on ~~Strategic Roads~~ State Highways and Arterial Roads is restricted to 70 km/hr or less and the adjacent urban activities will influence the road design, i.e. the need to cater for pedestrians, cyclists and public transport. Property access directly onto ~~Strategic Roads~~ State Highways or Arterial Roads may be allowed where the speed limit exceeds 70 km/hr, by granting resource consent. Consideration should be given to matters such as whether the property can have access from another road; the location of the vehicular accessway; and the number and type of vehicles using it. The Plan recognises that multiple property access onto ~~Strategic Roads~~ State Highways already exists where the speed limit is 70 km/hr or less.

All other roads in Selwyn District are managed to 'balance' each of their functions equally.

Arterial roads connect the districts townships and other important places and activities together, including across district boundaries. They are high to medium capacity roads and have intersection priority over other roads lower in the hierarchy. In urban areas they are likely to require the use of cycle lanes on the carriageway. They can provide a continuity of linkage between State Highways and collector roads, and may be required to accommodate inter town bus services. Arterial roads are required to minimise, and control local road and property access to ensure they operate efficiently.

Collector Roads are low to medium capacity roads typically in urban areas that have an increased degree of access compared to other roads higher in the hierarchy. Their prime role is to distribute and collect local traffic within and between neighbourhood areas. In some situations they may link smaller rural communities to the arterial road network. They provide a continuity of linkage between arterial roads and local roads and are the most likely to be used, in conjunction with arterial roads, to accommodate urban bus routes. Collector roads are required to balance the necessary traffic movement function against the property access function that they also need to provide.

Local Roads make up the largest proportion of the districts rural and urban roads. The function of local roads is almost entirely to provide for access to properties and adjoining land uses. Local roads are not intended to act as main through routes for traffic and generally have lower traffic volumes. Local roads are not specifically listed in the Plan rather include all roads not otherwise identified as Collector, Arterial or State Highways. The definition of local roads includes sub categories of Local Business, Local Major, Local Intermediate, Local Minor. This intended to assist in delivering urban design principles by allowing the introduction of a tier of local road classifications, with standards suited to their intended use.

~~The Plan uses rules to manage effects of activities alongside the road, but not within the road reserve.~~ Within the road reserve, the Council and ~~Transit~~ New Zealand Transport Agency can control activities through their functions under the Local Government Act and the Government Roothing Powers Act 1989, respectively.

An adequate separation distance between ~~vehicular accessways~~ vehicle crossings and road intersections is required to allow sufficient visibility for motor vehicles to manoeuvre on and off the road safely.

It is important to consider the location and design of new roads within the context of existing and anticipated transport networks and adjoining land use patterns. Strategic planning of transport networks and provision for public transport and active transport modes can reduce dependence on private motor vehicles and ensure permeability and accessibility to and through developments and existing townships.

The integration of new developments with surrounding neighbourhoods can be achieved through increasing the variety of transport connections. The key design elements to achieve greater connectivity include providing a variety of transport linkages including access to walking and cycling routes and neighbourhood blocks that are pedestrian friendly.

The Councils *Design Guide for residential subdivisions in the urban living zones* provides practical explanations and guidelines for achieving good connectivity.

Taking an integrated approach can enable the identification of patterns and distribution of land uses to reduce the need to drive, by ensuring services for example schools, doctors, and employment are within walking or cycling distance.

Note: Existing property access may be an existing use under section 10 of the Act. (Part A, Section 1.2 Existing Uses).

Methods

Note: Information sources for all policies are included at the end of this section.

—— Road Classification — Engineering

District Plan Rules

- Road Formation
- Vehicle Accessways
- Pedestrian and Cycle Pathways
- Vehicle Crossings
- Car Parking
- Intersection Distances
- Outdoor Signs
- Subdivision rules
- Outline Development Plans

Bylaws

- Stock Droving
- Traffic and Parking
- Speed Limits

Policy B2.1.6(a)

Require activities to have adequate on-site car parking and loading facilities to ~~reduce~~ ~~minimise~~ potential adverse effects from roadside parking and to require adequate on-site manoeuvring area to avoid the need for reversing onto or off ~~Strategic roads particularly State Highways and Arterial Roads.~~

Explanation and Reasons

When vehicles park or stop on the road they reduce the width of the carriageway available for moving vehicles. They can also impede the visibility of pedestrians and cyclists, or of vehicles moving across vehicle crossings or intersections. Significant on-street parking may adversely affect the character and amenity of the surrounding area. The extent of on-street parking and associated adverse effects will depend on: the actual parking demand of the particular activity, the number and type of vehicles parking on the roadside; the width of the carriageway; the volume, speed and types of traffic the road carries; and adjoining land uses. Because it is important to protect the safe and efficient movement of traffic on Strategic State Highways and Arterial roads, which serve a primarily through traffic function, it is important to ensure that vehicles can manoeuvre on site and not have to reverse on or off such roads.

In Living zones, on-street car parking can also adversely affect the privacy and outlook of neighbouring properties. This issue is addressed in Part B, Section 3.4, Policy B3.4.18.

The District Plan contains rules for car parking in Living and Business zones. These rules stipulate the number of on-site car parks and loading zones that should be provided ~~with various types of activities, to address these effects.~~ to meet the parking demand associated with most activities for all but the busiest times of the year. It is primarily the responsibility of the property owner or developer to provide adequate off-road parking to meet the demand of staff and visitors so as to minimise or ideally avoid adverse effects associated with a lack of parking provision. The lower requirement for some activities (e.g. places of assembly) recognises that it is not always feasible to provide parking to meet a high peak demand of limited duration (one or two hours) once or twice a week where parking demand for the remainder of the week is considerably lower and sporadic. Typically such activities provide a not for profit service to the community.

Policy B2.1.6(b)

Recognise that reductions from the required level of on-site car parking within Lincoln, Rolleston, Darfield, Prebbleton, Leeston and Southbridge, Business 1 zone Town Centres may individually or cumulatively impact on the future availability of on-street parking within the Business zone resulting in the overflow of parking into and adverse effects on surrounding residential streets.

On-site parking rates below anticipated demand have been specified for Lincoln, Rolleston, Darfield, Prebbleton, Leeston and Southbridge Town Centres. These lower rates recognise a number of factors including: the slightly lower parking demand rate likely to occur when a large conglomeration of retail activities occur within a defined area, the acceptability of the use of on-street parking within these town centre business zones, the desire to encourage business growth in these areas and the need to reduce on-site parking provision in order to facilitate improved urban design outcomes within these business zoned sites.

The rates have been set considering the existing and future on-street parking supply and demand in these townships. In addition to the matters listed under B2.1.6(a), reductions from these rates may result in an overflow of parking into residential zones. Whilst this may not occur upon commencement of the activity, the additional on-street demand generated by the activity displaces on-street parking anticipated for use by other, sites yet to be developed for business activities. Cumulatively and over time this could result in parking overflowing into adjoining residential zones. This may result in adverse effects on the availability of on-street parking for residents and their visitors and impact on the amenity and character of the residential area. As such where the required level of on-site parking cannot be provided within these townships consideration should be given to reducing the parking demand of the activity.

Policy B2.1.6(c)

Recognise that parking provision on alternative sites and or travel via sustainable modes and or provision of workplace travel management plans, may reduce on-site car parking demand and have wider associated benefits, in limited situations where such options are viable and enforceable.

Explanation and Reasons

Where surrounding land uses are compatible, car parks may be provided on a separate site to the activity or shared sites. Appropriate legal arrangements must be entered into to ensure the continued availability of those spaces for use in association with the activity or activities proposed. Parking on a separate site must be clearly identifiable as being associated with the activity; be within easy walking distance; and not compromise the safety of pedestrians by requiring them to cross State Highways, Arterial roads or other high volume and or high speed roads.

Consent for reduced on-site parking provision may be appropriate where it is considered likely that bus, coach and or cycle parking provision will reduce actual on-site car parking demand; and where practicable sustainable travel options are available and/or the use and implementation of a suitable workplace travel management plan is approved, likely to be used and is adequately enforceable (including monitor-able). Educational activities are particularly encouraged to consider travel demand management plans to mitigate adverse effects associated with school parking particularly drop-off and pick up at school start and finish times and to encourage healthy active travel options for young people.

Methods

District Plan Rules

- Car Parking
- Cycle parking
- Loading Facilities

Policy B2.1.7

Ensure the siting and design of vehicular accessways and road intersections avoids impairing the visibility of motorists or pedestrians to minimise traffic conflicts.

Explanation and Reasons

If vehicular accessways and intersections are located too close to one another, visibility is insufficient for motor vehicles to manoeuvre on and off the road safely.

Method

District Plan Rule

- Distance to intersections

Provide for pedestrian safety, security, circulation and access within parking areas by considering the interaction of vehicle access and manoeuvring, circulation, loading and

parking, with likely pedestrian routes onto the site and between car and cycle parks, and building entrances.

Explanation and Reasons

Activities (particularly those with high visitor parking demand) with larger parking areas require the consideration of pedestrian safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk within townships and provide for safe movement of pedestrians within the site, to and from motor vehicles.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicular access and manoeuvring areas relative to pedestrian entrances to sites, parking areas and the building entrance. Such considerations does not always require provision of separate pedestrian facilities for example improvements could be achieved by ensuring the main circulation does not cross key areas of pedestrian activity such as entrances to buildings.

Policy B2.1.5(a)8

Ensure road side signs, stalls and other roadside activities do not distract drivers or cause or contribute to sudden or dangerous driving manoeuvres.

Explanation and Reasons

Traffic safety is paramount and efficient traffic flow is important, to efficiently move people and freight throughout the District. Signs that are incorrectly sited or designed may be hard to read and cause drivers to be distracted from the road for too long. Similarly, if signs are not sited far enough away or roadside activities have insufficient room for vehicles to move safely onto or off the road, they can cause drivers to make sharp or sudden manoeuvres which may disrupt traffic flow or cause an accident. **The District Plan can reduce potential adverse effects on traffic safety or flow, caused by incorrectly positioned roadside structures such as signs, intersections, vehicular crossings..**

Method

District Plan Rules

- Outdoor signs and noticeboards
- Roadside stalls on ~~Strategic Road~~

Policy B2.1.5(b)9

Ensure buildings are set back a sufficient distance from road boundaries to maintain good visibility for all road users including motorists, cyclists and pedestrians, and to allow safe access and egress and to mitigate reverse sensitivity effects on land adjoining the State Highway.

Explanation and Reasons

Buildings positioned too close to road boundaries can affect the visibility of road users including pedestrians, cyclists and motorists. If garage doors are parallel to the road it is desirable that there is sufficient room for a motor vehicle to park in front of the garage and off the footpath when stopping to open the garage door. Policy ~~B2.1.5(b)9~~ is to ensure that buildings are setback

a sufficient distance from roads in townships, to ensure road use and safety is not adversely affected.

The policy is implemented by rules for setbacks of buildings from road boundaries.

In Living zones, high fencing located along road boundaries and adjacent to vehicle crossings can also adversely affect the visibility of motorists and be detrimental to the safety of pedestrians and cyclists. This issue is addressed in Part B, Section 4.1, Policy B4.1.12.

Setbacks are also required to mitigate reverse sensitivity arising from road noise. This can also be achieved through a combination of building insulation and physical works such as fencing and mounding. Implementation of this policy is through rules along State Highways with a speed limit of 70km/h or greater ~~1 at Rolleston~~ and through rezoning land from rural to urban along the State Highway network in Selwyn.

Method

District Plan Rules

- Building setbacks from road boundaries

Subdivision Design Guides

Policy B2.1.710

Ensure vehicle crossings, intersections, pathways, roadside signs and noticeboards are designed and positioned to ensure good visibility for all road users, and to allow safe passage, access and egress.

~~Ensure the siting and design of vehicular accessways and road intersections avoids impairing the visibility of motorists or pedestrians to minimise traffic conflicts.~~

Explanation and Reasons

If ~~vehicular~~ vehicle accessways and intersections are located too close to one another, visibility is insufficient for motor vehicles to manoeuvre on and off the road safely.

Method

District Plan Rule

- Distance to intersections

Policy B2.1.811

Ensure roads are designed, constructed, maintained and upgraded to an appropriate standard to carry the volume and types of traffic safely and efficiently.

Explanation and Reasons

As land use changes, the volume and type of traffic (including active modes) on a road also changes. As roads get busier, they require different design standards to ensure safe and efficient movement of traffic. Upgrades may include widening, strengthening, improved lighting and additional footpaths to provide sufficient capacity for the traffic volumes expected.

Methods

Information

—SDC Engineering Standards

District Plan Rules

- Subdivision
- Roads and Vehicular ~~Vehicle~~ Accessways

Monitoring

- Monitor traffic volumes where the need arises. Traffic volumes on Maddisons Road are to be monitored at six monthly intervals from June 2009 to June 2012 to assess whether any road improvement or traffic calming measures are required as a result of the expanded Business 2 Zone on Hoskyns Road.

Policy B2.1.912

Address the impact of new residential or business activities on both the local roads around the site and the District's road network, particularly Arterial Road links with Christchurch City.

Explanation and Reasons

A new residential or business activity may alter the volume or type of traffic using roads and other transport networks in the local area. The impact of this change on: the design of the road; its ability to carry traffic safely; pedestrians and cycle facilities and on the amenity values of the area should be addressed.

The establishment of land use activities should consider the location within the road network in order to achieve compatibility with the roads they front including the avoidance or mitigation of reverse sensitivity effects which each has on the other. Activities which involve the movement of freight need to be appropriately located within the road network to ensure the safe and efficient movement for the larger vehicles to the activity whilst ensuring adverse effects on the community are minimised.

New residential or business development in the Selwyn District ~~also~~ can increase the volume of traffic using the District's main road network, particularly main roads between the Selwyn District and Christchurch City. Christchurch City is a major employment centre for residents of the Selwyn District. ~~An estimated 4,000 to 5,000 Approximately 7,700 people commute to Christchurch to work predominantly in private motor vehicles between the two areas (Barber 1999, p. II). (Statistics New Zealand, 2008, Workforces on the move: An examination of commuting patterns to the cities of Auckland, Wellington and Christchurch). Christchurch City Council staff have identified the following road links as areas where continued traffic increases will have adverse effects: Halswell Sabys Road and traffic moving through Hoon Hay into and out of the City; and Springs Road.~~

~~The City Council have also expressed concerns about continued increase of traffic along SH73 and SH1 between Christchurch City and Selwyn District. However, these roads are managed by the Transit.~~

A Transport study (CRETS) was undertaken between 2002-2007 to identify the transport needs for the wider South West Christchurch area (including Selwyn District) where high population growth is anticipated. This study identified the transport needs to 2021 and beyond as agreed by

the study partners (Selwyn District Council, Christchurch City Council, New Zealand Transport Agency, Environment Canterbury and Christchurch International Airport). The study identified a number of road improvements, public transport, walking and cycling works to manage the transport demands to assist in reducing the impacts of transport demand associated with the anticipated population growth in the study areas and the impacts this has on travel between Selwyn District and Christchurch City.

Method

District Plan Policies

- To assess plan change requests to rezone land for the expansion of townships
- Pursuant to clause 3 of the First Schedule of the Act, Christchurch City Council receives a copy of any plan change request to rezone land in Selwyn District.

Policy B2.1.1013

~~Assess~~**Minimise the effects of increasing of allowing or disallowing residential growth in townships in Selwyn District on**transport demand **associated with areas identified for urban growth by promoting efficient and consolidated** land use patterns that will reduce the demand for transport.

Explanation and Reasons

Demand for transport and associated effects on: roads, energy use, and air and water quality, are effects of residential growth.

The Regional Policy Statement (RPS) has identified that existing townships in Selwyn District, namely Lincoln, Rolleston and Prebbleton, are suitable for future urban growth. Further, Structure Plan processes have identified specific Greenfield areas adjacent to these towns that are most suitable for urban growth and where the potential environmental effects of such growth are able to be sustainably managed. One of the key factors in identifying the location and timing of these future urban growth areas is the ability to efficiently provide infrastructure to serve that growth, including transport infrastructure.

The Greater Christchurch Urban Development Strategy, and its associated Travel Demand Management Strategy highlight the need to reduce dependence on private motor vehicles and encourage integration and use of sustainable transport modes, including public transport, cycling and walking; and where practicable promoting the use of Travel Management Plans. Within Selwyn, this is further supported by Township Structure Plans, which will feed into future Outline Development Plans requiring such considerations. Through the rules of the Plan, the use of Travel Management Plans for activities and developments will be encouraged as an alternative to the provision of large numbers of car parks (linked to Policies B2.1.6(a) – (c)).

The Regional Policy Statement requires that urban growth and expansion into Greenfield areas only occur in accordance with approved Outline Development Plans which require planning for future transport networks and transport demand. Development outside of the approved Outline Development Plan areas is discouraged due to issues with providing and supporting infrastructure that is effective and sustainable to maintain. Together with an overarching District wide Growth Strategy this will enable Council to integrate land use and transport networks in a coordinated manner over the long term.

~~Environment Canterbury has been urging territorial local authorities to consider the effects of allowing residential growth on transport demands—particularly commuting to Christchurch City to work using private motor vehicles. This is an effect that needs to be considered when rezoning~~

~~land for residential growth. Conversely, territorial local authorities and Environment Canterbury must also consider the impact on transport demands and patterns of not allowing residential growth to occur where the market is wanting. For example, rather than encouraging people to live in Christchurch City, it may encourage these people to live in townships or on lifestyle blocks even further away from the City and to commute longer distances.~~

The Council is required to have regard to the Regional Land Transport Strategy (RLTS) and the New Zealand Transport Strategy (NZTS) under section 74(2)(b)(i) of the RMA, when preparing its District Plan. ~~This Strategy identifies Canterbury's future land transport needs and provides a direction for the development of the transport system for the next 25 years.~~ The RLTS and NZTS promote the use of sustainable modes of transport (e.g. buses, walking and cycling). The above policy is considered to integrate with the policies of the RLTS and NZTS.

Method

District Plan Rules

- To assess plan changes to rezone land for expansion of towns
- Rules and policies relating to parking and sustainable modes of travel

Policy B2.1.1114

Encourage people to walk or cycle within and between townships by providing a choice of routes for active transport modes and ensuring there is supporting infrastructure such as parking for cycles, at destinations.

Policy B2.1.2015

Require pedestrian and cycle links in new and redeveloped residential or business areas, where such links are likely to provide a safe, attractive and accessible alternative route for pedestrians and cyclists, to surrounding residential areas, business or community facilities. ~~In the township.~~

Explanation and Reasons

All of Selwyn District's townships are currently small enough that business and community facilities are within easy walking or cycling distance for most residents. The Council cannot 'force' residents not to use cars, but it can help develop walkways, cycleways and street designs which make walking or cycling safer and more pleasant (see Part B, section 2.1 Policy B2.1.~~2013~~ 2015).

~~To be useful cycleways and walkways need to: be easy to access; be perceived as "safe" to use; and lead to focal points such as shops, recreation areas or the school.~~ To encourage their use, pathways need to be well designed and placed linking to and between township focal points and destinations such as shops, reserves community facilities, libraries, schools and public transport routes. The provision of well designed facilities at destinations, such as cycle parking and seating, and also signage will help to support the use of cycleways and walkways.

Where new pedestrian / cyclist links are provided, the width of the corridor should depend on its length, as the longer the corridor the wider it should be to maintain visibility through the link from both ends. As stated in the explanation to Policy B2.1.~~1013~~ 1013 above, the Council is required to have regard to the Regional Land Transport Strategy (RLTS) in preparing its District Plan. The RLTS promotes the use of **alternative sustainable** modes of transport (e.g. buses, bicycles, and walking). It is therefore considered that the above policy integrates with the policies of the RLTS.

Pedestrian and cycle links/facilities are required for people walking or cycling around townships, especially children, these may be off road, segregated, along quiet streets or through reserves. For these facilities to be utilised, they need to:

- be designed to protect personal safety;
- be easy to access and use;
- be convenient links to the surrounding neighbourhood (go where people want to go); and
- not be perceived as any longer than using the road.

Methods

Selwyn District Walking and Cycling Strategy

- Goals and Action Plan

Greater Christchurch Travel Demand Management Strategy

District Plan Policies

- To assess plan changes to rezone land for expansion of towns

District Plan Rules

- Subdivision, provisions for cycleways/ walkways

Subdivision Design Guide

- Layout and conceptual design

Selwyn District Council Engineering Code of Practice

- Design

~~Annual Plan~~ Selwyn Community Plan (LTP)

- Funding to assist communities to develop walkways and cycleways

Policy B2.1.1216

Encourage network utility operators to coordinate, install, maintain and repair utilities located in road reserves at times and in ways that minimise any potential adverse effects on:

- **traffic (all road users) safety;**
- **traffic flow; and**
- **activities on adjoining land including access; and**
- **amenity.**

Explanation and Reasons

The maintenance or repair of roads and the installation, repair or replacement of pipes, cables and other utilities laid ~~under~~within the road reserve disrupts traffic flow and use by other road users. If broken seal, holes or other 'hazards' are not clearly marked, they can endanger people's safety. The noise, dust and vibration from these works can adversely affect surrounding residents. Difficulties getting access into or out of property can also adversely affect residents and businesses, particularly businesses which rely on passing motorists for trade.

Utilities are sought to be installed in a coordinated manner to avoid issues associated with continual disruption to road users and infrastructure and perceived inefficiencies by the public.

In urban areas there is a higher density of utilities required to be accommodated in the road reserve. The restoration of the road reserve needs to avoid rough and uncomfortable surfaces to traffic including pedestrians and cyclists.

Much of this sort of work is done by requiring authorities who have either designations or special statutory powers to do this work and are not affected by rules in the District Plan. Therefore, the best method is to work with network utility operators to encourage these matters to be considered when developing work programmes, particularly for non-emergency work.

Method

Advocacy

- Discussions with network utility operators

District Plan Rules

- Construction Noise and Vibration
- Stockpiling of materials

RAILWAY LINES

Policy B2.1.17

Encourage viable alternatives to road transport such as the movement of freight via rail.

Explanation and Reasons

Future solutions to transport particularly in and through rural areas may involve alternatives to road transport. The movement of freight via existing and future rail infrastructure may facilitate more efficient movement of freight.

Method

District Plan Rules

- Rail ways

Policy B2.1.1318

Ensure structures and plantings do not impair the visibility of railway lines and road / rail crossings for motorists, pedestrians, cyclists or train drivers.

Explanation and Reasons

Railway crossings are hazardous places and not all crossings have alarm bells ~~with-and / or~~ barrier arms or other appropriate warning devices. Visibility of railway crossings is as important as visibility at any intersection. Some land alongside railway lines has building line restrictions to ensure visibility is not impaired.

Method

District Plan Rule

- Subdivision — Building Line Restrictions for Railway Crossings

Policy B2.1.1419

Avoid any property having access to a formed, legal road over a railway line.

Explanation and Reasons

Pedestrians and vehicles should not have to cross a railway line to obtain access on to a formed legal road from their property. The crossing of railway lines, is best undertaken at controlled road level crossings as other situations can be dangerous where the necessary standards and controls cannot be provided.

~~, except at controlled level crossings, is dangerous.~~

Method

District Plan Rule

- Property Access

Policy B2.1.1520

Ensure any new ~~residential~~ development is designed and located to minimise the need for pedestrians, cyclists or motorists to cross railway lines.

Explanation and Reasons

When rezoning land for new residential development, consideration should be given to the location of the land relative to any railway line: in particular; whether pedestrians or motorists need to cross the railway line to access the main road out of the town or to access business or community facilities. Where a township has been confined wholly or largely to one side of a railway line, this pattern should continue unless there are other resource management reasons to avoid continuing to expand the township in that area.

Where new development necessitates the crossing of railway lines, infrastructure should be provided to allow crossing in a safe and efficient manner.

Methods

District Plan Rules

- Property access

District Plan Policy

- To assess plan changes to rezone land for expansion of townships

AIRFIELDS

Policy B2.1.1621

Ensure structures and activities do not adversely affect the safety of aircraft approaches to Hororata Domain or West Melton airfield.

Explanation and Reasons

Part of Hororata Domain is leased for recreational gliding. West Melton airfield is a public airfield. Land under the approach paths to both airfields needs to be kept clear of very high structures to ensure the airfields can operate safely and within Civil Aviation Authority guidelines. West Melton airfield is located in Selwyn District, as is land affected by the height restrictions of the airfield.

Hororata and West Melton townships are not currently affected by the respective approach surfaces of West Melton Airfield and Hororata Domain Airfield. The issue of structures and plantings beneath the approach surfaces of these airfields is therefore likely to become more of an issue for West Melton and Hororata townships if either township expands in the direction of the respective airfield. This is a matter which shall be considered if the Council receives a plan change for new residential or business development at West Melton or Hororata.

Method

District Plan Policies

- To assess plan change requests to rezone land for the expansion of Hororata and West Melton Townships

EFFECTS ON THE ENVIRONMENT AND REVERSE SENSITIVITY EFFECTS

ROADS AND RAILWAY LINES

Policy B2.1.1722

Confine residential or business development in a township to one side of any ~~Strategic Road~~ **State Highway** or railway line where the township is already wholly or largely located on one side of the ~~Strategic Road~~ **State Highway** or railway line, unless that area is not suitable for further township expansion.

Policy B2.1.1823

Where a township is already largely developed on both sides of a ~~Strategic Road~~ **State Highway** or railway line:

- Discourage new residential or business development from extending the township further along the ~~Strategic Road~~ **State Highway** or railway line if there are alternative, suitable sites; or, if not,

- **Restrict new residential or business areas to extending further along one side of the State Highway or railway line only.**

Explanation and Reasons

Many townships in Selwyn District have developed alongside main road or rail routes. As these routes get busier and residents' expectations about the quality of their living environment increase, conflicts occur. Busy roads or railway lines can affect communities. Effects include:

- noise, fumes, glare dust and vibration from vehicles and trains;
- actual or potential safety risks from pedestrians and motorists having to cross railway lines or busy roads.

A busy road or railway line bisecting a township can also create psychological barriers for the community; the 'other side' of the transport route ~~is~~ can be considered to be another community.

Policy B2.1.~~1722~~ discourages this land use pattern from happening in the first instance. Policy B2.1.~~1823~~ discourages existing patterns from being exacerbated. The policies provide, in the first instance, for new residential or business areas to expand at angles to rather than parallel with the transport route if possible. The policies recognise that there may be other resource management constraints to expanding townships in those directions. If so, the next 'best' option is to confine any further expansion of the township to one side of the transport route.

Policy B2.1.1924

Encourage heavy vehicles to use routes which bypass townships, where practical, and avoid new residential development along heavy vehicle bypasses.

Explanation and Reasons

Heavy vehicles travelling through townships can adversely affect:

- Residential amenity values through dust, noise and vibration;
- Perceptions of safety, especially for cyclists and pedestrians; and
- Roads, if they are not designed for heavy vehicles.

Policy B2.1.~~1924~~ encourages heavy vehicles to use routes that bypass rather than bisect townships, to avoid these effects. The preferred method to achieve this is to design ring roads and bypasses that are quicker and easier to use, than roads which bisect townships. Consequently, once a bypass or heavy vehicle route is created, it is important that it is not adversely affected by new residential or business activities occurring along the route, and then trying to slow or restrict the traffic using it.

~~The Council has powers to make bylaws to prevent heavy vehicles using roads, under the Local Government Act 2004. The Council prefers not to use this method, in the first instance because any such bylaw will apply to all heavy vehicles, including those associated with existing activities in the area, not only additional vehicles.~~

Methods

Selwyn District Council Engineering Code of Practice

- Road design

Bylaws to prevent heavy vehicle use of roads if necessary

Asset Management Plans

- Roads

District Plan Policies

- To assess plan change requests to rezone land for the expansion of townships around heavy vehicle routes or bypasses

Policy B2.1.2125

Mitigate adverse effects from the construction or maintenance of roads or railway lines on:

- **adjoining residents;**
- **any waterbodies or ecosystems; or**
- **any special landscape, cultural, heritage or amenity values of the site or area.**

Explanation and Reasons

When transport routes are constructed, maintained or replaced, works involve noise, dust and vibration. Earthworks can affect local waterbodies. Special ecological or cultural sites may be disturbed or landscape values affected by either the transport route itself or the surrounding land not being landscaped or replanted after the work. Many of these effects are only “temporary” effects. However, the duty under section 5(2)(c) of the Act (to avoid, remedy or mitigate any adverse effects of activities on the environment) applies to “temporary effects” too (see section 3 of the Act).

Transport routes are important economic and social activities in the District. The Plan policies and rules are not intended to prevent transport routes from being constructed, repaired, redesigned or replaced. Rather, the Plan provisions encourage these activities to occur in ways that reduce or mitigate associated effects on the environment.

Most work on transport routes is undertaken by requiring authorities on designated sites. In these cases the District Plan provisions do not apply (see section 176 of the Act). The methods the Council shall use include: information and advocacy; its powers under section 176(A) of the Act; and ensuring it acts responsibly when undertaking its function to manage roads in the District.

Methods

District Plan Rules (if applicable)

- Earthworks
- Construction Noise and Vibration
- Subdivision

Information and Advocacy

- Support ~~Transit New Zealand~~ New Zealand Transport Agency's policies for environmental protection during road construction and realignment

Designation Outline Plans

- Use powers under section 176(A) of the Act to encourage requiring authorities to minimise the effects of their activities on the environment

CHRISTCHURCH INTERNATIONAL AIRPORT

Policy B2.1.2226

Except as provided for in Policy B2.1.2327, avoid new residential development and other activities which may be sensitive to aircraft noise occurring on land which is located underneath the airport flightpath noise contours shown on Planning Map 013 for 50 dBA Ldn or greater .

Explanation and Reasons

CIAL is one of the few international airports which currently operates without any restrictions on the type of aircraft or times of flights, to manage effects of aircraft noise. Unrestricted operation is very important to both the Airport and the South Island's economy because New Zealand is often the 'last leg' on the International Flight Schedule. Many overseas aircraft arrive at night. (The country's position on the International Flight Schedule is due to its geographic location.)

Christchurch International Airport Ltd (CIAL), the Airport Company, is anxious to maintain unrestricted operation in the future. Therefore, CIAL wants to prevent residential activities, or other activities which may be sensitive to aircraft noise, locating close to the airport and then lobbying for restrictions on the airport's operations.

In addition, persons residing or carrying out noise sensitive activities in the 50 dBA Ldn noise contour may experience adverse effects on amenity.

Therefore, Policy B2.1.2226 is intended to restrict new residential development at urban densities or other 'noise sensitive' activities, in areas subject to aircraft noise. The reason is both to reduce the potential for people trying to restrict the operation of CIAL in the future, as a means of mitigating noise effects, and also to avoid adverse effects on the amenity of persons living within the contours. New Zealand Standard 6805:1995 recommends such restrictions apply where aircraft noise exposure is 55 dBA Ldn or greater, but notes that greater protection may be appropriate in some areas. CIAL advocates for land use restrictions from 50 dBA Ldn. Overseas research shows people become annoyed by aircraft noise at levels lower than 55 dBA Ldn, so the risk of "reverse sensitivity" effects occurs before then. At 50 dBA Ldn it is appropriate to restrict residential activities rather than requiring noise insulation. The reason is that the effects from aircraft noise at 50 dBA Ldn are mostly experienced outdoors or when windows are open.

Objective B2.1.4 and Policy B2.1.2226 recognise that "reverse sensitivity" effects on CIAL must be avoided because of the importance of the unrestricted operation of CIAL to the Region's and District's economy.

The noise contours shown on the Planning Maps are those for aircraft noise from aircraft taking off or landing on the north east/south west runway at Christchurch International Airport. The noise contours are developed using a combination of loudness and frequency of flights (which is why the contours are much longer for the north/south runway than the less used east/west runway). The contours are based on the projected number of flights when CIAL is operating at full capacity on one runway. Therefore, some of the land shown under the noise contours is not affected by this level of aircraft noise now; and aircraft fly over areas now which will be less affected in the future. The reasons are:

- As the number of flights increase the dBA Ldn noise contours elongate (because they measure frequency as well as loudness).
- As the number of flights increase aircraft will have to join the approach path to the Airport sooner and queue. Aircraft will join the approach path further south than they do now.

Method

District Plan Policy

- To assess plan change requests to rezone land for the expansion of townships; or resource consent applications for subdivision of land.

Policy B2.1.2327

Avoid adverse effects on amenity and potential reverse sensitivity effects on the future unrestricted operation of Christchurch International Airport by maintaining residential density in the existing Living 2A zone at Rolleston at not more than 1 dwelling per hectare, with the exception of lots less than 1ha existing at 17/10/2007.

Explanation and Reasons

The 50 dBA Ldn noise contour affects land in the existing Living 2A zone in Rolleston township. The Council does not believe completing the development of this zone will result in any more than a minor increase in the number of houses occupying land under the 50 dBA Ldn noise contour in Selwyn District, Waimakariri District and Christchurch City. However, the historic existence of this zoning cannot be regarded as a precedent to further extend residential areas under the 50 dBA Ldn noise contour.

The land in the Living 2A zone at Rolleston includes areas zoned Rural Residential in Plan Change 10 to the Transitional District Plan for Selwyn District.

Policy B2.1.2327 recognises the historic existence of this zoning and provides for its development to the extent and density intended in Plan Change 10. This zoning is regarded by the Council as a special case, due to its history. It cannot be used as a precedent to enable further rezoning of land for residential development under the 50 dBA Ldn noise contour, if such rezoning is contrary to Policy B1.2.2226 of this Plan.

Method

District Plan Rules

- Subdivision: Living 2A zone
- Residential Density Living 2A zone

AIRFIELDS

Policy B2.1.2428

Avoid the location and operation of new airports, airfields or helipads in Business or Living zones, other than for emergency work or 'one off' events, or for the take off and landing of aircraft ancillary to the use of the land and facilities and to the predominant use of the land and facilities on the site.

Explanation and Reasons

The take off and landing of aircraft is not generally part of township environments. Residents in living and business areas, and customers and workers in business areas, do not expect to hear noise from aircraft taking off and landing on sites around them. The Plan identifies the Rural

Zone as the appropriate zone in which airfields, airports and helipads should be established. Several exceptions can however be tolerated, without significant adverse effects on township amenity values. Those exceptions are in the situation of emergency work (where short term adverse effects will be outweighed by the benefits to people and society) and 'one off' events, such as helicopter rides at a local fair.

In addition, the use of a site within a township for the take off and landing of aircraft may be appropriate if it is ancillary to the use of the land and facilities and is not the predominant use of the land and facilities. A resource consent for a discretionary activity will be required to assess the ancillary nature of the aircraft movements.

Method

District Plan Rules

- Aircraft and Airports — all zones

TRANSPORT NETWORKS — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental outcomes are expected as a result of implementing Section B2.1:

Roads and Access

- ~~State Highways and Arterial strategic~~ Roads are safe-the most efficient ~~transport~~ routes for “through” traffic travelling across the District.
- All roads are formed and maintained to the standard necessary to carry the type and volume of traffic using them, safely and efficiently.

~~Other roads in the District serve all their functions safely and efficiently.~~

- The visibility of roads, intersections, vehicular accessways and railway crossings is not impaired.
- Roads are designed, maintained, and if necessary, upgraded to the standard required for their traffic volume, traffic type and the amenity values of the zone.
- Adverse effects of residential and business growth in Selwyn District on road links into Christchurch City are addressed.
- Heavy traffic bypasses townships, where practical.
- An increase in ~~separate~~ cycleways and walkways in townships that are effective in providing alternative linkages within the townships.
- No increase in the extent to which main transport routes ‘bisect’ townships.
- Fewer impacts from the construction, maintenance and repair of roads or other utilities in road reserves, on people and the environment.
- New settlement and residential activities occur closer to places of work, services and other activities, typically near ~~or~~ existing townships.
- ~~The number of walkways and cycleways increases that are effective in providing alternative linkages within the townships.~~
- Greater provision for public transport and active modes such as walking and cycling.
- The avoidance of situations that may give rise to reverse sensitivity and reduce the future viability and or efficiency of transport systems.

Pathways

- Greater provision of and improvement of existing on and off road pathways, footpaths and cycleways.
- Improved accessibility and connectivity between townships by active travel modes.

Railways

- The safe operation of the District's railway lines is not reduced or impeded by land use activities.
- Properties do not have access directly over railway lines.
- Visibility along railway lines and at road/rail crossings is maintained.
- Opportunities for movement of freight via rail are encouraged

Airfields

- Land uses in Selwyn District do not impede or compromise the unrestricted operation of Christchurch International Airport
- Structures in Selwyn District do not impede the continued operation of West Melton Airfield or gliding at Hororata Domain.

TRANSPORT NETWORKS – MONITORING

See Part E, Appendix 1.

TRANSPORT NETWORKS – INFORMATION

- Road Classification
- Selwyn District Council Walking and Cycling Strategy
- Selwyn District Council Subdivision Design Guide
- Selwyn District Council Engineering Code of Practice
- Selwyn District Council Activity Management Plans
- Selwyn Community Plan (LTP)

[No further changes to b2 beyond this point]

3 PEOPLE'S HEALTH, SAFETY AND VALUES

[No changes to B3.1-3.3]

B3.4 QUALITY OF THE ENVIRONMENT – ISSUES

- **Activities which affect the character of the rural area or which make it a less pleasant place to live or work in.**
- **“Reverse Sensitivity” from activities with incompatible affects locating too close to each other.**

Introduction

This section deals with two issues:

- The effects of activities on the amenity values of the rural area – its character and quality of the environment.
- Reverse sensitivity effects – when a new activity sets up near an existing activity and complains about the effects of the existing activity.

Amenity Values/Rural Character

Protecting amenity values is part of achieving the purpose of the Act. Section 7 requires particular regard be had to:

- The maintenance and enhancement of amenity values’ (section 7(c)); and
- Maintenance and enhancement of the quality of the environment (section 7(f)).

Amenity values is defined in the Act (section 2) as including:

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

The rural area has a character which is distinct from townships. There are common perceptions which many people share about the character of the rural area. These include:

- Predominance of vegetation cover.
- Dominant land uses (but not all land uses) are associated with primary production: agriculture, horticulture, forestry, pastoralism.
- Views of mountains, basins and river valleys which are not modified by structures.
- Being able to see, hear and smell animals and birds.

Rural character can also mean different things to different people.

- People who live in the rural area as an alternative to living in a town may value a sense of open space, panoramic views and their perception of a rural outlook.
- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out

existing activities; adopt new technology and practices; and to diversify activities as markets change.

- Some people value the rural area as a place to locate activities that need lots of space. These people may value large areas of land and distance from neighbours.

Conflicts can be created by the combination of different activities, effects and perceptions of the character of the rural area.

In particular, issues are emerging in the District over effects of activities which are typical or normal for rural areas, but which some residents do not expect or dislike. These effects fall into two categories:

- Temporary effects from seasonal activities such as burning stubble, harvesting crops or topdressing.
- Effects from day to day activities in the rural area are part of the rural area which are different from effects in townships such as, the smell of crops like silage, turnips or garlic; or noise from irrigators or tractors; and stock being driven along roads.

The Council believes these effects are part of the character of the rural area. This District Plan has policies and rules to maintain a generally pleasant living and working environment. However, residents should not expect an environment which is as conducive to residential activities as Living zones. The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely.

Reverse Sensitivity

Reverse Sensitivity is jargon to describe the situation where a new activity locates close to an existing activity and the new activity is sensitive to effects from the existing activity. As a result, the new activity tries to restrict or stop the existing activity, to reduce the effects. Reverse sensitivity is one of the major resource management issues in the rural area. It occurs principally between residential activities and activities associated with primary production or rural industries.

Reverse sensitivity issues arise when:

- Subdivision of rural land and erecting houses occurs in the vicinity of established activities; or
- Houses and other activities are located side by side, and the effects of the other activity alter.

The nature of reverse sensitivity issues varies in the District. There are examples of quite significant issues which have involved considerable time and cost to all parties, including the Council. For example:

- Mushroom composting at Prebbleton.
- Dairy cow droving along Old Tai Tapu Road.
- Noise from audible bird scaring devices.
- Houses and restaurants close to intensive pig or poultry farms.
- Nightglow from houses erected close to the West Melton Observatory.

Reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. People and natural and physical resources are part of the definition of environment in section 2 of the Act. Potential adverse effects of new activities on existing activities must be avoided, remedied or mitigated under section 5(2)(c) of the Act, and part of promoting sustainable management is enabling people and communities to provide for

their economic, social and cultural wellbeing (section 5(2)). Potential reverse sensitivity effects have been recognised by the Environment Court as an issue under the Act, in several cases.

The District Plan has provisions to manage potential reverse sensitivity effects when the effects may be significant enough to create an unpleasant living or working environment. In these cases, reverse sensitivity effects may have significant costs on residents or businesses. The District Plan does not address effects which the Council considers are a typical or normal part of the rural environment, and which are mild or of short duration.

QUALITY OF THE ENVIRONMENT – STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to address issues affecting environmental quality, rural character and reverse sensitivity:

Amenity Values

- The Plan identifies what rural character is and manages activities which may affect it.
- Temporary effects and mild effects which are typical of rural areas are part of the rural environment.
- Policies and rules manage effects of activities, which may be more severe or adverse.

Reverse Sensitivity

- Policies and rules manage the location of activities which may have significant effects on surrounding properties, when they set up.
- Once set up, policies and rules protect these activities from reverse sensitivity effects from other activities locating near them.

Objectives and policies in this section should be read in conjunction with the following:

- Section B1.4 Outstanding Landscapes and Natural Features
 - Effects of activities and landscapes and rural character.
- Section B2.1 Transport
 - Stock droving and airfields.
- Section B4.1 Residential Density and Subdivision
 - Managing residential density in the rural area.

QUALITY OF THE ENVIRONMENT – OBJECTIVES

Objective B3.4.1

The District's rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Explanation and Reasons

The rural area has a character which is distinct from townships and people value this distinction – the rural outlook. The rural area of Selwyn District is a pleasant place to live and work in. Objective B3.4.1 is to maintain this quality of the environment. It is achieved by policies and rules to manage effects such as noise, vibration, outdoor signage; glare and odour. The policies and rules allow for day to day farming and other activities which have effects typical of a rural area, but manage activities that have potentially stronger effects. The policies and rules are not as stringent as those for Living zones. The Rural zone is recognised principally as a business area rather than a residential area, in the Plan.

Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- Residential activities; and community facilities.

This diversity may increase in the future if farming and other business activities continue to diversify; and District Plans do not require activities in the rural area to be associated with primary production.

A variety of activities in the rural area creates the potential for reverse sensitivity effects, particularly between residential activities and other activities. Objective B3.4.2 recognises that while a variety of activities may be appropriate in the rural area, rural character must be maintained; and potential reverse sensitivity effects must be avoided.

Objective B3.4.2 is achieved by policies and rules which:

- Describe the character of the rural area and seek to maintain it.
- Require resource consents for activities to set up which may affect surrounding properties; and recognise and protect existing lawful activities from potential reverse sensitivity effects once they are set up.

The Council has chosen to use District Plan rules to manage effects of activities on amenity values and reverse sensitivity effects. Often people do not consider the effects of existing activities when making decisions about where to build houses in the rural area.

The policies are split into 3 groups:

- Those to identify and maintain rural character.
- Those to maintain the quality of the environment.
- Those to manage reverse sensitivity effects.

Policies and rules to manage reverse sensitivity effects are also found in Section B2.1 Transport, for airfields and airports. Policies and rules to manage residential density are found in Section B4.1 Residential Density and Subdivision.

QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS

RURAL CHARACTER

Policy B3.4.1

Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Explanation and Reasons

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests and other rural activities are businesses and they need to be able to operate efficiently and with as few restrictions as practical. Residential activities occur in the Rural zone, both ancillary to farming and other business activities, and as the principal use of the site. The Plan provisions, coupled with the distance between houses and activities in the Rural zone, should combine to maintain a pleasant living environment. However, the rules will not be as stringent as those in Living zones and residents can expect to tolerate mild effects associated with ‘day-to-day’ farming activities and temporary effects associated with seasonal activities.

Method

District Plan Rules

- Rules manage effects not types of activities, except in Policy B3.4.2

Policy B3.4.2

In the areas shown on the Planning Maps as the Port Hills, Malvern Hills and the High Country, restrict activities to those which use natural resources in the area, and activities which are ancillary to those uses or utilities.

Explanation and Reasons

The Port Hills, Malvern Hills and the High Country are special places in the Rural zone. They are valued by residents and visitors as having amenity values which are remote and different from townships or urban areas. They are valued for their relative lack of structures, people and symbols of urbanisation. The Port Hills are particularly valuable as a rural outdoor recreation area in very close proximity to the City. The Malvern Hills are valued as a rural setting for residents wanting a certain lifestyle. The High Country is cherished as an outdoor recreation and holiday destination that is very remote from civilisation and back to nature.

The location of factories, warehouses, offices, shopping malls and other activities associated with urban areas, on the Port Hills, in the Malvern Hills and in the High Country would adversely affect the special amenity values of these areas. Policy B3.4.2 restricts the types of activities which can locate in these areas, to activities which use the natural resources of the areas. This includes, but is not limited to:

- Farming
- Forestry

- Outdoor recreation and mining
- Activities ancillary to those uses such as houses
- Holiday accommodation
- Hospitality and retail sales.

Utilities are provided for in these parts of the Rural zone. They are necessary to serve other activities in these areas, and network utilities need to pass through these areas. The use of lakes or rivers to generate hydroelectricity is a use of a natural resource in the area. Resource consents will be required for activities involving large-scale earthworks or structures.

Method

District Plan Rules

- Type of activities

Policy B3.4.3

Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Explanation and Reasons

There are many places in the rural area which are not outstanding landscapes or natural features or which do not contain significant ecological sites but which people find pleasant places to live in or visit, for example, rolling hills, meandering streams, and fields with animals and crops, which are all typical rural scenes. These areas can be sought after locations for activities that need large sites and to be separated from people. Some of these activities can make areas less pleasant – they can affect their amenity values.

Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. Part of promoting sustainable management under the Act is having particular regard for:

The maintenance and enhancement of amenity values.” (section 7(c)).

Policy B3.4.3 should not be used as a catch-all policy to oppose any changes to land uses in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where an activity will detract from the amenity values of an area, Policy B3.4.3 requires those effects be mitigated.

The requirement to mitigate adverse effects of activities in Policy B3.4.3 of this section does not replace more specific duties to protect areas and avoid adverse effects, in other policies in the Plan.

Method

District Plan Rules

- Discretionary activities

Policy B3.4.4

Ensure that any adverse effects arising from “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and “other” types of industrial activities in all Rural zones are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.

Explanation and Reasons

While the Rural zone may be able to better accommodate the potential adverse effects associated with industrial activities than Living or Business 1 Zones due to a lower population density and larger allotment sizes, certain types and scales of industrial activities are unlikely to be appropriate in all parts of the Rural zone. For the purposes of the Rural Volume, industrial activities have therefore been categorised into either a “rural-based” or an “other” type of industrial activity. Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas. Where these activities are of a scale and size beyond what is permitted by the District Plan there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness. There is also likely to be a higher demand for servicing requirements, such as water supply and stormwater disposal, which may be constrained in some parts of the rural area. Overall, the Council recognises that it may be necessary for an industrial activity that relies on a raw material or primary product derived from the rural environment to locate in proximity to its source.

However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that rural based industrial activities of a size and scale beyond that which is permitted by the District Plan are unlikely to be able to locate in this area without generating significant adverse amenity effects.

The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills or High Country. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry are likely to detract from the quality of the rural environment resulting in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided, remedied or mitigated.

Methods

District Plan Policies

- Residential Density
- Rural Character & Amenity Values

District Plan Rules

- Tree Planting
- Buildings

- Utilities and Other Structures

Policy B3.4.5

Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Explanation and Reasons

One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In all areas, it is much lower than the density in townships.

Policy B3.4.5 recognises the effect which building density has on rural character. Section B4.1 Residential Density and Subdivision, of the Plan addresses residential density, specifically. Policy B4.1.1 of that section prescribes residential density for different parts of the Rural zone.

Policy B3.4.5 and the District Plan rules manage the ratio of buildings to land area. The reason is to maintain the dominance of vegetation cover over buildings which is characteristic of rural areas. Policy B3.4.5 is implemented by a rule which limits the area of a site which may be covered by buildings. The rule does not apply to buildings which do not have built in floors, such as hay barns and tunnel houses. The rule does not apply to the expansion of existing intensive livestock farms. The reason is that these farms were established under a different planning regime and are unlikely to be able to comply with the rules. There is a fixed number of such farms, so the cumulative effects of the higher site coverage will be limited. The rules for site coverage apply to new intensive livestock farms.

The rule also exempts community facilities and utilities from the site coverage requirements in the Rural zone. The small number and size of most of these sites means that there is unlikely to be a cumulative effect on building density in the Rural zone and may help reduce compliance costs for community facilities and utilities.

The Plan has site coverage rules for houses. The site coverage relates to the size of the property on which the house is erected. The rule for houses differs, because the density of houses is also controlled, whereas site coverage is the only method used to control the density of other buildings.

Method

District Plan Rules

- Residential density
- Site coverage

Policy B3.4.6

Avoid high rise buildings or highly reflective utility structures.

Explanation and Reasons

Policy B3.4.6 addresses two potential adverse effects of buildings and structures on the character of rural areas, high rise buildings, and highly reflective structures. In public workshops participants identified high rise buildings as out of character in rural areas in the District.

The Council manages the reflectivity of other utility structures, so they blend in rather than protrude from the background or general views, in the rural area. Policy B3.4.6 mirrors this practice. It is implemented by a rule to manage reflectivity as a condition on permitted activities. The District Plan rules also manage the height of buildings and structures as conditions on permitted activities.

Method

District Plan Rules

- Buildings
- Utilities and other structures

Policy B3.4.7

Require signs and noticeboards to be located on the site to which the sign or notice board relates except for:

- **Temporary signs; and**
- **Signs and noticeboards located close to townships or the Plains area.**

Policy B3.4.8

Ensure signs and noticeboards are designed and positioned to avoid:

- **Restricting people's visibility along roads;**
- **Impeding access to or past sites;**
- **Nuisance effects from sound effects, moving parts, glare or reflectivity;**
- **Large structures protruding above rooftops.**

Explanation and Reasons

Signs and noticeboards are important tools for businesses to advertise their products and their location, and for people to find out information. Outdoor signs and noticeboards can have adverse effects. For example: Sound effects and moving parts can annoy neighbours and distract motorists; and too many signs can create a built up or metropolitan feel which may affect the character of an area. Policies B3.4.7 and B3.4.8 describe the effects which outdoor signs and noticeboards should avoid, in the Rural zone. Policy B3.4.7 discourages the erecting of general advertising hoardings in the Rural zone except in close proximity to townships on the Plains. General advertising hoardings, particularly along roadsides or railway lines, are often associated with townships. They may create a metropolitan or built up effect. The Plains area, particularly around townships is more built up than other parts of the Rural zone. The effects on rural character will be less advertising, in these areas.

Policies B3.4.7 and B3.4.8 are implemented through rules which establish conditions for erecting outdoor signs and noticeboards as permitted activities. Policy B2.1.5, Transport addresses effects of signs alongside roads on traffic safety.

Methods

District Plan Rules

- Outdoor signs

- Noticeboards

GLARE AND NIGHTGLOW

Policy B3.4.9

Avoid night lighting shining directly into houses, other than a house located on the same site as the activity, or from vehicles using roads in the District.

Policy B3.4.10

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

Explanation and Reasons

Lighting is an essential part of most activities which operate at night. Night lighting is often required for harvesting, shearing and other seasonal activities in the rural area. There are no restrictions on outdoor lighting at night in the rural area, provided that the light is not shining directly into a house on another property, except for that area covered in Policy B3.4.10.

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

- Designing subdivisions so that vehicular accessways are not directly opposite the observatory, to reduce the glow from car lights;
- Using a specific design for outside lights; and
- Maintaining lower residential density in the rural area, in accordance with Policies B4.1.1 and B4.1.2.

Methods

District Plan Rules

- Lighting
- Subdivision & Vehicular Accessways

District Plan Policies

- Township Volume, Section B4.3

Information

- Appropriate types of night lighting

NOISE AND VIBRATION

Policy B3.4.11

Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.

Policy B3.4.12

Manage the operation of audible bird scaring devices to mitigate noise effects on surrounding properties.

Explanation and Reasons

The Rural zone is a business area and people can reasonably expect a higher level of noise and noise at hours which differ from Living zones. In particular, people can expect noise associated with seasonal activities such as harvesting or topdressing. These activities are usually short duration and typical of the rural area. Long-lasting noise effects should not disturb residents on adjoining properties when they are indoors. This includes noise which is continuous, for example, from a stationary motor; and noise which is intermittent but frequent and lasts longer than a few days. Policy B3.4.11 addresses noise, generally. It is implemented by rules that set noise limits for activities to be permitted activities (no resource consent needed). Noise limits set use the acoustical metrics L_{max} and L_{10} . Some activities, including those associated with the delivery of emergency services, have been exempted from the noise standards.

Policy B3.4.12 applies to a specific activity for which an L_{10} rule will not apply. Noise effects from audible bird scaring devices is an issue in the District. Although these activities are seasonal, the noise from them is loud and frequent enough to cause significant disturbance to surrounding residents. Therefore, the use of these devices is managed to mitigate noise effects. Policy B3.4.12 is implemented by a rule which sets conditions for using audible bird scaring devices as a permitted activity. The rule is based on a by law drafted by the Council in consultation with a variety of interested parties.

Policies B2.1.18, B2.1.19 and B2.1.20 address potential reverse sensitivity effects from aircraft noise.

Irrespective of Policies B3.4.11 and B3.4.12 and rules in the District Plan, there is a duty on all persons to avoid making unreasonable noise under section 16 of the RMA.

Method

District Plan Rules

- Noise
- Aircraft
- Audible Bird Scaring Devices

Policy B3.4.13

Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration.

Explanation and Reasons

Vibration can disturb people and damage property. Policy B3.4.13 requires adverse effects from vibration to be addressed. The policy is implemented by a rule requiring a resource consent for vibration effects that exceed the levels specified in the relevant New Zealand Standard 2631: 1985-1989 Parts 1-3.

Method

District Plan Rules

- Vibration and blasting

DUST

Policy B3.4.14

Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Explanation and Reasons

The rural area in the Selwyn District is exposed to wind, particularly north westerly winds and dust occurs from natural sources such as riverbeds or land. However, dust nuisance can be exacerbated by material blown from stockpiled material or extensive earthworks associated with subdivision or construction works. Policy B3.4.14 addresses dust nuisance from activities in the Rural zone, where it may affect houses on adjoining properties. In most cases, houses should be far enough apart to avoid dust nuisance. Where activities occur in the Rural zone next to a township, houses are close together and dust nuisances can occur. Policy B3.4.14 is not intended to prevent activities from occurring in these cases. Rather the policy and rules require steps to be taken to reduce potential dust nuisance, such as: dampening down earth until it is consolidated, or covering and securing stockpiled material that can blow in the wind. The rules apply to large scale earthworks and associated stockpiling.

Policy B3.4.14 and associated Plan rules DO NOT apply to dust blown from cultivated paddocks.

Method

District Plan Rules

- Earthworks
- Odour

SHADING

Policy B3.4.15

Ensure buildings and trees do not excessively shade adjoining properties.

Explanation and Reasons

Access to sunlight is important to create pleasant living environments. Access to sunlight can be reduced if trees or buildings on adjoining site shade a property. The most significant effect occurs with shading of houses and outdoor living areas. This is most likely to occur with houses on small allotments in the rural area.

Policy B3.4.15 is implemented by rules, which establish a recession plane for all buildings from property boundaries, and a maximum shading rule for trees as permitted activities. Trees shading roads is addressed in Section B2.1, Transport.

Methods

District Plan Rules

- Recession planes
- Tree planting

Policy B3.4.16

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

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

Explanation and Reasons

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

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

In rural areas most houses and buildings tend to be set back greater distances from road boundaries than urban areas. This positioning adds to the sense of space between buildings and the unrestricted views from roadsides. The Plan acknowledges that it is not always desirable or practical to locate buildings large distances from road boundaries especially when the building is accessory to buildings that are already located close to the road boundaries. Policy B3.4.16 encourages a larger setback from the road boundary than urban areas, where practical. This Policy should be read in conjunction with Policy B2.1.7.

Policy B3.4.16 is implemented by a rule which sets a minimum setback distance for buildings from property boundaries as a permitted activity (no resource consent needed). Buildings sited closer to the boundary will require a resource consent.

Methods

District Plan Rules

- Setbacks

RELOCATED BUILDINGS

Policy B3.4.17

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

Explanation and Reasons

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

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

Policy B3.4.17 and the associated rules do not prevent people from relocating buildings into the Rural zone. The provisions enable the Council to require the building be set on a building pad or foundations and repaired to a certain standard, within the time specified in the resource consent.

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

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

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

Method

District Plan Rules

- Relocated buildings

REVERSE SENSITIVITY EFFECTS

Policy B3.4.18

Ensure new or 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 B3.4.19

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

Explanation and Reasons

Policy B3.4.18 and B3.4.19 manage reverse sensitivity effects in the rural area. Policy B3.4.18 requires a resource consent for activities to set up which are likely to affect surrounding properties. This gives an opportunity for affected parties to participate in the consent process and for the Council to ensure those effects are mitigated to a satisfactory level. The policy also

acknowledges that new roads and the upgrading of transport infrastructure needs to be managed to mitigate reverse sensitivity effects.

Policy B3.4.19 protects activities which are established from potential reverse sensitivity effects caused by potentially incompatible activities locating close to them. The most common activity is erecting houses. Other potentially incompatible activities include: restaurants; schools; and other forms of residential or visitor accommodation. This policy is necessary to enable established businesses to operate efficiently and with some certainty, and to avoid creating unpleasant living environments for people. The most common tool to mitigate reverse sensitivity effects is to maintain appropriate buffers or separation distances between activities. However, there may be other methods which can be used to avoid reverse sensitivity effects.

Part B, Section 2.1 Transport contains specific policies to manage reverse sensitivity effects with odour; and with transport routes.

Methods

District Plan Rules

- Discretionary activities
- Intensive livestock farming
- Waste disposal
- Aircraft
- Residential density
- Building position controls
- Subdivision standards

District Plan Policies

- Township Volume, Section B4.3, Growth of Towns
- Rural Volume, Policy B4.1.1

Land Information Memorandum

- Information Sheet

Policy B3.4.20

To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards, pollution or other effects of an activity on areas beyond the boundary of the site.

Explanation and Reasons

Some activities can cause effects on land or waterbodies, which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land, or activities which may leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing pollution or other effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.^{V30}

QUALITY OF THE ENVIRONMENT — ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B.3.4:

- Variation in activities in the rural area on the Plains.
- Activities on the Port Hills and in the high country remain predominantly farming, forestry, outdoor recreation and holiday accommodation.
- Buildings are low rise (1 or 2 storey) and surrounded by vegetation cover rather than hard standing.
- Utilities are made of low reflective materials.
- Outdoor signs advertise local events, products or information.
- New airfields are not located too close to houses.
- Nuisance effects may occur from time to time from temporary or seasonal activities, but these effects should be mild and typical of the rural environment.
- Buffer zones are maintained between residential activities and activities with which they may be incompatible.

QUALITY OF THE ENVIRONMENT — MONITORING

See Part E, Appendix 1.

3 PEOPLE'S HEALTH, SAFETY AND VALUES

[No changes to sections B3.1-3.3]

B3.4 QUALITY OF THE ENVIRONMENT— ISSUES

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

What are the Issues?

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

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

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

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

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

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

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

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

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

Quality of the Environment, Amenity Values and The Act

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

Promoting 'sustainable management' of natural and physical resources includes:

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

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

QUALITY OF THE ENVIRONMENT – STRATEGY

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

Quality of the Environment and Amenity Values

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

Reverse Sensitivity

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

Zones

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

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

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

QUALITY OF THE ENVIRONMENT – OBJECTIVES

Objective B3.4.1

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

Objective B3.4.2

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

Objective B3.4.3

"Reverse sensitivity" effects between activities are avoided.

Explanation and Reasons

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

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

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

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

Objective B3.4.3 recognises and addresses this effect.

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

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

QUALITY OF THE ENVIRONMENT – POLICIES AND METHODS

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values.

Policy B3.4.2

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

Explanation and Reasons

Policies B3.4.1 and B3.4.2 provide for the use of zones to manage the quality of the environment and amenity values in townships. Policy B3.4.2 recognises that any activity may locate in a zone, provided that its effects do not detract from the quality of the environment or the amenity values in that zone. For example, small businesses and community facilities such as schools, halls and recreation grounds are part of the environment in Living zones.

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

Methods

District Plan Maps

- Identify zones

District Plan Provisions

- Zone policies
- Policies for quality of environment and amenity values in different zones
- Rules for effects in each zone

Policy B3.4.3

To provide Living zones which:

- are pleasant places to live in and provide for the health and safety of people and their communities
- are less busy and more spacious than residential areas in metropolitan centres; and
- have safe and easy access for residents to associated services and facilities

Explanation and Reasons

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

Method

District Plan Rules

- Living zones

Policy B3.4.4

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

Explanation and Reasons

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

Method

District Plan Rules

- Business 1 Zones

Policy B3.4.5

To provide Business 2 Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people’s health and well-being and to avoid pollution of natural resources or potential ‘reverse sensitivity’ effects.

Explanation and Reasons

Business 2 Zones are areas where activities may be able to locate that have effects which are incompatible with the character or amenity values of Living, Business 1 or Rural Zones. Activities which may be sensitive to these effects, such as residential activities, are managed in Business 2 Zones to avoid potential 'reverse sensitivity' issues. Business 2 Zones tend to adjoin or be close to townships, so effects of some activities still need to be managed or may be inappropriate in Business 2 Zones. The Rural (Outer Plains) Zone may be an alternative location for "rural-based" industrial activities.

Business 2 Zones currently exist at: Leeston, Rolleston, Darfield and Coalgate.

Method

District Plan Rules

- Business 2 Zone

Policy B3.4.6

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

Explanation and Reasons

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

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

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

Method

District Plan Rules

- Business zone

Policy B3.4.7

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

Explanation and Reasons

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

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

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

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

Method

District Plan Policies and Rules

- Rural Volume

Policy B3.4.8

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

Explanation and Reasons

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

Method

District Plan Policy

- To assess resource consent applications

NOISE

Policy B3.4.9

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

Policy B3.4.10

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

Explanation and Reasons

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

Method

District Plan Rules

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

GLARE

Policy B3.4.11

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

Explanation and Reasons

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

Method

District Plan Rules

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

Policy B3.4.12

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

Explanation and Reasons

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

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

Methods

Lighting Subdivision and Vehicular Accessways

District Plan

- Section 4.3 Policies

Information

- Appropriate types of night lighting

DUST

Policy B3.4.13

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

Explanation and Reasons

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

Method

District Plan Rules

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

VIBRATION

Policy B3.4.14

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

Explanation and Reasons

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

Method

District Plan Rules

- Vibration and Blasting (all zones)

SCALE AND NATURE OF ACTIVITIES

Policy B3.4.15

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

Explanation and Reasons

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

Method

District Plan Rules

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

Policy B3.4.16

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

Explanation and Reasons

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

Method

District Plan Rules

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

TRAFFIC

Policy B3.4.17

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

Policy B3.4.18 (a)

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

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

Policy B3.4.18 (b)

Ensure that the provision of adequate car parking is not achieved at the expense of amenity, or at the expense of safety or accessibility, for pedestrians and cyclists by taking into account:

- The overall development and site layout;
- Building location and orientation;
- Landscaping;

- Vehicle access and circulation;
- Pedestrian access and circulation (including relative to building entrances and pedestrian desire lines); and
- Safety and security of users.

Policy B3.4.18 (c)

The establishment of new activities shall take into account the available transport infrastructure including sustainable transport modes.

Explanation and Reasons

Policy B3.4.17 provides that non-residential activities in Living zones should not generate effects associated with the substantially more numbers of vehicles or people that are of a scale incompatible with the living zone as a whole or the surrounding residential activities. Consideration should include the existing amenity, traffic volume and character as well as the anticipated functioning and amenity of the frontage road. The quality of the environment may not be noticeably affected where extra pedestrian and vehicle activity occurs extra people or vehicles on an infrequent basis. ~~may not adversely affect the quality of the environment in residential areas~~

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

Policy B3.4.18(b) recognises that activities requiring a high level of on-site car parking can be visually dominant, present unattractive street frontages, adversely affect the amenity of an area, and take little account of pedestrian access and safety to and through a site. The need to provide car parking on a site often comes at the expense of other key components of good overall site design and layout, resulting in buildings being pushed to the rear of sites away from the public footpath interface, with car parking routinely located adjacent to road frontages. Consideration should be given to the overall design and layout of sites to ensure that car parking layout does not dominate the overall layout of the site, and a high level of amenity and on-site safety is achieved.

Policy B3.4.18(c) requires that all new developments and activities are not just accessible by motor vehicles, but are also easily accessed by sustainable transport modes such as public transport, cycle and pedestrian routes. Providing for sustainable modes of transport may reduce the need for car parking, thus improving amenity and also providing users with healthy alternatives to motorised vehicle transport. Implications for sustainable transport and the safety and efficiency of the road network are addressed under Part B, Section 2.1 – Transport Networks.

Method

District Plan Rules

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

OUTDOOR STORAGE

Policy B3.4.19

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

Explanation and Reasons

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

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

Method

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

OUTDOOR SIGNS AND NOTICEBOARDS

Policy B3.4.20

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

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

Explanation and Reasons

Outdoor signs and noticeboards are important vehicles for information, which enables people and communities to provide for their health, safety and social, economic and cultural well-being.

Inappropriately-positioned or designed signs can adversely affect people's health or safety or create nuisance effects. For example:

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

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

Method

District Plan Rules

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

Policy B3.4.21

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

Explanation and Reasons

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

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

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

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

Method

District Plan Rules

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

BUILDING DESIGN

Policy B3.4.22

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

- **Avoid adverse effects on adjoining sites; or**
- **Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values.**

Explanation and Reasons

For most places, the District Plan does not have provisions that tell people what colour, shape or materials to use when building structures. The Council thinks this is a matter of personal choice. The Plan does, however have rules for the height, bulk of buildings and recession planes, to avoid adverse effects of shading and loss of privacy or outlook, on adjoining sites.

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

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

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

Building Act 2004

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

Method

District Plan Rules

- Height of Buildings (All Zones)

- Size of Buildings (Living zones)
- Recession Planes (All Zones)

Policy B3.4.23

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

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

Explanation and Reasons

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

Method

Information

- Make people aware of any township concept plans where appropriate

Policy B3.4.24

In all zones in townships, ensure buildings:

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

Explanation and Reasons

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

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

Method

District Plan Rules

- Recession Planes (all zones)

- Building Height (all zones)
- Building Setbacks (all zones)

Policy B3.4.25

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

Explanation and Reasons

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

Method

District Plan Rules

- Building Setbacks (all zones)

Policy B3.4.26

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

Explanation and Reasons

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

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

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

Method

District Plan Rules

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

- Landscaping (Living zones)
- Building Height (Living zones)
- Building Size (Living zones)

Policy B3.4.27

To take a monetary contribution to help fund the costs of mitigating actual or potential natural hazards, pollution or other effects of an activity on areas beyond the boundary of the site.

Explanation and Reasons

Some activities can cause effects on land or waterbodies, which are beyond the boundaries of the site where the activity is taking place. For example, activities which increase the risk of flooding or slips on other people's land, or activities which may leach contaminants and pollute land and water supplies downstream. Where an activity runs the risk of ongoing pollution or other effects on the environment, the Council usually requires the developer to enter into a bond, to ensure these funds are available should they be needed in the future. However, a monetary contribution may be more appropriate in some cases, for example, where works are required on other land from the outset.^{V30}

CASTLE HILL VILLAGE

Policy B3.4.28

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

Explanation and Reasons

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

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

Policy B3.4.28 is implemented by a set of rules for erecting buildings as permitted activities (no resource consent needed). The rules are quite specific, but are a change from past planning schemes when all buildings needed a resource consent. Alternatively, a person may apply for a resource consent to erect a building that does not comply with the rules. Any resource consent application will be assessed on whether the proposed building design is in keeping with the 'alpine chalet' design and theme.

Method

District Plan Rules

- Alpine Villages

ARTHUR'S PASS VILLAGE

Policy B3.4.29

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

Explanation and Reasons

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

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

Characteristics of the early, workers cottages, include:

-Wooden or corrugated iron materials

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

Characteristics of the 'alpine chalet' style buildings include;

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

Policy B3.4.29 recognises the unique character of these building designs at Arthur's Pass and seeks to maintain both of them. The policy is implemented by a set of rules for erecting buildings as permitted activities (no resource consent needed). The rules are quite specific but are a change from past planning schemes when all buildings needed a resource consent. Alternatively, a person may apply for a resource consent to erect a building that does not comply with the rules. Any resource consent application will be assessed on whether the proposed building design is 'in keeping' with one of these two design themes in Arthur's Pass Village.

Method

District Plan Rules

- Alpine Villages

RELOCATED BUILDINGS

Policy B3.4.30

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

Explanation and Reasons

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

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

Policy B3.4.30 and the accompanying rules do not prevent people from relocating buildings into any zone. The provisions enable the Council to require the building be set on to a building pad or foundations and repaired to a certain standard, within a specified time. The Council plan does not prevent people relocating buildings for the following reasons:

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

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

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

Method

District Plan Rules

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

LANDSCAPING AND AMENITY PLANTINGS

Policy B3.4.31

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

Policy B3.4.32

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

Explanation and Reasons

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

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

Policies B3.4.31 and B3.4.32 are implemented using two methods. A rule for some landscaping or screening applies to new activities. The rule only relates to the area between the buildings and road frontage of any site. The Council also encourages local business groups and township committees to develop voluntary programmes to 'spruce up' business areas.

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

Methods

District Plan Rule

- Landscaping or Screening (Business zones)

Advocacy

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

Policy B3.4.33

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

Explanation and Reasons

Policy B3.4.33 recognises that trees, bush and other natural features can add to the amenity values of a township, even when on private land and only able to be admired from across the fence. Policy B3.4.33 encourages landowners to keep such features when developing their sites. The features addressed in Policy B3.4.33 do not include trees, bush or sites which are formally protected for their heritage, cultural or ecological values in the District Plan. These features are provided for in Part B, Sections 1.3 and Part B, Section 3.3 of the Plan. **The LTCCP Development Contribution Policy allows for consideration of retained trees and vegetation as a credit towards development contributions for reserves.**^{v30}

Methods

Advocacy

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

LTCCP

- Development Contribution Policy^{v30}

LAKE COLERIDGE VILLAGE

Policy B3.4.34

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

Explanation and Reasons

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

Methods

Advocacy

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

LTCCP

- Development Contribution Policy^{v30}

District Plan Rules

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

REVERSE SENSITIVITY EFFECTS

Policy B3.4.35

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

Policy B3.4.36

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

Explanation and Reasons

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

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

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

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

Method

District Plan Zones

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

Policy B3.4.37

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

Explanation and Reasons

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

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

Method

District Plan Rules

- Business 2 Zone
- Business 3 Zone

Policy B3.4.38

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

Explanation and Reasons

Business 2 Zones are encouraged to be separated from Living zones where possible. Existing land use patterns mean many Business 2 Zones adjoin Living zones along at least one boundary, and some adjoin Living zones on two or three boundaries. Policy B3.4.38 requires new activities which locate on sites along these boundaries, whether they be in the Living zone or the Business 2 Zone, to include measures to reduce potential effects on existing activities on sites along the boundary. This includes potential ‘reverse sensitivity’ effects from new residential activities in the Living zone existing activities on adjoining sites in the Business 2 Zone.

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

Methods

District Plan Policy

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

District Plan Rules

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

Policy B3.4.39

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

Explanation and Reasons

Rezoning land for new residential development around townships should not create ‘reverse sensitivity’ issues with existing activities in any zone. Policy B3.4.39 does not preclude rezoning of land for residential development adjoining Business 2 Zones or sites in the Rural Zone which have activities with incompatible effects provided appropriate methods are used to address potential ‘reverse sensitivity’ issues. Appendix 14 suggests information on activities in the surrounding area be included with any plan change request to rezone land.

Method

District Plan Policy

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

Policy B3.4.40

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

Explanation and Reasons

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

Method

District Plan Rule

- Natural Hazards Area (Living zone)
- Subdivision

QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS

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

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.
- Any new residential activities in Business 2 Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.
- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2 Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in ‘reverse sensitivity’ issues in townships.

QUALITY OF THE ENVIRONMENT – MONITORING

Please refer to Part E, Appendix 1.

4 RURAL RULES — ROADSING AND TRANSPORT

Notes

1. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
2. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.^{V30}

4.1 ROADING AND OUTSTANDING NATURAL LANDSCAPE AND PORT HILLS AREAS

Permitted Activities — Roadsing and Outstanding Landscape and Port Hills Areas

- 4.1.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following condition is met:
 - 4.1.1.1 In any area shown on the Planning Maps as an Outstanding Landscape Area or the Port Hills Area, the formation of any road, pathway, road bridge or vehicular vehicle accessway is limited to the maintenance of existing roads, pathways, road bridges or vehicular vehicle accessways.

Restricted Discretionary Activities — Roadsing and Outstanding Landscape and Port Hills Areas

- 4.1.2 Any activity which does not comply with Rule 4.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
 - 4.1.2.1 The road is located in an area shown on the Planning Maps as:
 - (a) An Outstanding Landscape Area in the High Country or the Malvern Hills; or
 - (b) The Lower Slopes of the Port Hills; and
 - (c) The road or utility structure has to be located within that area.
- 4.1.3 Under Rule 4.1.2, the Council shall restrict its discretion to consideration of:
 - 4.1.3.1 Whether the site is appropriate for the road and any associated infrastructure, considering the topography, stability and prominence of the site and the extent to which the site and surrounds have been modified by existing roads, buildings and utility structures;
 - 4.1.3.2 The design and siting of the road and any associated infrastructure;

- 4.1.3.3 The need for, species and design of any planting in the road reserve, to mitigate visual effects;
- 4.1.3.4 Whether there are alternative sites available for the road and the costs, technical feasibility and practicality of using an alternative site;
- 4.1.3.5 Any positive effects which may offset any adverse effects;
- 4.1.3.6 Any monitoring or review conditions.

4.2 ROADING AND NATURAL HAZARDS

Permitted Activities — Roading and Natural Hazards

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

Restricted Discretionary Activities — Roading and Natural Hazards

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

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

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

- 4.3.1 The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following conditions are met:
- 4.3.1.1 Within any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any earthworks associated with any road is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
 - 4.3.1.2 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, any road does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and.
 - 4.3.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities — Roadsing and Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

- 4.3.2 Any activity which does not comply with Rule 4.3.1 shall be a restricted discretionary activity.
- 4.3.3 Under Rule 4.3.2, the Council shall restrict its discretion to the following matters:
- 4.3.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 4.3.3.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site to Wāhi Taonga Management Area, as advised by local runanga; or
 - 4.3.3.3 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local runanga;
 - 4.3.3.4 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 4.3.3.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 4.3.3.6 Any positive effects which may offset any adverse effects; and
 - 4.3.3.7 Any monitoring or review conditions.

4.4 ROADING AND ENGINEERING STANDARDS

Permitted Activities — ~~Roading and Engineering Standards~~

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

4.4.1.1 Any part of any road does not have a gradient greater than:

- (a) 1:6 vertical; or
- (b) 1:20 horizontal.

4.4.1.2 Any road is formed to the relevant ~~design and formation~~ standards set out in Appendix ~~E10.3~~;

~~4.4.1.3 Any road complies with the relevant separation and sight distance standards set out in Appendix 10;~~

Except that rule 4.4 shall not apply to works undertaken by Council within the Road Reserve in Councils capacity as Road Controlling Authority.

Discretionary Activities — ~~Roading and Engineering Standards~~

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

Notes: *The Council may refer to its ~~Engineering Design Standards 2001-Engineering Code of Practice~~ to assist it in deciding on any resource consent application made under Rule 4.4.2, where appropriate.*

Rule 4.4.1.1 does not apply to private roads, ~~vehicularvehicle~~ accessways or tracks which are intended to be used solely by persons owning or occupying the property and are not located within the road reserve. The rules do apply to ~~vehicularvehicle~~ accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent).

4.5 ~~VEHICULAR~~VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS

Permitted Activities — ~~Vehicular~~Vehicle Accessways and Vehicle Crossings

4.5.1 The forming, installation, upgrading, maintenance or replacement of any ~~vehicularvehicle~~ accessway or vehicle crossing shall be a permitted activity if the following conditions are met:

4.5.1.1 Any part of any ~~vehicularvehicle~~ accessway does not have a gradient greater than:

- (a) 1:6 vertical; or
- (b) 1:20 horizontal.

Note: Rule 4.5.1.1 does not apply to private roads, ~~vehicular~~vehicle accessways or tracks which are intended to be used solely by persons owning or occupying the property and are not located in the road reserve.

The rules do apply to ~~vehicular~~vehicle accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent).

- 4.5.1.2 Any ~~vehicular~~vehicle accessway is formed to the relevant design and formation standards set out in Appendix E10.2.
- 4.5.1.3 Any ~~vehicle~~ ~~vehicular~~ ~~accessway~~crossing complies with the relevant separation and sight distance standards set out in Appendix E10.2.
- 4.5.1.4 Any vehicle crossing:
- (a) ~~Is designed and sited to comply with the relevant standards set out in Appendix E10.3;~~
 - (b) Which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary;
- 4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is formed and sealed to the lesser of:
- (a) ~~For the full length of the vehicle crossing; and (from the edge of the sealed carriageway to the road boundary of the property), or;~~
 - (b) ~~From the edge of the carriageway to the property entrance or~~ For the first 10 metres from the sealed carriageway, whichever is lesser.
- 4.5.1.6 Any access to a State Highway or Arterial Road complies with the following:
- (a) No legal access is available from another road;
 - (b) The traffic generated through the access to the State Highway or Arterial Road is less than 100 ecm/d
 - (c) The ~~vehicular~~vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2, E10.2.3 and E10.2.4 Table 5A regarding sight distance, clearance from intersections, and minimum access spacing;
 - (d) ~~For an access with less than 30 ecm/d, the vehicle crossing is designed and formed in accordance with Diagram E10.B1 for State Highways or E10.C2 for arterial roads;~~
 - (e) ~~For an access with between 30 and 100 ecm/d, the vehicle crossing and localised road widening is designed and formed in accordance with Diagram E10.B2 for State Highways or Arterial Roads;~~
 - (f) ~~For any access to a collector road, the vehicle crossing is designed and formed in accordance with Diagram E10.C2;~~
 - (fd) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required.

4.5.1.7 Shared access to more than 6 sites (or potential sites) shall be formed and vested legal road and not by a private accessway.

4.5.1.8 Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification.

Note: For example, where a site has frontage to both an arterial road and a local road access shall be to the local road.

Restricted Discretionary Activities — ~~Vehicle~~Vehicle Accessways and Vehicle Crossings

4.5.2 Any activity which does not comply with Rule 4.5.1.6 shall be a restricted discretionary activity.

4.5.3 The Council shall restrict its discretion to the exercise of:

4.5.3.1 Whether the crossing is sufficiently removed from an intersection having regard to traffic volumes on the roads, and any other factors that will prevent conflict and confusion between vehicles turning at the crossing or at the intersection;

4.5.3.2 The adequacy of available sight distances having regard to the 85th percentile operating speed of vehicles on the road;

4.5.3.3 Whether there is a need to separate entry and exit in order to reduce potential traffic confusion and conflict;

4.5.3.4 Whether the physical form of the road will minimise the adverse effects of access (e.g. whether the road offers good visibility; whether a solid median barrier will stop unsafe right turns or a flush median will assist right hand turns etc);

4.5.3.5 Whether particular mitigation measures such as a deceleration or turning lane are required due to speed or volume of vehicles on the road;

4.5.3.6 The design of the crossing to enable traffic exiting the site to safely enter the traffic stream;

4.5.3.7 The location and design of the crossing in relation to pedestrian and cycle safety;

4.5.3.8 Whether there is adequate queuing and parking space on site so that vehicles do not queue over vehicle crossings or on a State Highway or Arterial Road;

4.5.3.9 Any potential cumulative effects of extra access points on the function of the State Highway or Arterial Road;

4.5.3.10 Any relevant accident history of the State Highway or Arterial Road in the vicinity of the site; and

4.5.3.11 The particular traffic characteristics of an existing or proposed activity, including expected traffic generation, types of vehicles etc.

Discretionary Activities — ~~Vehicular~~Vehicle Accessways and Vehicle Crossings

- 4.5.4 Any activity which does not comply with Rules 4.5.1.1, 4.5.1.2, 4.5.1.3, ~~or~~ 4.5.1.4(a), 4.5.1.7 or 4.5.1.8 shall be a discretionary activity.

Note: The Council may refer to its ~~Engineering Design Standards~~ Engineering Code of Practice to assist it in deciding on any resource consent application made under Rule 4.5.4, where appropriate.

Non-Complying Activities — ~~Vehicular~~Vehicle Accessways and Vehicle Crossings

- 4.5.5 Any activity which does not comply with Rules ~~4.5.1.4(b), and~~ 4.5.1.5 or 4.5.1.6 shall be a non-complying activity.

4.6 VEHICLE PARKING AND CYCLE PARKING

Permitted Activities — Vehicle Parking and Cycle Parking

- 4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.

4.6.1.1 Two car parking spaces on-site for each dwelling without a family flat; or

4.6.1.2 Three ~~car parking~~ car parking spaces on-site for each dwelling with a family flat; and

4.6.1.3 For any other activity;:

(a) ~~all car parking required by the Plan associated with an activity~~ must be located either on-site or on land adjoining the site and not on the road reserve; and

(b) ~~all loading (including unloading) associated with an activity must be undertaken on-site or on land adjoining the site and not within the road reserve; and~~

4.6.1.4 All car parking and loading ~~spaces formed areas shall comply with to the relevant all standards~~ set out in Appendix E10.1.

~~4.6.2 Any activity which provides sufficient space on-site for any cycle parking shall be a permitted activity.~~

~~4.6.32~~ Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if:

~~4.6.32.1~~ The site is used for any activity other than residential activities; or

~~4.6.32.2~~ The site has access to a ~~strategic road~~ State Highway or an arterial road listed in Appendix 9.

~~4.6.4~~ Any activity on a site which has a vehicle manoeuvring area that is designed to comply with the relevant standards set out in Appendix 10 shall be a permitted activity.

4.6.53 Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met:

4.6.53.1 One disabled car park is provided with the first 10 car parking spaces; and one additional disabled car park space for every additional 50 car parking spaces provided.

4.6.53.2 The disabled car parks are:

- (a) Located as close to the entrance to the building or the site of the activity as practical;
- (b) Sited on a level surface; and
- (c) Clearly marked as being for mobility-impaired persons.

4.6.3.3 Provision is made for on-site cycle parking.

Controlled Activities – Vehicle Parking and Cycle Parking

4.6.6 Any development or redevelopment of a parking area with a total of 40 or more parking spaces shall be a controlled activity, in respect to safety, circulation and access for pedestrians within the site and moving past vehicle crossings.

Restricted Discretionary Activities – Vehicle Parking and Cycle Parking

4.6.67 Any activity which does not comply with Rule 4.6.53 shall be a restricted discretionary activity.

4.6.78 The Council shall restrict its discretion to consideration of:

4.6.78.1 Whether there is likely to be a demand for parking for mobility impaired person, given the nature of the activities being undertaken on the site;

4.6.78.2 Whether there is any need to provide specific car parking for mobility impaired persons on the site, given the size and nature of the car parking area and the location of the activity relative to the car parking area; and

4.6.78.3 Any monitoring or review conditions.

Discretionary Activities – Vehicle Parking and Cycle Parking

4.6.89 Any activity which does not comply with any of Rules 4.6.1, ~~4.6.2~~ or 4.6.4 shall be a discretionary activity.

Non-Complying Activities – Vehicle Parking and Cycle Parking

4.6.910 Any activity which does not comply with Rule 4.6.32 shall be a non-complying activity.

4.7 TRAFFIC SIGHT LINES – ROAD/RAIL CROSSINGS

Permitted Activities – Traffic Sight Lines Road/Rail Crossings

4.7.1 The following shall be permitted activities:

4.7.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10, Diagram E10.E

4.7.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10, Diagram E10.E

Note: The NZTA Traffic Control Devices Manual provides further guidance on level crossings.

Non-Complying Activities – Traffic Sight Lines Road/Rail Crossings

4.7.2 Any building or tree which does not comply with Rules 4.7.1 shall be a non-complying activity.

Cross Referencing

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

Rule Numbers	Topic	Part B, Section	Objectives	Policies
4.1	Outstanding Natural Landscape and Port Hills Areas	1.4, 2.1, 2.2, 3.1	1.4.1, 2.1.2, 2.2.2, 3.1.1	1.4.1 to 1.4.5, 1.4.7 to 1.4.9, 1.4.13, 1.4.15, 1.4.17, 1.4.20 to 1.4.21, 1.4.23, 1.4.24, 1.4.27, 1.4.29 and 1.4.30, 2.1.14, 2.2.5, 3.1.6 to 3.1.8.
4.2	Natural Hazards	2.1, 2.2, 3.1, 4.2	2.1.2, 2.2.2, 3.1.1 and 3.1.2, 4.2.1 and 4.2.2	2.1.3, 2.2.8, 3.1.3 and 3.1.5 to 3.1.8, 4.2.1
4.3	Silent File Areas, Wahi Taonga Sites, Wahi Taonga Management Areas and Mahinga Kai Sites	2.1, 2.2, 3.3	2.1.2, 2.2.2, 3.3.1,	2.1.14, 2.2.5, 3.3.2, 3.3.3, 3.3.5 and 3.3.9

4.5, 4.6	~~Vehicular Accessways and Vehicle Crossings. Vehicle Parking and Cycle Parking~~	2.1, 2.2	2.1.1, 2.2.2	2.1.1 to 2.1.8, 2.2.10
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Reasons for Rules

Rule 4 manages effects of establishing, maintaining, upgrading and replacing roads, ~~vehicular vehicle~~ accessways, vehicle crossings and ~~car parking~~ car parking on the environment. The rules should be read in conjunction with Rule 1 – Earthworks.

Many activities involving roads are undertaken by requiring authorities, using designations. In these cases, the District Plan rules may not apply (see section 10 of the Act). However, it is still necessary to have rules in the Plan, because:

- Often roads are formed by private developers as part of subdivisions or land uses. The roads are then vested in the Council. The plan needs to have rules for the undertaking of these activities, so the Council can manage the standard of roads which will vest in the Council;
- It is consistent with Part II and section 32 of the Act to provide for activities which have only minor effects on the environment as permitted activities.

Rule 4 follows a similar format to Rules 1, 2 and 3. Activities involving roads require resource consents: in areas of Outstanding Landscape, areas prone to flooding, and Silent File and Wāhi Taonga Management areas; and on Wāhi Taonga and Mahinga Kai sites. New roads in areas of outstanding landscape require a resource consent, and the applicant will need to demonstrate that the activity needs to locate in these areas, given that they have not been greatly modified by roading. While the Plan recognises that some roads may be necessary in these areas, they are not encouraged.

Rules 4.4 to 4.6 set standards for the forming of roads, vehicular accessways, vehicle crossings and car parking as permitted activities. These standards are based on the Council's Engineering ~~Design Standards 2001~~ Code of Practice. The rules apply irrespective of whether roads, ~~vehicular~~ vehicle accessways and vehicle crossings are formed when land is subdivided or when buildings are erected.

Rights of way (ROW) have historically been problematic in the Selwyn District. In some instances further development of sites has resulted in a large number of sites with a shared access. Whilst limited shared access can be useful such as where houses front a reserve or waterway the potential number of users needs to be limited. The provision of long ROWs is not conducive to achieving a high degree of connectivity, permeability and accessibility for vehicular and non-vehicular access. Where access to a larger number of sites (or potential sites) is required this should be by way of local roads.

A lack of visibility for road/rail level crossings raises implications for road users and traffic safety.

For that reason, buildings and tree plantings are not permitted if they encroach within the line of sight of a railway crossing as shown in Appendix 13 (Diagram E10.E). This rule reflects the importance of maintaining lines of sight for traffic safety.

The majority of rural roads have a narrow carriageway and do not provide adequate width or sealed shoulders to allow for parking, many of these roads also have higher speed limits which can exacerbate potential safety issues. The provision of parking off-road also ensures vehicles are accessing the parking area at an appropriately formed and located point. Road side parking

in rural areas can have a noticeable impact on the character and amenity of the surrounding area.

Activities with larger parking areas require the consideration of pedestrian safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk to and within townships and provide for safe movement of pedestrians within the site, and moving past vehicle crossings.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicle access and manoeuvring areas relative to pedestrian entrances to sites, parking areas and the building entrance and does not always require provision of separate pedestrian facilities.

The provision of rule 4.6.6 is not intended to suggest that parking areas of this size are generally anticipated in rural zones. The intention of the rule is to ensure that if such a parking area does occur, attention is drawn to the consideration of pedestrians within parking areas (including movement between cycles / cars and the building entrance) and at vehicle crossing points.

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

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

Discretionary Activities – Buildings and Landscaping

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

4.3 BUILDINGS AND CONTAMINATED LAND

Refer to Rule 10.1 – Activities and Contaminated Land.

4.4 BUILDINGS AND WATER SUPPLY

Permitted Activities – Buildings and Water Supply

4.4.1 In all Living zones the erection of any dwelling or principal building connected to a reticulated water supply shall be a permitted activity, provided that it complies with the current New Zealand Drinking Water Standards.

The requirement that connection be to a reticulated supply does not apply to the erection of any dwelling or principal building within the existing Living zone at Doyleston.

Non-Complying Activities – Buildings and Water Supply

4.4.2 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.
- 4.6.2 The erection of not more than one principal building on any site at Castle Hill shall be a permitted activity.

Restricted Discretionary Activities — Buildings and Building Density

- 4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.
- 4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:
- 4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and
 - 4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and
 - 4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and
 - 4.6.4.4 The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and
 - 4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and
 - 4.6.4.6 The need for a ‘step in plan’ to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous ‘building bulk’ being close to the boundary of a neighbouring property.

Note: Building density and site coverage rules both apply.

Discretionary Activities — Buildings and Building Density

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

Non-Complying Activities — Buildings and Building Density

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

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

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

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

Table C4.1 Site Coverage Allowances

Zone		Coverage
Living 1	Including garage	35%
	Excluding garage	35% – 36m ²
	<u>Emergency Services</u> only	50%
Living 1A	Castle Hill	35%
Living 1A3	Lincoln	40%
Living 1A4	Lincoln	45%
Living 1A2	Prebbleton	35%
Living 1A5	Prebbleton	35%
		For <u>comprehensive residential development</u> , <u>site</u> coverage shall be applied over the whole Living 1A5 Zone
Living 2 and Living 2A (Blakes Road, Prebbleton)	Including garage	Lesser of 20% or 500m ²
	Excluding garage	Lesser of 20% - 36m ² or 500m ² – 36m ²
	<u>Emergency Services</u> only	40%
Living 2A	Prebbleton and West Melton	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%
Living 2A1	Darfield	10% and a maximum additional area in hardsurfacing of 10%
	<u>Emergency Services</u> only	40%

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

Temporary Activities

4.7.2 Maximum site coverage rules do not apply to:

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

Restricted Discretionary Activities – Buildings and Site Coverage

4.7.3 Any activity which does not comply with Rule 4.7.1 shall be a restricted discretionary activity if it complies with all of the following standards and terms:

- 4.7.3.1 The site is located in a Living 1 or Living 1A zone and the maximum area of the site covered by a building (s) is:
 - (a) 40% - including a garage; or
 - (b) 40% - 36m² – excluding a garage; or
- 4.7.3.2 The site is located in a Living 1A3 or Living 1A4 zone at Lincoln and the maximum area of the site occupied by a building or buildings is:
 - (a) Living 1A3 Zone 45%; or
 - (b) Living 1A4 Zone 40%.

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

- 4.7.4.1 The number of sites in the street or subdivision where site coverage already exceeds 35%.
- 4.7.4.2 Any adverse effects, singularly or cumulatively, on the residential density or 'spaciousness' of the area.

Non-Complying Activities – Buildings and Site Coverage

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

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities – Buildings and Building Height

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

Discretionary Activities – Buildings and Building Height

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

Note

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

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities – Buildings and Building Position

The following shall be permitted activities:

Recession Planes

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

Setbacks from Boundaries

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

Table C4.2 - Minimum Setbacks for Buildings

<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 or shared access</u>	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces <u>internal boundary</u>	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces <u>road or shared access</u>	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces <u>internal boundary</u>	2 m	4 m
<u>Accessory Building</u> with wall length not more than 7m	1 m	2 m
<u>Accessory Building</u> with wall length greater than 7m	2 m	4 m
<u>Utility Structures</u>	0 m	0 m

Setbacks from State Highways and internal noise levels

- 4.9.3 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 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)

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

Common Wall

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

Castle Hill

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

Prebbleton

- 4.9.6 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.
- 4.9.7 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.
- 4.9.8 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.
- 4.9.9 Any dwelling in the Living 2A Zone in Prebbleton shall have:
- 4.9.9.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.

4.9.9.2 A setback from the southern zone boundary of not less than 20 metres.

4.9.10 Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.

4.9.11 Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Def Zone in Prebbleton, as identified in Appendix 19.

West Melton

4.9.12 Any dwelling within the area shown in Appendix 20 (Living 1B and Living 2 zones) shall be set back at least 40 metres from State Highway 73.

4.9.13 Any dwelling in the Living 2A Zone at West Melton shall have:

4.9.13.1 A setback from any internal boundary of not less than 6 metres.

4.9.13.2 A setback from any road boundary of not less than 10 metres.

Leeston

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

Temporary Activities

- 4.9.15 Rule 4.9.2 does not apply to the siting of any building, tent, caravan or trailer on a site if:
- 4.9.15.1 The building, tent, caravan or trailer is erected for a temporary activity; and
 - 4.9.15.2 The building, tent, caravan or trailer is removed within 2 days of the activity ceasing.
- 4.9.16 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:
- 4.9.16.1 The building is removed within 12 months or when construction ceases, whichever is the shorter time.

Setback from Lincoln Sewerage Treatment Plant

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

Rolleston

- ~~4.9.18 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes shall be located no closer than 40m from the State Highway 1 carriageway. Except that this distance can be reduced where the dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes has been acoustically insulated or subject to mounding or other physical barriers so that traffic noise from State Highway 1 is limited to levels set out below, with all external doors and windows closed:~~

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

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

Restricted Discretionary Activities – Buildings and Building Position

- 4.9.19 Any activity which does not comply with Rule 4.9.1 shall be a restricted discretionary activity.
- 4.9.20 Under Rule 4.9.19 the Council shall restrict the exercise of its discretion to consideration of:
- 4.9.20.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.
- 4.9.21 Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to 4.9.14 and 4.9.18 shall be a restricted discretionary activity.

4.9.22 Under Rule 4.9.21 the Council shall restrict the exercise of its discretion to consideration of:

4.9.22.1 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

4.9.22.2 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

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

Discretionary Activities – Buildings and Building Position

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

Non-Complying Activities – Buildings and Building Position

4.9.24 Any dwelling which does not comply with Rule 4.9.17 shall be a non-complying activity.

4.10 RELOCATED BUILDINGS

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

Permitted Activities – Relocated Buildings

4.10.1 The erection of any relocated building shall be a permitted activity if one or more of the following conditions are met:

4.10.1.1 The relocated building is a garage or accessory building; or

4.10.1.2 The building is moved from one position to another within the same site; or

4.10.1.3 The building is relocated on to a site for a temporary activity and is removed from the site within 2 days of the activity ceasing; or

- 4.10.1.4 The building is relocated on to a site to provide temporary accommodation during a construction project on the site, and the building is removed from the site within the lesser of a 12 month period or when the construction work ceases.
- 4.10.1.5 The building is being relocated within or between schools.

Controlled Activities – Relocated Buildings

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

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 SETBACKS FROM WATERBODIES

Permitted Activities — Setbacks from Waterbodies

- 4.12.1 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:
 - 4.12.1.1 20m from the edge of any waterbody listed in Appendix 12; or
 - 4.12.1.2 10m from the edge of any other waterbody (excluding aquifers).

Discretionary Activities — Setbacks from Waterbodies

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

Notes

1. Rule 4.12 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 4.12 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.

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.

Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The depth to groundwater, the small population and reticulated sewerage means that on-site water supplies to households in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Living Zone at Doyleston will require a reticulated water supply and may bring about the need to provide such a supply for the whole of the township.

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. The Council is currently pursuing options for public reticulated sewerage treatment and disposal at Southbridge.

West Melton township does not have reticulated sewerage treatment and disposal, however, it is considered that this is 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 and 1A zones 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.

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.

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.

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 4.12 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.

5 LIVING ZONE RULES — ROADS AND TRANSPORT

Notes

1. All underlined terms are defined in Part D.
2. Roads or ~~vehicular vehicle~~ accessways formed in the Living zones at Arthur's Pass and Castle Hill, shall also comply with Rule 12.
3. In assessing a discretionary activity under Rule 5, the consent authority will refer to the Council's Engineering ~~Engineering Standards (2000)~~Code of Practice where appropriate, as well as to the relevant objectives and policies of the District Plan.
4. Rule 5.~~3.1.42.1.2~~ may not affect existing property access onto ~~strategic roads~~State Highways or arterial roads which comply with Section 10 of the Act as an "Existing Use".
5. Existing activities may not need to comply with Rule ~~54~~ if they comply with Section 10 of the Act as an "Existing Use".

5.1 ROADING AND ENGINEERING STANDARDS

Permitted Activities — Roading and Engineering Standards

- 5.1.1 The forming of any road shall be a permitted activity if the following conditions are met:
- 5.1.1.1 The road is formed on land which has an average slope of less than 20°; and
 - 5.1.1.2 The road does not have a gradient greater than:
 - (a) 1:6 vertical; or
 - (b) 1:20 horizontal; and
 - 5.1.1.3 The road is not located closer than:
 - (a) 20m to any waterbody listed in Appendix 12; or
 - (b) 20m to a site listed in Appendices 3 or 4; and
 - 5.1.1.4 The road is formed to the relevant standards in Appendix 13,3.1; and
 - 5.1.1.5 The road complies with the relevant standards in Appendix E13.3.2 and E13.3.3~~for distance from intersections~~.

Except that rules 5.1.1.1, 5.1.1.2, 5.1.1.4 and 5.1.1.5 shall not apply to works undertaken by Council within the Road Reserve in Councils capacity as Road Controlling Authority.

Discretionary Activities — Roading and Engineering Standards

- 5.1.2 Any activity which does not comply with Rule 5.1.1 shall be a discretionary activity.

5.2 ~~VEHICULAR~~VEHICLE ACCESSWAYS

Permitted Activities — ~~Vehicular~~Vehicle Accessways

5.2.1 The forming of any ~~vehicular~~vehicle accessway shall be a permitted activity if the following conditions are met:

5.2.1.1 The site has legal access to a formed, legal road; and

~~5.2.1.2~~ Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification, except that where a site has frontage to a collector and a local road frontage may be obtained to either road.

Note: For example, where a state highway and arterial road intersect the access shall be to the arterial road or in the case of an arterial road and collector road access shall be to the collector road.

5.2.1.3 The ~~vehicular~~vehicle accessway is formed on land which has an average slope of less than 20°; and

5.2.1.4 The ~~vehicular~~vehicle accessway does not have a gradient greater than:

- (a) 1:6 vertical; or
- (b) 1:20 horizontal; and

5.2.1.5 The ~~vehicular~~vehicle accessway is not located closer than:

- (a) 20m to any waterbody listed in Appendix 12; or
- (b) 20m to a site listed in Appendices 3 or 4; and

5.2.1.6 The ~~vehicular~~vehicle accessway is formed to the relevant standards in Appendix ~~E~~13.2.1; and

~~5.2.1.7 The vehicular accessway complies with the relevant standards in Appendix 13 for distance from intersections.~~

~~5.2.1.7~~ Shared access to more than 6 sites (or potential sites) shall be by road and not by a private access way.

Discretionary Activities — ~~Vehicular~~Vehicle Accessways

5.2.4 Any activity which does not comply with any of Rules 5.2.1.32 to 5.2.1.76 inclusive shall be a discretionary activity.

Non-Complying Activities — ~~vehicular~~Vehicle Accessways

5.2.5 Any activity which does not comply with Rule 5.2.1.1 or 5.2.1.7 shall be a non-complying activity.

5.3 VEHICLE CROSSINGS

Permitted Activities — Vehicle Crossings

- 5.3.1 The forming of any vehicle crossing shall be a permitted activity if the following conditions are met:
- 5.3.1.1 The vehicle crossing is ~~formed and designed and~~ sited to comply with the relevant requirements in Appendix ~~E 13.2.2, E13.2.4, E13.2.5;~~ and
 - 5.3.1.2 The vehicle crossing is ~~to be~~ sealed if the adjoining road is sealed; ~~the crossing shall be sealed for the full length between the site boundary and sealed carriageway;~~ and
 - ~~5.3.1.3 The vehicular accessway from the allotment to the vehicle crossing is sealed for the first 5.5m in accordance with Appendix 13 if the vehicle crossing adjoins a road which is sealed; and~~
 - 5.3.1.43 The vehicle crossing complies with the relevant standards in Appendix ~~E13.2.3 for distance from intersections and other vehicle crossings.~~
 - ~~5.3.1.42.1.2~~ The site does not have access directly on to a ~~Strategic Road~~State Highway or arterial road listed in Appendix 7; unless:
 - (a) The speed limit on that part of the road to which access is gained is 70 km/hr or less; or
 - (b) The site is used solely to house a utility structure; and
 - (c) The site generates less than 100 equivalent car movements per day; and

Restricted Discretionary Activities — Vehicle Crossings

- 5.3.2 Any activity which does not comply with Rules ~~5.3.1.1 and 5.3.1.2~~ shall be a restricted discretionary activity.
- 5.3.3 Under Rule 5.3.2 the Council shall restrict its discretion to consideration of:
- 5.3.3.1 Any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists.
 - 5.3.3.2 Any potential increase in the cost or difficulty of maintaining the road and vehicle crossings, including transporting of mud and chip on to any sealed road, if the vehicle crossing or ~~vehicular~~ vehicle accessway is not sealed.
 - 5.3.3.3 Any visual effects on street design and residential amenity values from not forming the vehicle crossing or ~~vehicular~~ vehicle accessway to the specified standards.
- ~~5.3.42.2~~ Any activity which does not comply with Rule ~~5.3.1.42.1.2~~ shall be a restricted discretionary activity.
- ~~5.3.5 2.3~~ Under Rule ~~5.3.42.2~~ the Council shall restrict its discretion to consideration of:

- 5.2.3.3.1 Whether the site can have access from another road which is not a ~~Strategic Road~~ State Highway or arterial road listed in Appendix 7.
- 5.2.3.3.2 The design and location of the vehicle crossing.
- 5.2.3.3.3 The number and type of vehicles or pedestrians, and using the access.
- 5.2.3.3.4 Any adverse effects, including cumulative effects, on traffic safety or flow on the ~~Strategic Road~~ State Highway or arterial road.

Discretionary Activities – Vehicle Crossings

5.3.6 Any activity which does not comply with Rule 5.3.1.3 shall be a discretionary activity.

5.5 5.4 TRAFFIC SIGHT LINES – ROAD/RAIL CROSSINGS

Permitted Activities – Traffic Sight Lines – Road/Rail Crossings

~~5.5.15.4.1~~ The following shall be permitted activities:

~~5.5.1.15.4.1.1~~ Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, ~~Section Diagram E13.3.3.~~

~~5.5.1.25.4.1.2~~ Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, Section E13.3.3.

Non-Complying Activities – Traffic Sight Lines – Road/Rail Crossings

~~5.5.25.4.2~~ Any building or tree which does not comply with Rules ~~5.5.1.25.4.1.1~~ or ~~5.5.1.25.4.1.2~~ shall be a non-complying activity.

5.45 VEHICLE PARKING AND CYCLE PARKING

Permitted Activities – Vehicle Parking and Cycle Parking

5.45.1 Any activity which provides for car parking, cycle parking, vehicle loading and parking access in accordance with the following conditions shall be a permitted activity:

Car Park Spaces

- 5.45.1.1 The number of car parks provided complies with the relevant requirements for the activity as listed in Appendix E13.1.1, E13.1.2, E13.1.3; and E13.1.12; and
- 5.45.1.2 All car parking spaces and vehicle manoeuvring areas are designed to meet the criteria set out in Appendix ~~13~~ E13.1.5.2, E13.1.6, E13.1.7, E13.1.8, E13.1.9, E13.1.10 and E13.1.11 ~~for residential activities and Appendix 13 for all other activities;~~ and

Loading Space

- 5.45.1.3 Each site that is used for an activity which is not a residential activity and which generates more than 4 heavy vehicle movements per day has one on-site loading space which complies with the requirements set out in Appendix E13.1.5. The loading space does not count as a car parking space for the purpose of complying with Rule 5.4.1.1; and

Note: Rule 5.45.1.3 does not apply to emergency services facilities.

Strategic Road State Highways and Arterial Roads

- 5.45.1.4 Each site which is accessed from a road listed as a ~~strategic road~~ State Highway or Arterial Road in Appendix 7 is designed so that a motor vehicle does not have to reverse on, or off, the ~~strategic road~~ State Highway or Arterial Road.

~~Mobility Impaired Disabled Car Parking~~

- 5.45.1.5 Each site that is used for an activity other than a residential activity has one car park space for mobility impaired persons for up to 10 car parking spaces provided, and one additional car park space for a mobility impaired person for every additional 50 car parking spaces provided or part thereof; and
- 5.45.1.6 Car parking spaces for mobility impaired persons are:
- (a) Sited as close to the entrance to the building or to the site of the activity as practical; and
 - (b) Sited on a level surface; and
 - (c) Clearly marked for exclusive use by mobility impaired persons; and

Cycle Parking

- 5.45.1.7 Cycle parking spaces are provided in accordance with the standards in Appendix E13.1.4

Controlled Activities – Vehicle Parking and Cycle Parking

- 5.45.2 Any development or redevelopment of a parking area of more than 40 parking spaces shall be a controlled activity, in respect to safety, circulation and access for pedestrians within the site and moving past vehicle crossings.

Discretionary Activities – Vehicle Parking and Cycle Parking

- 5.45.3 Any activity which does not comply with Rule 5.45.1 shall be a discretionary activity.

Reasons for Rules

Roads and vehicular vehicle accessways need to be designed and formed to a standard appropriate for the number of vehicles they are likely to carry. The purpose of Rules 5.1 to 5.2.5 is to manage: the safety of motorists, cyclists and pedestrians; the efficient flow of traffic; and the maintenance and repair of the road or vehicular vehicle accessway.

Rules 5.1.1.1, 5.1.1.3, 5.2.1.3 and 5.2.1.54 manage the effects of forming roads and vehicular vehicle accessways on slopes, and near waterbodies and special sites. These rules do not prevent roads and vehicular vehicle accessways being formed in these areas, but require an application for resource consent (or designation), so potential adverse effects on these more sensitive areas can be addressed.

All sites need legal access. This is usually secured at the time of subdivision but some existing allotments in the District have access on to unformed roads or over other land which is not formally legalised to provide that access.

Rights of way have historically been problematic in the Selwyn District. In some instances further development of sites has resulted in a large number of sites with a shared access. Whilst limited shared access can be useful such as where houses front a reserve or waterway the potential number of users needs to be limited. The provision of long ROWs is not conducive to achieving a high degree of connectivity, permeability and accessibility for vehicular and non-vehicular access. Where access to a larger number of sites (or potential sites) is required this should be by way of local roads.

The Strategic Road State Highways and arterial roads listed in Appendix 7 are the only roads in Selwyn District where the safety of traffic travelling along the routes is given primacy over the other uses of roads, such as the use of roads for property access. This is because of the higher volumes of traffic using those routes and the higher speed of the vehicles. Access to allotments on Strategic Road State Highways and Arterial Roads may be granted, as a restricted discretionary activity, where there is no alternative road access and the consent authority is satisfied the access can be designed, sited and managed to reduce traffic safety hazards. It is noted that access to a State Highway requires approval from the New Zealand Transport Agency as road controlling authority.

Similarly, resource consent for a non-conforming vehicle crossing may be granted as a restricted discretionary activity, if the consent authority is satisfied the vehicle crossing can be designed and sited to mitigate any potential adverse effects on road safety, maintenance, and residential amenity values.

On-site car parking is desirable to reduce potential adverse effects on traffic flow and safety, especially on Strategic Road State Highways and arterial roads. On-site car parking also avoids the potential adverse effects of having vehicles constantly parked outside people's houses. Such effects include lack of on-site parking for visitors, loss of 'street outlook' and reduced privacy. Within Medium Density areas located within an Outline Development Plan, the minimum on-site car parking standard has been reduced in recognition of the more built-up character of these areas, the potential for smaller dwellings with fewer occupants, and to provide increased design flexibility for small sites. The requirement for a 5.5m setback between garage doors and the boundary with a road, private right of Way, or shared access means that this area can be used as an informal second parking spaces for residents or visitors.^{PC7}

Mobility impaired car parking spaces are desirable to make access to activities and facilities easier for people with reduced mobility.

Activities that do not comply with the vehicle and cycle parking rules may be allowed as a discretionary activity if any potential adverse effects associated with the non-conformance are able to be adequately mitigated.

Activities with larger parking areas require the consideration of pedestrian safety, security, circulation and access within parking areas to be balanced against vehicle access and circulation in order to encourage people to walk within townships and provide for safe movement of pedestrians within the site, and moving past vehicle crossings.

Significant improvements for pedestrian circulation within a site can be achieved through consideration of the location of vehicle access and manoeuvring areas relative to pedestrian entrances to sites, parking areas and the building entrance and does not always require provision of separate pedestrian facilities.

The provision of rule 5.5.2 is not intended to suggest that parking areas of this size are generally anticipated in living zones. The intention of the rule is to ensure that if such a parking area does occur, attention is drawn to the consideration of pedestrians within parking areas (including movement between cycles / cars and the building entrance) and at vehicle crossing points.

A lack of visibility for road/rail level crossings raises implications for road users and traffic safety.

For that reason, buildings and tree plantings are not permitted if they encroach within the line of sight of a railway crossing as shown in Appendix 13 (Section E13.3.3). This rule reflects the importance of maintaining lines of sight for traffic safety.

9 RURAL RULES - ACTIVITIES

Notes

1. Any activity which is covered by Rules 1 to 8 or Rule 10 must comply with those rules, as well as Rule 9:
 - Earthworks – see Rule 1
 - Tree planting - see Rule 2
 - Buildings – see Rule 3
 - Roading- see Rule 4
 - Utilities – see Rule 5
 - Signs and Notice boards – see Rule 6
 - Hazardous Substances – see Rule 7
 - Waste Disposal –see Rule 8
 - Subdivision – see Rule 10
2. Any activity involving the taking, damming or diverting of water or the discharge of contaminants may require a resource consent from the Regional Council. Therefore, Environment Canterbury should be contacted.
3. Underlined words are defined in Part D of the Plan.
4. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.^{v30}

9.1 ACTIVITIES – GENERAL

Permitted Activities – Activities – General

- 9.1.1 Any activity shall be a permitted activity if all of the following conditions are met:
- 9.1.1.1 The activity complies with all other rules of the Plan (Rules 1 to 8 and Rule 10);
 - 9.1.1.2 The activity is not listed as a discretionary activity in Rule 9.2.1.
 - 9.1.1.3 The activity is not listed as a non-complying activity in Rule 9.2.2.

Other Activities – Activities – General

- 9.1.2 Any activity which does not comply with Rule 9.1.1.1 shall have the status of the rule with which it does not comply.

9.2 ACTIVITIES – LISTED ACTIVITIES

Discretionary Activities – Listed Activities

- 9.2.1 All of the following activities shall be discretionary activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.1.1 Any activity which requires an Offensive Trade Licence under the Health Act 1956;
 - 9.2.1.2 Any activity which involves the composting of organic material, where that material is brought on to the site except where additional material such as saw dust or straw is required as part of the process of composting pigs;
 - 9.2.1.3 Any activity which involves the manufacture of fertiliser from organic material, where that material is brought on to the site;
 - 9.2.1.4 Prisons or detention centres; and
 - 9.2.1.5 Camping ground facilities.

Non-Complying Activities – Listed Activities

- 9.2.2 All of the following activities shall be non-complying activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.2.1 Any other industrial activity, except for an other industrial activity being a home based occupation.

Note: Rule 9.2.2 does not apply to any temporary activity.

9.3 ACTIVITIES IN THE PORT HILLS, MALVERN HILLS AND HIGH COUNTRY

Permitted Activities – Activities in the Port Hills, Malvern Hills and High Country

- 9.3.1 Permitted activities in the areas shown on the Planning Maps as the Port Hills, Malvern Hills and High Country are limited to any one or more of the following:
- 9.3.1.1 The growing or rearing of crops or livestock, including forestry, viticulture and horticulture;
 - 9.3.1.2 Recreation and tourism activities and facilities associated with the use of the natural resources in the area or the appreciation of the physical surroundings;
 - 9.3.1.3 Areas for the conservation, protection and enhancement of natural resources;

- 9.3.1.4 Visitor accommodation, retail sales and other business activities any of which are ancillary to or associated with activities listed in Rules 9.3.1.1, 9.3.1.2 or 9.3.1.3;
- 9.3.1.5 Transport networks;
- 9.3.1.6 Mining and other industrial activities which involve the use or extraction of natural resources found in the area;
- 9.3.1.7 Education and research activities associated with the natural resources in the area or appreciation of the physical surroundings;
- 9.3.1.8 Residential activities and home based occupations and;
- 9.3.1.9 Community facilities, including schools;
- 9.3.1.10 In all areas, temporary military training activities.

Note: Refer to Appendix 21, 22 or 23 for conditions, standards and matters of control/discretion which apply to specific activities in the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs, Grasmere and Rocklands. These are existing development areas in the High Country and Port Hills.

Non-Complying Activities – Activities in the Port Hills, Malvern Hills and High Country

- 9.3.2 Any activity in the areas shown on the Port Hills, Malvern Hills and High Country, and which is not listed in Rule 9.3.1 shall be a non-complying activity.

9.4 SCALE OF NON-RESIDENTIAL AND NON-RURAL ACTIVITIES

Permitted Activities – Scale of Activities

- 9.4.1 Any activity which is not a rural activity or residential activity shall be a permitted activity if the following conditions are met:

- 9.4.1.1 The maximum gross floor area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site shall be 100m².

- 9.4.1.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site.

Note: Rule 9.4.1 does not apply to any temporary activity, Rural Based Industrial Activity or any Other Industrial Activity (where Rule 9.5.1 and 9.2.2 apply), or Utilities (where rules in Part C Rule 5 Utilities apply).

Discretionary Activities – Scale of Activities

- 9.4.2 Any activity which does not comply with Rule 9.4.1 shall be a discretionary activity.^{V29Dec}

9.5 RURAL BASED INDUSTRIAL ACTIVITIES

Permitted Activities — Rural Based Industrial Activities

9.5.1 Any rural based industrial activity shall be a permitted activity if the following conditions are met:

9.5.1.1 The maximum area of any site covered by any building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m².

9.5.1.2 No more than two full-time equivalent persons are employed in undertaking the activity on the site.

Note: Rule 9.5.1 does not apply to any temporary activity.

Discretionary Activities — Rural Based Industrial Activities

9.5.2 Any activity which does not comply with Rule 9.5.1 shall be a discretionary activity if one of the following standards and terms are met:

9.5.2.1 The site is located within the Outer Plains, as shown on the Planning Maps; or

9.5.2.2 Any building and/or operations expansion or addition associated with the poultry processing plant of Brinks South Island, 1310–1312 Main South Road, Weedons that occurs within land parcels Lot 1 and/or Lot 2 DP 20292; or

9.5.2.3 Any upgrading of the existing on-site irrigation waste disposal associated with the poultry processing plant of Brinks South Island, Main South Road, Weedons that occurs within land parcels Lot 4 DP 22430 and/or Lot 2 DP 83245; or

9.5.2.4 Any building and/or operations expansion or addition associated with the feedmill of Feedco Canterbury, 162 Selwyn Road, Broadfield that occurs within land parcel Lot 2 DP 61860.

Non-Complying Activities — Rural Based Industrial Activities

9.5.3 Any activity which does not comply with Rule 9.5.1 or 9.5.2 shall be a non-complying activity.

9.6 ACTIVITIES AND CONTAMINATED LAND

Permitted Activities: Activities and Contaminated Land

9.6.1 Any activity on land which is contaminated shall be a permitted activity provided that none of the following activities are undertaken on that land:

9.6.1.1 Erecting any dwelling or undertaking residential activities;

- 9.6.1.2 The use of land for educational activities or erecting any educational facilities;
- 9.6.1.3 Outdoor recreation activities; and
- 9.6.1.4 Growing or rearing of food crops or livestock;

Restricted Discretionary Activities – Activities and Contaminated Land

- 9.6.2 Any activity which does not comply with Rule 9.6.1 shall be a restricted discretionary activity.
- 9.6.3 Under Rule 9.6.2, the Council shall restrict its discretion to consideration of:
 - 9.6.3.1 The effectiveness of any proposed mitigation measures that reduce the risk of any adverse effects on people or the environment from contaminated land;
 - 9.6.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of effects on people or to remove or contain the area of contaminated land;
 - 9.6.3.3 Any effects on the environment or other people resulting from any mitigation measures, including where any contaminated soil removed from the site will be disposed to and how;
 - 9.6.3.4 Any positive effects which may offset any adverse effects; and
 - 9.6.3.5 Any monitoring or review conditions.

9.7 ACTIVITIES ON THE SURFACE OF WATERBODIES

Permitted Activities – Activities on the Surface of Waterbodies

- 9.7.1 Any activity on the surface of any waterbody shall be a permitted activity if all of the following conditions are met:
 - 9.7.1.1 The use of motorised craft on the surface of any of the following lakes: Blackwater; Catherine; Evelyn; Georgina; Grasmere; Hawdon; Henrietta; Ida; Letitia; Lillian; Marymere; Moana Rua/Pearson; Red Lakes; Rubicon; Sarah; Selfe; or Vagabonds Inn, is limited to one of the following uses:
 - (a) Emergency search and rescue work; or
 - (b) Law enforcement;
 - 9.7.1.2 Any use of motorised craft on the surface of any waterbody for overnight accommodation is limited to one night on any waterbody, in any one month period;

Notes:

Rule 9.7.1.2 does not apply to overnight accommodation on craft on any waterbody in emergency weather conditions or where the craft has mechanical problems.

For erecting structures across the surface of waterbodies, see Rule 5 – Utilities.

Non-Complying Activities – Activities on the Surface of Waterbodies

- 9.7.2 Any activity on the surface of a waterbody which does not comply with Rule 9.7.1 shall be a non-complying activity.

9.8 ACTIVITIES AND THE KEEPING OF ANIMALS

Permitted Activities – Activities and the Keeping of Animals

- 9.8.1 The keeping of animals shall be a permitted activity if all of the following conditions are met:
- 9.8.1.1 Any keeping of animals does not include:
- (a) The boarding of animals, including catteries and kennels; and
 - (b) Intensive livestock production;

9.9 ACTIVITIES AND THE BOARDING OF ANIMALS

Restricted Discretionary Activities – Activities and the Boarding of Animals

- 9.9.1 Any activity which involves the boarding of animals shall be a restricted discretionary activity if all of the following standards and terms are met:
- 9.9.1.1 Any building or compound is setback a minimum distance of 50m from any property boundary;
- 9.9.1.2 Any building or compound is setback a minimum distance of 30m from any road boundary; and
- 9.9.1.3 Any building or compound used for the boarding of animals is set back a minimum distance of 200m from the nearest boundary of: any Living zone; or any Existing Development Area, as shown on the Planning Maps.
- 9.9.2 Under Rule 9.9.1, the Council shall restrict its discretion to consideration of:
- 9.9.2.1 Any potential nuisance effects from noise, traffic, odour or inadequate animal containment on surrounding properties;
- 9.9.2.2 The effectiveness of any proposed mitigation measures to reduce effects of noise, traffic, odour or inadequate animal containment on surrounding properties;
- 9.9.2.3 Any positive effects which may offset any adverse effects; and
- 9.9.2.4 Any monitoring or review conditions.

Discretionary Activities – Activities and the Boarding of Animals

9.9.3 Any activity which does not comply with Rule 9.9.1 shall be a discretionary activity.

9.10 ACTIVITIES AND INTENSIVE LIVESTOCK FARMING

Controlled Activities – Activities and Intensive Livestock Farming

Expansion of Existing Intensive Piggery Production Activity

9.10.1 The expansion of any existing intensive piggery production activity shall be a controlled activity if all of the following standards and terms are met:

9.10.1.1 That the applicant has obtained an air discharge consent or if no consent is required a Certificate of Compliance from the Canterbury Regional Council, covering the discharge of odour from the proposed expanded piggery.

9.10.1.2 The proposed expansion would result in a nil increase in overall odour emission rate from the site. The applicant shall provide an assessment from a suitably qualified expert which demonstrates the nil increase in overall odour emission rate from the site. The assessment shall consider relevant New Zealand and international odour emission rate information and research for the piggery industry. The Council may appoint its own suitably qualified expert (the expert is to be agreed to with the applicant) to peer review the assessment provided by the applicant to confirm compliance with this standard.

9.10.1.3 The increase in the number of stock pig units (SPUs) shall not exceed 50% of the existing SPUs, where SPU is to be calculated from existing stock numbers as per Table C9.1 below.

Table C9.1 – Standard SPU multipliers for different classes of pig

	Definition	SPU Factor
Gilt	24-30 weeks	1.8
Boar	100-300kg	1.6
Gestating sow	160-230kg	1.6
Lactating sow	160-230kg	2.5
Sucker	0-4 weeks	0.1
Weaner	4-10 weeks	0.5
Grower	10-16 weeks	1.0
Finisher	16-24 weeks	1.6
Heavy Finisher	Over 24 weeks	1.8

9.10.1.4 The applicant has prepared a management plan to deal with activities that have the potential to produce an offensive or objectionable odour. This management plan shall address the following:

- (a) Management of shed
- (b) Effluent collection and storage systems
- (c) Manure application to land systems
- (d) Carcass disposal system
- (e) Landscaping and building design
- (f) The keeping of monitoring and maintenance records
- (g) Performance review process
- (h) Any consultation with the local community and the operation of a complaints system.

9.10.2 In considering any application for a resource consent under Rule 9.10.1 the Council shall, in granting consent and in deciding whether to impose conditions, exercise its control over the following matters:

- 9.10.2.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
- 9.10.2.2 The effectiveness of any proposed mitigation measures incorporated into the management plan to address potential adverse effects;
- 9.10.2.3 The location of buildings to avoid, remedy or mitigate potential adverse odour effect associated with any relocation of the odour emission source to another part of the site;
- 9.10.2.4 Any positive effects which may offset any adverse effects;
- 9.10.2.5 Any monitoring or review conditions.

Restricted Discretionary Activities – Activities and Intensive Livestock Farming

9.10.3 The establishment of any new site for intensive livestock production or the expansion of any existing intensive livestock production activity shall be a restricted discretionary activity, unless it is a controlled activity under 9.10.1.

9.10.4 Under Rule 9.10.3 the Council shall restrict its discretion to consideration of:

- 9.10.4.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
- 9.10.4.2 The effectiveness of any proposed mitigation measures to address potential adverse effects;
- 9.10.4.3 Any positive effects which may offset any adverse effects; and
- 9.10.4.4 Any monitoring or review conditions.

9.11 ACTIVITIES AND NEW OR EXPANDED DAIRY FARMS

Permitted Activities — Activities and New or Expanded Dairy Farms

9.11.1 The establishment of, or any extension to, any dairy farm is on land shall be a permitted activity where the following conditions are met:

9.11.1.1 All dairy cows are excluded from all land within 10m from any waterbody (excluding aquifers).

9.11.1.2 It is on land which is adjoining to that of the milking shed.

Notes:

Dairy farm means all the land used to support a dairy milking platform but excludes separate off-farm land areas used to graze dry dairy cows.

Rule 9.11.1.1 applies to the conversion of new land to dairying and for both grazing and droving of dairy cows; it does not include land which is used for grazing beef herds.

For Rule 9.11.1.2 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

Rule 9.11.1.2 does not apply to land which is used for grazing dry herds.

Adjoining is defined in Part D of the Plan and includes any land which is separated by a road, easement, water race or drain.

Where stock access is across a State Highway, ~~Transit~~ New Zealand Transport Agency must be consulted.

9.11.2 All dry dairy cows on separate off-farm land areas shall be excluded from any waterbody.

Restricted Discretionary Activities — Activities and New or Expanded Dairy Farms

9.11.3 Any new or expanded dairy farm or off-farm dairy grazing activity that does not comply with Rules 9.11.1.1 or 9.11.2 shall be a restricted discretionary activity.

9.11.4 Under Rule 9.11.3 the Council shall restrict its discretion to consideration of:

9.11.4.1 The effect on natural character and indigenous biodiversity;

9.11.4.2 Any mitigation measures to prevent or reduce animal access to the waterbody or its riparian margin.

9.11.5 The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 9.11.1.2 shall be a restricted discretionary activity.

9.11.6 Under Rule 9.11.5 the Council shall restrict its discretion to consideration of:

9.11.6.1 The proposed method to move dairy cows between grazing areas and milking sheds;

- 9.11.6.2 Traffic safety;
- 9.11.6.3 Any positive effects which may offset any adverse effects; and
- 9.11.6.4 Any monitoring or review conditions.

9.12 ACTIVITIES AND CARPARKING, VEHICLE CROSSINGS, ACCESS AND EGRESS

Permitted Activities — Carparking, Vehicle Crossings, Access and Egress

- 9.12.1 The activity shall comply with the rules for carparking, vehicle crossings, vehicle access and egress set out in Rule 4, and Appendix 10 for specific provisions applying to State Highways to be a permitted activity.

Default Activity — Carparking, Vehicle Crossings, Access and Egress

- 9.12.2 Any activity which does not comply with Rule 9.12.1 shall have the status set out in Rules 4.4 to 4.6 for the rules(s) with which it does not comply.

9.13 ACTIVITIES AND VEHICLE MOVEMENTS

Permitted Activities — Activities and Vehicle Movements

- 9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:
 - 9.13.1.1 Road Unformed and, or not maintained by Council:
 - (a) For any commercial or industrial related activity where access is required off an unformed and un-maintained road, excluding normal farming activities: Nil.
 - (b) For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day (ecm/d) per site.
 - 9.13.1.2 Road Formed, ~~and~~ Sealed and maintained by Council:
 - (a) **State Highway and Arterial and Strategic Roads** (as identified in Appendix 9): 30 ecm/d per site averaged over any one week period).
 - (b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).
 - 9.13.1.3 Road Formed, ~~and~~ Unsealed and maintained by Council:
 - (a) 60 ecm/d per site (averaged over any one week period).

Note:

1. Rule 9.13.1 does not apply to vehicle movements between sites within a property; relocating of premises; or any other temporary activity.

2. For the purposes of Rule 9.13.1.2, Local roads are those roads which are not listed in Appendix 9 as State Highways Strategic Roads, Arterial Roads, or Collector Roads.
3. Rule 9.13.1 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere – refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
4. Rule 9.13.1 does not apply to existing plantations.

Restricted Discretionary Activities – Activities and Vehicle Movements

9.13.2 Any activity which does not comply with Rule 9.13.1 shall be a ~~restricted~~ discretionary activity. The Council's discretion may include but shall not be limited to:

~~9.13.3 Under Rule 9.13.2, the Council shall restrict its discretion to consideration of:~~

~~9.13.32.1~~ Any works required to the road to upgrade it to the standards set out in the Council's ~~Engineering Design Guidelines 2001~~ Code of Practice;

~~9.13.32.2~~ Any potential adverse effects of traffic on the amenity values of surrounding residents and on other uses of the road, including (but not limited to) stock droving;

~~9.13.2.3~~ In respect to the integration of land use and transport, the appropriateness of the location within the existing and planned road network.

~~9.13.32.34~~ The position and design of any vehicle crossing or vehicle access and egress;

~~9.13.32.45~~ Any positive effects which may offset any adverse effects; and

9.13.2.6 Any other relevant matters including relevant objectives and policies.

~~9.13.32.57~~ Any monitoring or review conditions.

9.14 ACTIVITIES AND AIRCRAFT MOVEMENTS

Permitted Activities – Activities and Aircraft Movements

9.14.1 The following aircraft movements are permitted:

9.14.1.1 Taking off and landing which is associated with:

- (a) Emergency, fire control or law enforcement work; or
- (b) Seasonal farming work such as topdressing, spraying, stock management, fertiliser application, frost mitigation, or associated activities; or
- (c) The operation of military aircraft.

9.14.1.2 Other aircraft movements, provided that:

- (a) The noise produced at any notional boundary in the Rural Zone or at the boundary of any Living Zone is no more than 50 dBA Ldn; and
- (b) Where the airstrip or helipad is located within 1 km of the nearest boundary of any Living zone, there are no more than 14 flights (28 aircraft movements) / week on any one property except that on any five days in any continuous six month period, an unlimited number of flights is permitted.

For the purposes of this rule:

- Aircraft noise may be averaged over periods of seven consecutive days and the averaged value shall not exceed 50 dBA Ldn, and in any case the limit shall not be exceeded by more than double the sound exposure limit (i.e. 3 dBA Ldn terms) on any one day. Daily sound exposure values shall be averaged on an arithmetic basis.
- The notional boundary shall not be measured from any residential activity which exists on the same property as the aircraft movements.

Discretionary Activities — Activities and Aircraft Movements

- 9.14.2 The use of any land or establishing any facilities for taking off or landing or aircraft which does not comply with Rule 9.14.1 shall be a discretionary activity.

9.15 ACTIVITIES AND AUDIBLE BIRD SCARING DEVICES

Permitted Activities — Activities and Audible Bird Scaring Devices

- 9.15.1 Any activity shall be a permitted activity provided that the following rules are met:

- 9.15.1.1 The use of any air horn, siren or amplified sound occurs:

- (a) During daytime; and
- (b) For a maximum period of 2 seconds at any one time and for not more than 10 such times in any one hour; and
- (c) No impulsive noise event shall exceed 65 dBA SEL;

- 9.15.1.2 The use of any other audible bird scaring device complies with the following daytime noise limits:

- (a) No impulsive noise event shall exceed 65 dBA SEL; and
- (b) The number of noise events shall not exceed 18 in any one hour period;

- 9.15.1.3 The use of any other audible bird scaring device complies with the following sunset and sunrise noise limits:

- (a) No impulsive noise event shall exceed 60 dBA SEL; and
- (b) The number of impulsive noise events shall not exceed 3 in any one hour period.

- 9.15.1.4 The use of any other audible bird scaring device complies with the following night-time noise limits:

- (a) No device shall be operated to exceed 40 dBA Leq (10 min).

9.15.1.5 For the purposes of Rule 9.15.1:

- (a) An audible bird-scaring device includes any firearm used for this purpose.
- (b) 'Daytime' is measured as 1 hour after sunrise to 1 hour before sunset. 'Sunset' is measured as 1 hour before sunset to 1 hour after sunset. 'Night-time' is measured as 1 hour after sunset to 1 hour before sunrise. 'Sunrise' is measured as 1 hour before sunrise to 1 hour after sunrise.
- (c) Sound shall be measured in accordance with the provisions of NZS 6801:1999 Acoustics-Measurement of Environmental Sound.
- (d) The measurement location shall be at any point within any Living zone or Business zone or within the notional boundary of any dwelling, rest home, hospital, Papakāinga housing or educational facility on another property.

Note: The times for sunrise and sunset are those printed in The Press newspaper each day.

Restricted Discretionary Activities: Activities and Audible Bird Scaring Devices

9.15.2 Any use of any audible bird scaring device which does not comply with Rule 9.15.1 shall be a restricted discretionary activity.

9.15.3 Under Rule 9.15.2, the Council shall restrict its discretion to consideration of:

- 9.15.3.1 Any adverse effects of noise or disturbance on surrounding residents and activities;
- 9.15.3.2 The effectiveness of any proposed mitigation measures to reduce those effects;
- 9.15.3.3 The availability, effectiveness and cost of alternative bird scaring mechanisms;
- 9.15.3.4 Any positive effects which may offset any adverse effects; and
- 9.15.3.5 Any monitoring or review conditions.

9.16 ACTIVITIES AND NOISE

Permitted Activities — Activities and Noise

9.16.1 Except as provided in 9.16.3 below, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the following tables in order to be a permitted activity:

Table C9.2 – Maximum noise limits at any Living Zone boundary.

Hours	Noise Limit
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Hours	Noise Limit
7.30am – 8.00pm	55 dBA L ₁₀ 85 dBA L _{max}
8.01pm – 7.29am	40 dBA L ₁₀ 70 dBA L _{max}

Table C9.3 – Noise limits assessed at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility except where that dwelling, rest home, hospital or classroom is located within a Living zone.

Hours	Noise Limit
7.30am – 8.00pm	60 dBA L ₁₀ 85 dBA L _{max}
8.01pm – 7.29am	45 dBA L ₁₀ 70 dBA L _{max}

Notes:

Rule 9.14 applies to take off or landing of aircraft.

Rule 9.15 applies to noise from audible bird scaring devices.

Discretionary Activities – Activities and Noise

9.16.2 Any activity which does not comply with Rule 9.16.1 shall be a discretionary activity.

Exemptions and Special Provisions Relating to Noise Limits

General Exemptions

9.16.3 Noise limits in any part of the Plan shall not apply:

9.16.3.1 In any area to activities of a limited duration required by normal primary production activities including agriculture, horticulture, aquaculture, forestry and fishing, provided that the activity shall comply with the requirements of Section 16 of the Resource Management Act 1991.

For the purposes of Rule 9.16.3.1, “activities of a limited duration” means: Activities which are temporary and/or intermittent in nature, such as crop harvesting, crop irrigation, general use of farm machinery or crop protection devices (other than audible bird scarers). Such uses may occur on a limited number of days in a year, a limited number of hours in a day or a limited number of days in a week or month.

9.16.3.2 In any part of the District where the noise source is a warning device used by emergency services.

9.16.3.3 In any part of the district used for residential activities of a normal domestic nature including recreational activities, such as sporting

events, that do not involve powered motor sport, powered aviation, gunfire or amplified music.

9.16.3.4 Where any residential activity exists on the same site, or a site owned by the same owner, as a noise source being assessed.

9.16.3.5 Where the activity is a temporary military training activity and complies with the following provisions:

Any temporary military training activity in any area of the District shall be conducted so as to ensure the noise limits in the Table C9.4 below are not exceeded at any point within the boundary of any Living or Business zone or at any point within the notional boundary of any dwelling, rest home hospital, or educational facility classroom in the Rural zone. Within the Burnham Military Camp defence area no noise limits in the Plan apply.

Table C9.4 –Noise limits for Temporary Military Training activities:

Time on any day	Leq dBA	L90 dBA	L _{max} dBA
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630 the following day	55	45	70

Provided the limits for impulsive noise arising from any use of explosives, explosives simulators, ammunition, munitions or pyrotechnics at any time, shall not exceed 120 dBC (peak).

Notes:

The term “dBC (peak)” means the peak C-frequency weighted sound level. “Peak” is non-rms value and is quite different to L_{max} cited elsewhere in this standard.

Provided also that the above noise limits shall not apply on up to four occasions in any period of 12 months where any exhibition or demonstration of military activities is open to the public and held between the hours of 10.00 am and 5.00 pm.

Permitted Activities – Blasting

9.16.4 The following limits shall apply to blasting:

9.16.4.1 Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any dwelling, rest home, hospital or educational facility classroom.

9.16.4.2 Airblast overpressure from blasting on any land or in water shall not exceed a peak sound pressure level of 115 dBA at the notional boundary of any dwelling, rest home, hospital or educational facility classroom.

Permitted Activities — Watercraft

9.16.5 The following limits shall apply to powered watercraft:

9.16.5.1 Powered watercraft shall be fitted with effective mufflers during all movement under power on water and shall not exceed the following noise limits assessed at any point within the notional boundary of any dwelling on any day:

7.00 am to 9.00 pm Sound Exposure Level (SEL) 85 dBA

9.00 pm to 7.00 am the following day Sound Exposure Level (SEL) 78 dBA

9.16.5.2 No moving craft shall emit noise in excess of a Sound Exposure Level of 90 dBA in any single drive-by measured at any stationary point more than 25m from the line of travel of the craft.

9.16.5.3 On four occasions in any 12 month period, the noise limit may be unrestricted for any portion of waterbody for the purposes of an approved special event.

Permitted Activities — Other Exemptions

9.16.6 Rule 9.16.1 does not apply to the following activities:

9.16.6.1 Noise from any motor vehicle or any mobile machinery (including farm machinery and stationary equipment not fixed to the ground).

9.16.6.2 Audible bird scaring devices.

9.16.6.3 Any temporary activity which operates between the hours 7.00am and 9.00pm excluding seasonal harvesting activities.

9.16.6.4 Hail cannons.

9.16.6.5 The use of sirens associated with emergency services.

9.17 ACTIVITIES AND BLASTING AND VIBRATION

Permitted Activities —Activities and Blasting and Vibration

9.17.1 Any activity which involves blasting and/or vibration shall be a permitted activity if all of the following conditions are met:

9.17.1.1 Any activity which involves noise vibration from blasting complies with AS 2187.2-1993 Explosives – Storage, Transport and Use, Part 2 Use of Explosives, and ANZECC guidelines;

9.17.1.2 Except for blasting, any activity which involves vibration from any other source complies with New Zealand Standard 2631:1985-89 Parts 1-3.

Discretionary Activities — Activities and Blasting and Vibration

9.17.2 Any activity which does not comply with Rule 9.17.1 shall be a discretionary activity.

9.18 ACTIVITIES AND GLARE

Permitted Activities — Activities and Glare

9.18.1 Except in the area shown on the Planning Maps as the West Melton Observatory Lighting Area, any activity which involves lighting shall be a permitted activity provided that the activity has a maximum light spill not exceeding:

9.18.1.1 10-lux spill on to any part of any adjoining property which is located in a Business zone and which does not contain a dwelling; and

9.18.1.2 3-lux spill on to any part of any other adjoining property or any road reserve.

9.18.2 In the area shown on the Planning Maps as the West Melton Observatory Lighting Area:

9.18.2.1 Any outdoor lighting is shielded so that any light spill is directed at an angle below 90° from the vertical; or alternatively, the activity for which outdoor night lighting is required shall not operate between the hours of 10.00 pm and 6.00 am, except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm.

9.18.2.2 There is no light spill from any activity on to any adjoining property or the road reserve; or alternatively, the illumination of the activity complies with Rule 9.18.1.2 and the activity for which outdoor night lighting is required shall operate only between the hours of 10.00 pm and 6.00 am except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm.

Notes:

Rule 9.18. does not apply to:

- *Lights on any motor vehicle or any machinery used to undertake harvesting or any other seasonal outdoor activity;*
- *Any outdoor lighting associated with a temporary activity; or*
- *Any outdoor lighting which cannot meet these requirements but complies with other legislation.*

Discretionary Activities — Activities and Glare

9.18.3 Any activity which does not comply with Rule 9.18.1 or 9.18.2 shall be a discretionary activity.

9.19 ACTIVITIES AND DUST

Permitted Activities — Activities and Dust

9.19.1 Any stockpiling activity shall be a permitted activity provided that stockpiling of any soil, coal, sawdust, powdered fertiliser or any other unconsolidated material outdoors within 100m of a dwelling (other than a dwelling on the same property as the stockpiled material), is either:

9.19.1.1 Covered; or

9.19.1.2 Consolidated; or

9.19.1.3 Otherwise secured to mitigate windblown dust on to adjoining properties.

Discretionary Activities – Activities and Dust

9.19.2 Any stockpiling of material which does not comply with Rule 9.19.1 shall be a discretionary activity.

9.20 Activities and Temporary Military Training

Permitted Activities – Activities and Temporary Military Training

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

9.20.1.1 No permanent structures shall be constructed;

9.20.1.2 No mechanical excavation shall be carried out, unless provided for in this Plan;

9.20.1.3 The activity shall not exceed a period of 31 days;

9.20.1.4 All ground disturbed by any military activity shall be restored to its previous state;

9.20.1.5 No Temporary Military Training Activities shall occur in any areas identified on the Planning Maps as Wāhi Taonga, Silent File Areas, or Mahinga Kai Sites;

9.20.1.6 Noise emissions occurring as a result of any Temporary Military Training Activity, when measured at the property boundary shall not exceed-

Time on (any day)	Limits (dBA)	
	L ₁₀	L _{max}
0630-0730	60	70
0730-1800	75	90
1800-2000	70	85
2000-0630	55	65

Controlled Activities – Activities and Temporary Military Training

9.20.2 Any Temporary Military Training Activity which does not comply with Rule 9.20.1 shall be a controlled activity.

- 9.20.3 Under Rule 9.20.2 the Council shall restrict the exercise of its discretion to consideration of:
- 9.20.3.1 Any disturbance caused by structures or earthworks;
 - 9.20.3.2 Any noise effects, with regard to the location and noise sensitivity of nearby activities;
 - 9.20.3.3 Any visual or traffic effects;
 - 9.20.3.4 The effect of activities over an extended period of time, having regard to 9.20.3.1 – 9.20.3.3 above.

9.21 ACTIVITIES AND CLEARANCE OF INDIGENOUS VEGETATION AND INDIGENOUS PLANT SPECIES

Note:

These rules are an interim measure to protect potential areas of significant conservation value until the notification of a variation (or plan change) addressing indigenous vegetation. These interim rules and any appendices, definitions and methods that are specific only to these rules are to be reconsidered as part of the variation process. The Council undertakes to review these rules with a view to notifying a variation (or plan change) by 28 February 2009.

There are rules both for the clearance of areas containing indigenous vegetation which covers plant communities as defined in the Plan and for the clearance of individual threatened indigenous plant species. Rules 9.21.1.1 and 9.21.1.2 apply down to the level of individual plants; Rules 9.21.1.3 to 9.21.1.6 apply to indigenous vegetation communities as defined. The effect of the definition of indigenous vegetation is that it is permitted to clear indigenous species if the area to be cleared does not meet the criteria contained in the definition of indigenous vegetation and as long as none of the individual plants to be destroyed are listed in Appendix 13 or Appendix 14.

Permitted Activities – Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

- 9.21.1 The clearance of indigenous vegetation and indigenous plant species shall be a permitted activity provided that all of the following conditions are met:
- 9.21.1.1 The indigenous plant species are not listed in Appendix 13 (Schedule of Threatened and Uncommon Plants);
 - 9.21.1.2 For clearance of indigenous plant species on the Canterbury Plains, the species is not contained in Appendix 14 (Schedule of Regionally Significant Plants on the Canterbury Plains);
 - 9.21.1.3 The indigenous vegetation is not located above 900m above mean sea level;
 - 9.21.1.4 The indigenous vegetation is not located in a naturally occurring wetland;
 - 9.21.1.5 The indigenous vegetation clearance does not exceed 100m² per hectare in any continuous 3 year period within a distance of 20m of any lake, any naturally occurring wetland or any river or stream; and

9.21.1.6 No clearance of indigenous vegetation shall exceed:

- (a) 5,000m² in area on any site in any continuous period of three years, except where the vegetation clearance is carried out within an area of improved pasture; or
- (b) 500m² in area in any continuous period of three years, where the indigenous vegetation has a closed canopy over that area and the average height of that canopy is greater than or equal to 3m; or
- (c) 500m² in area of matagouri (in one continuous block of indigenous vegetation), in any continuous period of three years, where the average height of the canopy of the matagouri is greater than or equal to 1.5m; or;
- (d) 1,000m² of Chionochloa spp (tall tussock) in any continuous period of three years, except where this occurs as a secondary component within an area of improved pasture.

For the purposes of this standard:

Improved pasture shall mean an area of pasture where species composition and growth has clearly been modified and enhanced for livestock grazing by cultivation or top-dressing and over-sowing, or direct drilling, and where exotic pasture species are obvious;

The canopy height is to be determined over each area of 1 hectare, where the vegetation is greater than 1 hectare in area or over the lesser area where the area of vegetation is less than 1 hectare.

9.21.2 Rule 9.21.1 does not apply to the following:

9.21.2.1 Vegetation which was planted for harvesting, shelter belt or amenity purposes;

9.21.2.2 Indigenous vegetation which is an understorey within a plantation forest, or indigenous vegetation which is an area within a plantation forest where, during the previous or current rotation, either seedlings did not strike or trees were wind thrown; or indigenous vegetation which is to be cleared to re-establish access tracks previously used for planting, maintenance or harvesting of a plantation forest.

9.21.2.3 Re-establishment of access tracks previously used for planting, maintenance or harvesting of a forestry activity;

9.21.2.4 Maintenance of existing utilities (including irrigation infrastructure), tracks, pathways drains, structures, roads, fire breaks and fence lines but not their extension;

9.21.2.5 Clearance of land planted in exotic species but containing sparsely distributed wetland plants.

Discretionary Activities – Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

9.21.3 Any activity which does not comply with Rule 9.21.1.4, 9.21.1.5 or 9.21.1.6 shall be a discretionary activity.

Non-Complying Activities — Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species

- 9.21.4 Any activity which does not comply with Rule 9.21.1.1, 9.21.1.2, 9.21.1.3 or 9.21.1.4 shall be a non-complying activity.

Cross Referencing

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

Rule Numbers	Topic	Part B, Section	Objectives	Policies
9.2	Listed Activities	1.1, 1.3, 2.1, 2.3, 3.4	1.1.1 and 1.1.2, 1.3.1, 2.1.1, 2.3.2, 3.4.1 and 3.4.2	1.1.1, 1.3.4, 2.1.1 to 2.1.7, 2.1.5 to 2.1.8, 3.4.1 to 3.4.4, 3.4.18 to 3.4.20
9.3	Activities in the Port Hills, Malvern Hills and High Country	3.4	3.4.1 and 3.4.2	3.4.2 and 3.4.3
9.4	Scale of Non-residential and Non-rural Activities	3.4	3.4.1 and 3.4.2	3.4.2 to 3.4.4
9.5	Rural Based Industrial Activities	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.4
9.6	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.1 to 1.1.3
9.7	Activities on the Surface of Waterbodies	1.3, 2.3, 3.4	1.3.2, 2.3.2, 3.4.1	1.3.12, 2.3.4, 3.4.3
9.8, 9.9, 9.10	Animals (Keeping of Animals, Boarding of Animals and Intensive Livestock Farming)	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.8, 3.4.1 to 3.4.3, 3.4.11, 3.4.12, 3.4.14, 3.4.18 to 3.4.20
9.12	Carparking, Vehicle Crossings, Access and Egress		See Part C - Rule 4 - Roading	
9.13	Vehicle Movements	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.3, 3.4.1, 3.4.3, 3.4.18 to 3.4.20
9.14	Aircraft Movement	2.1, 3.4	2.1.1 and 2.1.2, 3.4.1 and 3.4.2	2.1.17, 3.4.1, 3.4.3, 3.4.9, 3.4.11, 3.4.13
9.15	Audible Bird Scaring Devices	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11, 3.4.12
9.16	Noise	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11
9.17	Blasting and Vibration	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.13

Rule Numbers	Topic	Part B, Section	Objectives	Policies
9.18	Glare	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.9, 3.4.10
9.19	Dust	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.4

Reasons for Rules

Rule 9 manages effects of activities on the environment, where those activities are not addressed by more specific rules in Rules 1 to 8, or Rule 10. District Plan rules are needed to manage potential effects of activities on adjoining properties or other parts of the environment, which are not direct costs to the person undertaking the activity.

Rule 9.2.1 lists activities which are discretionary activities, whether they comply with the rules for permitted activities or not. These activities are usually appropriate in the Rural Zone, but have the potential for effects on surrounding properties or the environment, which therefore need to be managed through a resource consent process so that effects on surrounding properties and amenity values can be considered and affected parties identified.

Rule 9.2.2 lists activities which are non-complying activities, whether they comply with the rules for permitted activities or not. The effects associated with other types of industrial activities (i.e. those that are not defined as “rural based” industrial activities) are considered to be generally inappropriate in all parts of the Rural zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills and High Country and those operating as a home based occupation given their size and operational constraints. While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry may result in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided.

Rule 9.3 manages the type of activities which can occur on the Port Hills and Malvern Hills and High Country and provides for temporary military training activities throughout the Rural Zone. Generally, both the Township and Rural Volumes of the Plan manage the effects of activities, rather than the activities themselves. This rule is an exception. The reason is that the Port Hills, the Malvern Hills and High Country have special recreational and amenity values, including a sense of remoteness and isolation from townships. These values are derived from the sparseness of settlement and the absence of commercial and industrial activities typical of townships. To help retain these special values, the Plan requires activities on the Port Hills and the Malvern Hills and in the High Country to be activities associated with the use, protection or enjoyment of the natural resources in the area. Permitted activity status is appropriate for temporary military training activities undertaken by the NZ Defence Force because they are not able to be designated due to their temporary nature and variable location. Potential effects associated with temporary activities include use of hazardous substances, noise and discharges and soil disturbances. These are controlled by permitted activity rules, other than noise (temporary military training activity are exempt from the noise rules).

Rule 9.4 manages the effects of non-rural and non-residential activities in the rural area, including business and community activities but excluding rural based industrial activities and other industrial activities (which are covered under Rules 9.5.1 and 9.2.2 respectively. The rule allows for small scale business and community activities to establish as a permitted activity in the Rural Zone, however resource consent will be required (as a discretionary activity) where the scale exceeds the permitted standards. The Plan recognises that the rural area accommodates a variety of activities, however the scale, nature and intensity of some business and community activities may not maintain rural character or the quality of the environment. Activities that do not

comply with the permitted activity rules may still be able establish in rural areas, if any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided remedied or mitigated. ^{V29Dec}

Rule 9.5 manages the effects of rural-based industrial activities. The effects associated with small scale rural-based industrial activities are considered to be appropriate in all rural areas, however where these activities are of medium to large scale there is a potential for their effects to impact on visual amenity, rural outlook, spaciousness and quietness. However, the potential adverse effects of medium to large scale rural-based industrial activities may be avoided by locating in a Business 2 zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that medium to large scale industrial activities may not be able to locate in this area without generating significant adverse amenity effects.

Rule 9.6 manages effects of activities on contaminated land where there is a likelihood that people may come into contact with the land directly or absorb contaminants through food or drinking water. Consequently, the rule applies to residential, education and outdoor recreational activities, and to the growing or rearing of food crops or livestock. There are corresponding rules for erecting buildings associated with these activities. The rules do not prevent these activities from occurring on contaminated sites, provided that: there is no risk of adverse effects on people; the activity and site are designed so that people do not come into contact with the contaminated land; any mitigation measures do not impact on the wider environment; or the contaminated soil is removed. Contaminated land is defined in Part D of the Plan. Please note- the Council records, on LIMs, those sites which it recommends be tested for contaminated land due to past land uses. This recommendation does not mean that the site is contaminated (see Part B, Section 1.1).

Rule 9.7 manages effects of activities on the surface of water. The lakes listed in Rule 9.7.1 are small and isolated. Due to their isolation in the High Country, they have high ecological values and high amenity values because they (and their margins) are relatively undisturbed by people, and unmodified by structures. Due to their small size, these lakes may not be able to absorb the wake from motorised craft travelling at high speeds, without effects on the lake margins, amenity values and sense of tranquillity. The Plan encourages the small lakes in the District to be managed so that recreational activities maintain their ecological and amenity values. The recreational use of motorised craft is encouraged to locate on larger lakes in the District.

Moana Rua/Lake Pearson

The use of Moana Rua/Lake Pearson for jet-skiing, water-skiing and jet-boating has been an issue in the District for several years. In October 1999 the Department of Conservation called for public submissions on a proposal to make Moana Rua/Lake Pearson a wildlife refuge. As a result of this process, the Department of Conservation decided there was insufficient information to conclude that motorised craft were adversely affecting wildlife, particularly Crested Grebe nesting on the lake. The Department therefore introduced a research programme and management plan for Moana Rua/Lake Pearson, including a voluntary ban on motorised craft on the lake between October and November. The Council is satisfied that the Department of Conservation has undertaken a thorough assessment of the issue and will continue to support and assist the Department in this matter.

Rules 9.8, 9.9 and 9.10 manage activities involving the keeping of animals. The boarding of animals and intensive livestock farming are not permitted activities because of potential nuisance effects on surrounding properties. These activities are appropriate activities in the Rural Zone, however, resource consent is required to ensure any potential nuisance effects are adequately mitigated. The Council has adopted this option rather than specifying minimum setback distances for intensive livestock farms from property boundaries. The reason is that the recommended setbacks for pigs and poultry are so large that many operations will not comply. In many cases, such large setbacks are not needed, as nuisance effects from intensive livestock farming may

relate to how the activity is managed rather than its size. Large setback distances may result in an inefficient use of land if they are not necessary.

Rule 9.12 and Rule 9.13 address effects of traffic generation on the safety and efficiency of the road network and the amenity values of residents. Rule 9.12.1, through cross referencing to Rule 4, requires all carparking from any activity to be on-site or on land adjoining the site, rather than on the road reserve. Rule 9.13 manages the volume of traffic an activity may generate as a permitted activity. The reason for the rule is not to prevent activities which generate higher volumes of traffic from occurring in the Rural Zone. Rather, it is to ensure that the road is of sufficient standard to accommodate the additional traffic volume safely. Therefore, the rules apply on unformed, unsealed and sealed Local Roads. Roads formed to a higher standard should be able to accommodate additional vehicle numbers from a single activity without requiring specific upgrades.

The rule also allows the Council to consider effects of additional traffic on nearby residents and other road users. Residents and other road users on Local Roads may not be used to large volumes of traffic. Other activities such as stock driving may occur quite frequently and may not be managed by Council bylaws. On Collector and Arterial roads and Strategic Roads State Highways, residents and other road users should expect, and be used to, higher volumes of traffic.

Rule 9.14 manages potential effects on surrounding residents from noise and vibration from the take-off or landing of aircraft. The occasional take-off or landing of aircraft for activities such as topdressing, spraying, and recreational flying are part of the rural environment. The Rural zone is also an appropriate area to establish airports and helipads for more frequent flying, due to the large land areas and low residential density compared with townships. Consequently, the rule allows for 'one off' or irregular and infrequent take-off and landing of aircraft as a permitted activity. The rule also allows for more regular and small-scale use of properties for taking-off and landing as a permitted activity, subject to conditions relating to hours of operation and distance from Living zones. More frequent movements requires a resource consent for a discretionary activity, so that potential effects on surrounding properties can be assessed and managed. The operation of military aircraft are also exempted from the controls on taking off and landing of aircraft. Such aircraft are used for emergency and law enforcement work, but also for training purposes.

Emergency services may be located in rural areas close to the communities they serve. In these situations it may be impractical from an operational sense for emergency sirens to comply with noise standards and still achieve their function in alerting the community of an emergency and they have therefore been given an exemption. The fact that such sirens operate on an infrequent rather than continuous basis in part mitigates potential noise effects. In all other aspects of the emergency service operation must still comply with Rule 9.14.

Rule 9.15 manages potential noise and disturbance from the use of audible bird-scaring devices on surrounding residents and other activities. The use of audible bird-scaring devices has increased in the District in the last few years. Often these areas are also areas where residential density is relatively high for the Rural Zone. The Council has received complaints about noise and disturbance from these devices. The Council established a working party with a variety of interest groups, including residents and users. The Working Party established rules which allow for effective use of audible bird-scaring devices, while mitigating noise and disturbance effects on surrounding residents. The conditions in these rules are derived from the Working Party's recommendations.

Rules 9.16 and 9.17 provide general rules for the effects of noise and vibration on surrounding residents and other activities.

Rule 9.18 manages glare from outdoor lighting. Rule 9.18.1 is a general rule applying to the rural area. Rule 9.18.2 is a specific rule applying to activities within the area shown on the Planning

Maps as the Observatory Lighting Area. This area is where nightglow from outdoor lighting at night will significantly affect the operation of the West Melton Observatory. The Observatory is a valuable community asset and the Council considers the rules are reasonable as they do not impose any more significant cost on landowners than standard forms of night lighting. The rule is intended to allow for effective night lighting in this area, while reducing potential nightglow. This is achieved by requiring night lighting to be shielded to direct any light spill downwards on to the surface being illuminated. The rule contains exceptions for temporary activities and activities where lighting may not be able to be shielded for safety or other legal requirements.

Rule 9.19 manages potential dust nuisance caused by stockpiling of unconsolidated material outdoors. Dust is generated by many natural sources in the rural area which cannot be avoided. River beds and cultivated land are examples. However, the stockpiling of unconsolidated material in close proximity to dwellings is a dust source which can be mitigated.

Rule 9.20 provides for temporary military training activities. Such activities have some potential to create adverse environmental effects, but the nature of the activity is unique in terms of other land uses and is temporary in nature. The accompanying restrictions on duration, building, excavation, sensitive sites and noise are expected to mitigate any significant adverse effects on the environment.

Rules 9.5.2.2 to 9.5.2.4 recognise the existence of specific established rural based industrial activities (an existing poultry processing plant and feedmill) that have been part of the local rural environment for a number of years. Effects associated with these established rural based industrial activities, such as noise, odour, dust and traffic, are an anticipated and generally accepted part of this local rural environment. However, there are a number of smaller land parcels in close proximity to these existing rural based industrial activities that may be adversely affected by expansion or additions to current operations, building or activity on site. Where expansion of activities and/or operations can be confined to an area where adverse effects can be readily and expediently internalised to that area, it is appropriate for that expansion to be subject to a resource consent application to ensure that any potential for adverse effects on the environment are avoided, remedied or mitigated. Where this can not be demonstrated, the Council has the ability to decline any such expansion.

10 LIVING ZONE RULES — ACTIVITIES

10.1 ACTIVITIES AND CONTAMINATED LAND

Permitted Activities — Activities and Contaminated Land

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

Restricted Discretionary Activities — Activities and Contaminated Land

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

10.2 ACTIVITIES ON THE SURFACE OF WATERBODIES

Permitted Activities — Activities on the Surface of Waterbodies

- 10.2.1 Any structure or mooring which passes over or through the surface of any waterbody or which is attached to the bank of any waterbody shall be a permitted activity if the following conditions are met:

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

Discretionary Activities: Activities on the Surface of Waterbodies

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

Non-Complying Activities: Activities on the Surface of Waterbodies

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

Notes

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

10.3 ACTIVITIES AND THE KEEPING OF ANIMALS

Permitted Activities — Activities and the Keeping of Animals

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

Notes

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

Discretionary Activities — Activities and the Keeping of Animals

- 10.3.2 The keeping of animals other than domestic pets except as provided under Rules 10.3.3 to 10.3.5 shall be a discretionary activity.
- 10.3.3 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a discretionary activity.

Non-Complying Activities — Activities and the Keeping of Animals

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

10.4 ACTIVITIES AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA

Permitted Activities — Activities and Sites of Significance to Tāngata Whenua

- 10.4.1 The following activities shall be permitted activities:
- 10.4.1.1 In any areas listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil which is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), buildings or earthworks.
 - 10.4.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Waahi Taonga Site or Waahi Taonga Management Area, any proposed activity which does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.
 - 10.4.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation which is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities — Activities and Sites of Significance to Tāngata Whenua

- 10.4.2 Any activity which does not comply with Rules 10.4.1.1 to 10.4.1.3 shall be a restricted discretionary activity.
- 10.4.3 Under Rule 10.4.2 the Council shall restrict the exercise of its discretion to all of the following matters:
- 10.4.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 10.4.3.2 Any damage to, destruction or removal of any object, remnant or artefact contained within a Waahi Taonga Site or Waahi Taonga Management Area, as advised by local runanga;
 - 10.4.3.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 10.4.3.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 10.4.3.5 Any positive effects which may offset any adverse effects; and
 - 10.4.3.6 Any monitoring or review of conditions.

10.5 ACTIVITIES AND AIRCRAFT MOVEMENTS

Permitted Activities — Activities and Aircraft Movements

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

Discretionary Activities — Activities and Aircraft Movements

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

Non-Complying Activities — Activities and Aircraft Movements

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

10.6 ACTIVITIES AND NOISE

Permitted Activities — Activities and Noise

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

7.30am – 8.00pm	50 dBA L ₁₀
8.00pm – 7.30am	35 dBA L ₁₀
7.30am – 8.00pm	85 dBA L _{max}
8.00pm – 7.30am	70 dBA L _{max}

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

Discretionary Activities — Activities and Noise

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

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

10.7 ACTIVITIES AND VIBRATION

Permitted Activities — Activities and Vibration

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

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

Discretionary Activities — Activities and Vibration

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

10.8 ACTIVITIES AND LIGHT SPILL

Permitted Activities — Activities and Light Spill

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

Discretionary Activities — Activities and Light Spill

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

10.9 ACTIVITIES AND SCALE OF ACTIVITIES

Permitted Activities — Activities and Scale of Activities

- 10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:
- 10.9.1.1 Permanent Activities
 - (a) No more than two full time equivalent staff employed on the site live off site, and
 - (b) The gross floor area of any building other than a dwelling does not exceed 300m², or in the case of any building used for spiritual activities does not exceed 500m², and
 - (c) Vehicle movements do not exceed:
 - ~~Strategic Roads~~ **State Highways**, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day
 - Local Roads: 20 per day plus 2 heavy vehicle movements per day.

Note:

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

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

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

Discretionary Activities — Activities and Scale of Activities

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

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

10.10 ACTIVITIES AND HOURS OF OPERATION

Permitted Activities — Activities and Hours of Operation

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

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

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

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

Discretionary Activities — Activities and Hours of Operation

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

10.11 ACTIVITIES AND THE OUTDOOR STORAGE OF MATERIALS AND GOODS

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

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

Vehicles

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

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

Construction Materials

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

Other Storage

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

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

Discretionary Activities – Activities and the Outdoor Storage of Materials and Goods

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

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

10.12 ACTIVITIES AND TEMPORARY MILITARY TRAINING

Permitted Activities – Activities and Temporary Military Training

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

10.12.1.1 No permanent structures shall be constructed;

10.12.1.2 No mechanical excavation shall be carried out, unless provided for in this Plan;

10.12.1.3 The activity shall not exceed a period of 31 days;

10.12.1.4 All ground disturbed by any military activity shall be restored to its previous state;

10.12.1.5 No Temporary Military Training Activities shall occur in any areas identified on the Planning Maps as Wāhi taonga, Silent file areas, or Mahinga kai sites;

10.12.1.6 Noise emissions occurring as a result of any Temporary Military Training Activity, when measured at the property boundary shall not exceed:

Time	Limits(dBA)	
(Any Day)	L ₁₀	L _{max}
0630-0730	60	70

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

Controlled Activities — Activities and Temporary Military Training

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

10.13 SCHEDULED ACTIVITY: ALEX MCDONALD MERCHANTS LTD, DARFIELD

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

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

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

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

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

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

10.14 ELDERLY RESIDENTIAL CARE — LIVING 1A ZONE, LINCOLN

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

- 10.14.1 Elderly residential care in the Living 1A Zone at Lincoln shall be a permitted activity if the following conditions are met:
- 10.14.1.1 Elderly residential care is limited to one site in the location shown on concept plan C1 in Appendix 18 as ‘site for proposed rest home’;
 - 10.14.1.2 The site has an area no smaller than 8000m²; and
 - 10.14.1.3 Elderly residential care is limited to 80 residents in residential care beds, single bedroom units or separate apartments, provided that residential care beds are limited to a maximum of 30; and
 - 10.14.1.4 Parking and outdoor storage areas are screened from adjoining sites by landscaping, fence(s), or a combination thereof, to at least 1.8m in height along the length of the parking or storage area. The minimum depth of the screening is 1.5m if it is in the form of landscaping; and
 - 10.14.1.5 The maximum height of any building is 7.0m; and
 - 10.14.1.6 Staff and visitor parking spaces are provided within the site at the following rates:
 - (a) 1 space per 6 care beds
 - (b) 1 space per 4 single bedroom units
 - (c) 1 space per apartment unit; and
 - 10.14.1.7 No elderly residential care facility is erected on a site that adjoins the boundary of the zone.
- 10.14.2 Rules 10.9 – Scale of Activities; 10.10 – Hours of Operation; 5.4 – Car Parking; 4.8 – Building height; and 4.7 – Buildings and Site Coverage do not apply to elderly residential care as described in Rule 10.14.1.
- 10.14.3 Rule 10.14.1.4 is a screening requirement additional to any screening required under Rule 10.11 – Outdoor Storage of Materials and Goods.

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

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

Non-Complying Activities: Elderly Residential Care — Living 1A Zone, Lincoln

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

Reasons for Rules

Contaminated Sites

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

Contaminated Site Register

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

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

Surface of Waterbodies

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

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

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

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

Keeping of Animals

Selwyn District is principally a rural area and many residents come to live in townships in the District to be close to a 'rural' lifestyle. Domestic pets, including a pet sheep or horse, are

common features of the Living zones in the District. As noted above, the keeping of domestic pets may be subject to a Council bylaw. Under the Local Government Act 2002, the Council may make bylaws relating to the keeping of animals.

Resource consent for a discretionary activity is required for: commercial rearing of animals for sale of progeny, meat, skins, wool or other products; the keeping of animals other than domestic pets; and for the keeping of more than 15 domestic pets (excluding progeny up to weaner stage). Those activities may be granted resource consent, depending on whether adverse effects can be adequately mitigated, and if there is consistency with the relevant objectives and policies of the plan.

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

Sites of Significance to Tāngata Whenua

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

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

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

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

Aircraft Movements

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

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

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

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

Noise

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

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

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

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

Vibration

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

Vibration limits are based on New Zealand Standards.

Light Spill

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

Scale of Activities and Hours of Operation

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

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

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

Outdoor Storage

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

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

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

Temporary Military Training

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

Scheduled Activity

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

Elderly Residential Care

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

10 RURAL RULES - SUBDIVISION

Notes

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the headings 'Matters over which the Council has reserved control' or 'Matters subject to the Council's Discretion'.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the RMA.
4. Rule 10 applies to the subdivision of land, within the meaning of Section 218 of the RMA.
5. The design of any road, ~~vehicular vehicle~~ accessway, ~~right of way~~ or vehicle crossing must comply with Rule 4: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 1: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 3: Buildings, or Rule 4: Roading; or Rule 9: Activities.
8. Irrespective of any rules in this Plan, the transitional regional plan contains rules for minimum allotment sizes needed to treat and dispose of effluent on-site without a discharge permit. Therefore, Environment Canterbury should be contacted.
9. Underlined words are defined in Part D of the Plan.
10. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from ~~Transit New Zealand~~ The 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. Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Part B, Section 3.3,) "Archaeological Sites").
12. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.^{V30}
13. Attention is drawn to the provisions of any 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 rules, then application for consent will also need to be made in respect to those rules.
14. Any application arising from non-compliance with land use rules in the zone/activity standards caused by the proposed subdivision shall be considered jointly with the subdivision consent.

10.1 SUBDIVISION GENERAL

Controlled Activities — Subdivision General

10.1.1 Any subdivision of land shall be a controlled activity if all of the following standards and terms are met:

10.1.1.1 Any allotment created is not located within any of the following areas:

- (a) Any areas shown on the Planning Maps as the Waimakariri Flood Category A area;
- (b) Any area shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood area;
- (c) Seaward of the Coastal Hazard Line, as shown on the Planning Maps; and
- (d) Between any waterbody and any stopbank designed to contain floodwater from that waterbody;

10.1.1.2 Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape;

10.1.1.3 Any allotment created does not contain any of the following features:

- (a) Any site listed as a heritage site in Appendix 3;
- (b) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wāhi Taonga site, a Wāhi Taonga Management Area, or a Mahinga Kai site;
- (c) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection;

10.1.1.4 Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restriction shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the Plan (or a resource consent) to the nearest boundary of any proposed allotment.

10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a Strategic Road State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater, in Appendix 9;

10.1.1.6 Any road, right of way or other vehicular vehicle accessway is designed and formed to comply with Rules 4.4 and 4.5 for permitted activities (for strategic roads State Highway they have to comply with the design criteria in Appendix 10);

10.1.1.7 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:

(a) 6m x 6m for local roads

(b) 10m x 10m for collector roads

(c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy then arterial, collector and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.

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

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

10.1.1.78 Any allotment is for the purpose of establishing utility buildings or utility structures by a network utility operator.

10.1.1.89 Any subdivision is not within a corridor measured 20 metres from the centreline of a transmission line as indicated on the Planning Maps.

10.1.1.910 Any allotment created adjoining a river or lake listed in Appendix 17 provides an esplanade reserve or strip as specified in Appendix 17 if it applies.

Note: Appendix 17 may or may not apply depending on the area of allotments created.

10.1.1.1011 Any allotment created does not adjoin any other river with a bed of average width of 3 metres or more or lake with an area of 8 hectares or more other than those listed in Appendix 17.

Note: Rule **10.1.1.1011** applies to all subdivisions creating allotments adjoining lakes and rivers not specified in Appendix 17.

10.1.1.1112 Any allotment created complies with the minimum allotment areas set out in Table C10.1. The minimum allotment sizes set out in Table C10.1 do not apply to any allotment used solely for access, utilities, as a reserve or to house a community facility(ies).

10.1.1.1213 If any land is subject to any Consent Notice, Covenant, Memorandum of Encumbrance or other legal mechanism restricting the number of dwellings which may be erected on the allotment, then any allotment created is:

- (a) Of sufficient size to comply with the minimum area set out in Table C10.1, excluding any area which cannot be used to erect a dwelling; and
- (b) Capable of having at least one dwelling erected on it as a permitted activity, taking into account any legal mechanisms restricting the number of dwellings or houses, on the Certificate of Title.

Standard and Term 10.1.1.1213 does not apply to any lot which is to be used solely for access, utilities or as a reserve.

Table C10.1 – Minimum Allotment Size

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

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

Notes:

1. The minimum average allotment sizes for the Existing Development Areas at Johnsons Road, Raven Drive, and Rocklands are applied as a mean average allotment size
2. Rule 10.1.1.11 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
3. There is no further subdivision potential within the Existing Development Area for Bealey Spur. Refer to Rule 3.10 for the provisions for erecting dwellings on the remaining vacant lots at Bealey Spur.

10.1.2 Under Rule 10.1.1, the Council shall reserve control over all of the following matters:

Allotment Shape

- 10.1.2.1 The shape of the allotment, including (but not limited to) whether it has sufficient breadth and depth to: contain the zones of influence from water abstraction or effluent disposal; and reduce potential 'reverse sensitivity' effects with surrounding land uses, if applicable;
- 10.1.2.2 The boundaries of the allotment, including (but not limited to) whether they follow natural or physical features where practical;

Corner Splays

10.1.2.3 Any new allotment that does not comply with the corner splay standard of Rule 10.1.1.7 is a restricted discretionary activity.

10.1.2.4 Under Rule 10.1.2.3, the Council shall restrict its discretion to consideration of effects on the efficient functioning of any road, and the safety of road users.

Utilities

10.1.2.3 Whether any connections to telephone, electricity, water supplies or other utilities are made to the allotment;

10.1.2.4 The mechanism to be used to alert any prospective purchaser of an allotment, if connections to telephone, electricity or a potable water supply are not provided to the boundary of the allotment;

10.1.2.5 The design, siting, layout and construction of any road, reserve or other utility which will be owned or managed by, or otherwise vested in, Selwyn District Council;

10.1.2.6 Whether any allotment created has sufficient road frontage to enable any vehicle crossing to be formed in compliance with Rules 4.5.1.4 and 4.5.1.5, and to ensure an appropriate distance between vehicle crossings and appropriate sight distances to intersections.

Works

10.1.2.7 The method(s) used to avoid, remedy or mitigate any potential adverse effects on people or other parts of the environment resulting from any works associated with preparing the land for subdivision or installing associated access, utilities or landscaping; including (but not limited to) dust, noise, vibration or sediment run-off into waterbodies.

Easements

10.1.2.8 Any easements required to provide legal access over the allotment created.

Point Strips

10.1.2.9 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 10.1.2.10.

Taking Land Instead of Cash

10.1.2.9 The extent to which the “Criteria for Taking Land Instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP will meet the needs of present and future generations.^{V30}

10.1.2.10 The creation of any allotment up to 200mm wide (point strip) to prevent access on to any particular road for any other purpose; and

Monitoring

10.1.2.11 Any monitoring conditions.

10.2 SUBDIVISION IN FLOOD AREAS

Restricted Discretionary Activities – Subdivision in Flood Areas

10.2.1 Any subdivision of land which does not comply with Rule 10.1.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

10.2.1.1 Any land subdivided within the areas shown on the Planning Maps as the Waimakariri Flood Category A area or seaward of the Coastal Hazard 1 Line is not used to erect any dwelling or other principal building; and

10.2.1.2 Any land subdivided between any waterbody and any stopbank designed to contain floodwater from that waterbody is not used to erect any dwelling or building.

10.2.2 Any resource consent application made under Rule 10.2.1 shall not be notified and shall not require the written approval of affected parties.

10.2.3 Under Rule 10.2.1, the Council shall restrict its discretion to consideration of:

10.2.3.1 All the matters listed in Rule 10.1.2;

10.2.3.2 In the areas shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas:

- (a) Whether any allotment created contains a site or sites where a dwelling or other principal building may be erected in accordance with the requirement of Building Rule 3.1.1.1(d) (for the Lower Plains flood area) or Building Rule 3.1.1.1(e) (for the Lake Ellesmere/Te Waihora flood area) and Earthworks Rule 1.3.
- (b) The potential effects of inundation on pedestrian and vehicular access to the allotment, or to the dwelling or other principal building to be erected on the allotment; and
- (c) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title

for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building on the allotment is not a permitted activity under the District Plan.

Note: In relation to Rule 10.2.3.2(c), such a condition may not be needed if a land use consent to erect a dwelling or other principal building is granted.

Non-Complying Activities – Subdivision in Flood Areas

- 10.2.4 Any subdivision of land which does not comply with Rule 10.2.1 shall be a non-complying activity.

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

10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

Restricted Discretionary Activities – Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.

- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:

- 10.3.2.1 All the matters listed in Rule 10.1.2;

- 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.^{PC6}

- 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;

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

- 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

10.4 SUBDIVISION ON SPECIAL SITES (HERITAGE AND CULTURAL).

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

- 10.4.1 Any subdivision of land which does not comply with Rule 10.1.1.3 shall be a restricted discretionary activity.
- 10.4.2 Under Rule 10.4.1, the Council shall restrict its discretion to consideration of:
- 10.4.2.1 All of the matters listed in Rule 10.1.2.
- 10.4.2.2 Any adverse effects of the proposed subdivision on:
- (a) Any heritage or archaeological site; or
 - (b) Any Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local Runanga; or
 - (c) Any significant ecological site;
- 10.4.2.3 The effects considered under Rule 10.4.2.2 include (but are not limited to):
- (a) Any effects of the subdivision of land on the site, including separating the site between allotments which may result in separate ownership or management of the site;
 - (b) Effects on access to the site and whether any restrictions on access to the site may detract from or help maintain its values;
 - (c) Alternative boundaries for the new allotments created which may better maintain the site in one allotment or access to the site, if access is desirable;
 - (d) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that activities involving heritage or archaeological sites, trees or buildings, or cultural sites, may require a resource consent application under the Plan, or in the case of an archaeological site, consent of the New Zealand Historic Places Trust Pouhere Taonga; and
 - (e) Any positive effects which may offset any adverse effects.

10.5 SUBDIVISION – INTENSIVE LIVESTOCK PRODUCTION ACTIVITIES

Restricted Discretionary Activities – Subdivision – Intensive Livestock Production Activities

- 10.5.1 Any subdivision of land which does not comply with Rule 10.1.1.4 shall be a restricted discretionary activity.
- 10.5.2 Under Rule 10.5.1 the Council shall restrict its discretion to consideration of:
- 10.5.2.1 All the matters listed in Rule 10.1.2;
- 10.5.2.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;
- 10.5.2.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.
- 10.5.2.4 Any positive effects which may offset any adverse effects; and

- 10.5.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

10.6 SUBDIVISION AND ROAD ACCESS

Restricted Discretionary Activities — Subdivision and Road Access

10.6.1 Any subdivision of land which does not comply with Rule 10.1.1.5 shall be a restricted discretionary activity if all of the following standards and terms are met:

10.6.1.1 the allotment has access to a legal road (whether formed or unformed) and

10.6.1.2 that access is not obtained by crossing a railway line.

10.6.2 Under Rule 10.6.1, the Council shall restrict its discretion to consideration of:

10.6.2.1 All of the matters listed in Rule 10.1.2.

10.6.2.2 For access on to a ~~Strategic Road~~ State Highway or Arterial Road:

- (a) Whether the access will adversely affect the safe and efficient flow of traffic along the ~~Strategic Road~~ State Highway or Arterial Road, including any cumulative effects of multiple vehicular accessways on to the ~~Strategic Road~~ State Highway or Arterial Road;
- (b) The number, design and siting of any ~~vehicular~~ vehicle accessway(s) or vehicle crossing(s);
- (c) Whether the allotments created can be designed to have legal access on to an alternative legal road of lower classification ~~other than a Strategic Road~~, and whether this alternative access is appropriate;

10.6.2.3 For access on to an unformed or unmaintained road:

- (a) The standard to which the road, any ~~vehicular~~ vehicle accessway, and any vehicle crossing will be formed or maintained to serve the activity;
- (b) Who will be responsible for forming or maintaining the road to the required standard; and

10.6.2.4 Any positive effects which may offset any adverse effects.

Non-Complying Activities — Subdivision and Road Access

10.6.3 Any subdivision of land which does not comply with Rule 10.6.1 shall be a non-complying activity.

10.7 SUBDIVISION – ~~VEHICULAR~~VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS

Discretionary Activities – Subdivision – ~~Vehleular~~ Vehicle Accessways and Vehicle Crossings

- 10.7.1 Any subdivision of land which does not comply with Rule 10.1.1.6 shall be a discretionary activity.

10.8 SUBDIVISION AND TRANSMISSION LINES

Restricted Discretionary Activities – Subdivision and Transmission Lines

- 10.8.1 Any subdivision of land which does not comply with Rule 10.1.1.8 shall be a restricted discretionary activity.
- 10.8.2 The Council shall restrict the exercise of its discretion to the following matters:
- 10.8.2.1 Location of building platforms: the extent of separation between building platforms and existing lines, taking into account the requirements of the NZECP:34 (New Zealand Electrical Code of Practice for Electrical Safety Distance) or any subsequent code of practice.
 - 10.8.2.2 Within 20 metres of the centreline of a transmission line:
 - (a) Subdivision design: the degree to which the subdivision design, including the location of roads and reserves recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
 - (b) Location of proposed vegetation and tree planting: the extent of separation between the location of proposed trees and existing lines, taking into account the likely mature height of the trees, and whether they have a potential to interfere with the lines.
 - (c) Extent and mode of earthworks: whether appropriate safeguards are in place to avoid contact with or flashovers from the lines, and effects on the stability of support structures.

Note: Consultation with Transpower New Zealand Limited is advised when considering construction within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP:34 contains restrictions on the location of structures and activities in relation to the lines.

10.9 SUBDIVISION AND ESPLANADE RESERVES OR STRIPS

Restricted Discretionary Activities – Subdivision and Esplanade Reserves or Strips

- 10.9.1 Any subdivision of land creating allotments of less than 4 hectares which does not comply with Rule 10.1.1.9 in relation to land adjoining rivers and lakes listed in

Appendix 17, or any other subdivision of land adjoining a lake with an area of 8 hectares or more, or a river with a bed of average width of 3 metres or more where the lake or river involved is not listed in Appendix 17 shall be a restricted discretionary activity.

10.9.2 The Council shall restrict its discretion to the following matters:

10.9.2.1 Whether a reserve or strip of lesser width than that set out in Appendix 17 is sufficient to protect the silent file areas or to protect conservation values, to enable public access, or to enable public recreational use.

10.9.2.2 Whether the non-provision of public access to or along an esplanade reserve or strip adjoining a waterbody listed in Appendix 17 is necessary in order to ensure compatibility with conservation values, or whether the non provision of an access strip to an esplanade reserve or strip can be justified because of the availability of alternative access to the esplanade reserve or strip.

10.9.2.3 Whether an esplanade strip is necessary to protect the natural character or silent file areas of land adjoining any river or lake other than those listed in Appendix 17. In such cases, there shall be no public access.

10.9.2.4 The extent to which the “Criteria for Taking Land instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP will meet the needs of present and future generations.^{V30}

10.10 SUBDIVISION OF LOTS SMALLER THAN THE MINIMUM SIZE

Restricted Discretionary Activities – Subdivision of Lots Smaller than the Minimum Size

Note:

1. Rule 10.10 applies to the subdivision of land where the allotments created may have a dwelling erected on them. Rule 10.10 may also be used for the subdivision of an allotment(s) which contains a dwelling(s). It may be used to provide for alternative subdivision layouts (e.g. clustering) to those provided for under Rule 10.1.1.11.
2. People wishing to subdivide land under Rule 10.10.1 are strongly advised to read the Council’s pamphlet on subdividing land and erecting houses in the Rural Zone.

10.10.1 Any subdivision of land which does not comply with Rule 10.1.1.11 shall be a restricted discretionary activity if:

10.10.1.1 Any allotment created is located outside the area shown on the Planning Maps as the Inner Plains;

10.10.1.2 The balance area of land needed to comply with the minimum area in Rule 10.1.1.11, Table C10.1, does not include:

- (a) The bed of any lake or river;
- (b) Any legal road;

- (c) Land which is vested in any form of reserve; or
- (d) Any other land which, due to its legal tenure, could not be used to erect a dwelling;

Note: Rule 10.10.1.2 does not apply to land classified in the District Plan as an area of Outstanding Landscape which (if not for the District Plan provisions) could have had a dwelling erected on it. Nor does it apply to land held in pastoral lease.

10.10.1.3 The balance area of land required to comply with the minimum area under Rule 10.1.1.11, Table C10.1, adjoins the allotment on which a dwelling may be erected, along at least one property boundary;

10.10.1.4 The balance area of land required to comply with the minimum area under Rule 10.1.1.11, Table C10.1, is:

- (a) included within the area of land subject to the subdivision consent application, and is subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land; or
- (b) not included within the area of land subject to the subdivision consent application, and is subject to a Memorandum of Encumbrance or other mechanism to prevent the erection of any dwelling on that land.

10.10.2 Under Rule 10.10.1, the Council shall restrict its discretion to consideration of:

10.10.2.1 All the matters listed in Rule 10.1.2.

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

10.10.2.3 The maximum number of small allotments which may be located together under this rule, having regard to Rule 3.10.3.6;

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

10.10.2.5 The shape and location of the balance land to be kept free of dwellings;

10.10.2.6 Within the area shown on the Planning Maps as the Port Hills, the location of any allotment on which a dwelling may be erected, having regard to Rule 10.3.2.2;

10.10.2.7 For Rule 10.10.1.4, whether the mechanism proposed to ensure that the land is free of any dwelling is appropriate considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;

- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land; and

Note: *In relation to Rule 10.10.2.7, see the Council's Pamphlet for more information on the types of mechanisms available.*

10.10.2.8 Any positive effects which may offset any adverse effects.

Non-Complying Activities — Subdivision of Lots Smaller than the Minimum Size

- 10.10.3 Any subdivision of land which does not comply with Rule 10.10.1 shall be a non-complying activity, unless it complies with Rule 10.11.

10.11 SUBDIVISION AND BOUNDARY ADJUSTMENTS

Controlled Activities — Subdivision and Boundary Adjustments

- 10.11.1 The subdivision of land by the altering of boundaries between allotments shall be a controlled activity provided all of the following standards and terms are met:

10.11.1.1 The allotments subject to the boundary adjustment shall adjoin one another.

10.11.1.2 There shall be no increase in the number of allotments created as a result of the boundary adjustment.

10.11.1.3 No allotment shall be created which is smaller than the smallest allotment existing prior to the boundary adjustment.

10.11.1.4 The boundary adjustment shall not result in any increase in the potential number of dwellings which may be erected on any allotment subject to the boundary adjustment, in compliance with Rule 3.10 than the number which could have been erected on that allotment prior to the boundary adjustment.

10.11.1.5 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:

(a) 6m x 6m for local roads

(b) 10m x 10m for collector roads

(c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.

- 10.11.2 Any boundary adjustment which complies with Rule 10.11.1 shall not be notified and shall not require the written approval of affected parties.

- 10.11.3 The Consent Authority shall retain its control over all of the following matters:

10.11.3.1 All those matters listed in Rule 10.1.2.

- 10.11.3.2 The mechanism(s) which shall be used to ensure the boundary adjustment does not increase the potential number dwellings able to be erected on any allotment subject to the boundary adjustment.

Non-Complying Activities – Subdivision and Boundary Adjustments

- 10.11.4 Any boundary adjustment which does not comply with Rule 10.11.1 shall be a non-complying activity, unless it complies with one of the rules for subdivision under Rules 10.1 to 10.10, in which case the activity shall be assessed under that rule.

Cross Referencelng

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

Rule Numbers	Topic	Part B, Section	Objectives	Policies
10.2	Flood Areas	3.1	3.1.1	3.1.2 to 3.1.4, 3.1.8
10.3	Outstanding Landscape Areas	1.4	1.4.1	1.4.1 to 1.4.3, 1.4.5 to 1.4.32.
10.4	Special Sites (Heritage and Cultural)	3.3	3.3.1 and 3.3.2	3.3.2 to 3.3.4, 3.3.7, 3.3.8
10.6	Road Access	2.1	2.1.1	2.1.3, 2.1.4
10.7	Vehicular Access and Vehicle Crossings	2.1	2.1.1	2.1.1, 2.1.2, 2.1.5 to 2.1.7
10.8	Transmission Lines	2.2	2.2.1 and 2.2.2	2.2.1 to 2.1.3
10.9	Esplanade Reserves or Strips	1.3, 2.3	1.3.2, 2.3.2	1.3.11, 2.3.5 and 2.3.6
10.10	Lots Smaller than the Minimum Size	4.1	4.1.1 to 4.1.3	4.1.1 to 4.1.7, 4.1.11 and 4.1.12

Reasons for Rules

Rule 10 manages the subdivision of land. Subdivision has the meaning set out in section 218 of the RMA, and includes unit titles, cross leases and the leasing of any building or part of any building for a period of 35 years or more. District councils may control subdivision under the RMA (section 31(2)) and the subdivision of land requires a resource consent unless the activity is a permitted activity under the Plan (section 11).

Subdivision, per se, has few effects on the environment. However, subdivision is a precursor to other activities, particularly the erecting of dwellings. There is a popular expectation amongst New Zealanders that if they buy an allotment, they should be able to erect a house on it.

Any subdivision of land requires a resource consent under this Plan. The Plan manages subdivision for three reasons:

- To ensure that any allotment created is in an appropriate location, of an appropriate size and shape, and has appropriate legal access and connections to utilities, for its intended purpose;
- To ensure that any subdivision does not result in land uses which are non-complying with the Plan or which will affect adjoining properties due to the size of the allotment on which the activity is taking place being reduced.
- To ensure that where allotments are created that are not of a sufficient size to enable a house to be erected on the allotment, that an appropriate mechanism is used to alert prospective buyers of the allotment.

Rule 10.1 lists standards and terms by which a subdivision is a controlled activity. The minimum allotment size is the same as the minimum allotment size to erect a dwelling as a permitted activity, under Rule 3.10 of the Plan. The rules provide for subdivisions which cannot comply with Rule 10.1, including subdivision of allotments smaller than the minimum size, as restricted discretionary activities or discretionary activities, where they comply with standards and terms.

Rule 10.1.1.4 The 300 metre buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rules 10.6 and 10.7 address the effects of access and effects of subdivision on the function, safety and efficiency of the road network.

Rule 10.8 addresses the establishment of rural lots and building sites close to high voltage transmission lines. The rule requires subdivision within a 20 metre corridor parallel to such lines to be subject to a restricted discretionary activity application. This enables access to these lines for maintenance to be protected if necessary, and to ensure tree planting, building and earthworks, do not compromise the lines. It also enables matters of public safety and health to be addressed.

Rule 10.10 provides for dwellings on allotments smaller than the minimums stated in Rule 10.1.1.11, provided that the balance area of land needed to comply with the minimum is kept free of dwellings. This may be done using several methods, for example, by placing some form of Covenant over part of the land, or by placing a Consent Notice over the whole allotment, to prevent dwellings being erected. The land subject to these mechanisms may be farmed, forested or otherwise used, and can be bought or sold separately from the allotment on which the dwelling is erected, but it cannot have a dwelling erected on it. The reason for this rule is to allow people to erect houses on small allotments, while still maintaining low residential density in the Rural zone. Large minimum allotment sizes can result in inefficient land uses. For example, where a person has to sell or buy more land than they want in order to reside in the rural area; or where a person buys a farm and requires the land but not the house. Large minimum allotment sizes can also be awkward if people wish to have the dwelling in separate ownership from the rest of the property, for business or family reasons.

The rule does not stipulate the method to be used to keep the balance area of land free of dwellings. Different methods may be appropriate in different cases. The rule does require the method be enforced as a condition on the subdivision or land use consent, if the land to be kept free of dwellings is part of the allotment which is to be subdivided. The Council retains its

discretion to determine whether the method nominated by the applicant is appropriate. (For erecting dwellings on existing allotments, see Rule 3.10)

Rule 10.10 also provides for a dwelling on a smaller allotment in the situation where land which is not subject to the subdivision is used to comply with the minimum allotment areas in Rule 10.1.1.11. This may occur where a person owns several allotments, or has purchased the 'development rights' from an adjoining property owner, and uses his/her land to provide the additional minimum area needed. In these cases, the application needs to include a Memorandum of Encumbrance or some other mechanism to be registered on the other allotment as part of the resource consent application. It will be a condition of the subdivision or land use consent that the proposal be carried out in accordance with the application which is submitted (including the proposed Memorandum of Encumbrance or other mechanism).

The Council has produced a pamphlet to help explain how these rules work and their advantages and disadvantages. Applicants are strongly advised to refer to it.

Rule 10.10 does not apply to land within the area shown on the Planning Maps as the Inner Plains. The minimum allotment size in the Inner Plains is 4 hectares. Council believes that residential density in this area is sufficiently high to require each dwelling to have 4 hectares. It is considered that 4 hectares allotments will avoid adverse effects of on-site effluent treatment and disposal on groundwater, and potential 'reverse sensitivity' effects on rural activities; and maintain a rural character that is distinct from townships (see Part B, Section 4.1).

Rule 10.11 provides for boundary adjustments. The boundary adjustment provisions provide an easier mechanism for the boundaries to be adjusted between existing allotments. Boundary adjustments can be useful for rationalising boundaries or selling properties between neighbours. They can also be useful for rationalising the allotments within one property, for example, to reorganise a property made up of several small allotments into a more rational mix that better suits the management of the property.

Rule 10.1.1.11 which controls the minimum allotment size for subdivision does not apply to boundary adjustments, which provides some flexibility to adjust existing small allotments. It also provides an alternative mechanism to Rule 10.10 for creating smaller allotments for house sites. However, Rule 10.11.1.4 manages residential density, by ensuring the boundary adjustment provisions cannot be used to create additional potential house sites at a higher level than those allowed by the residential density rules set out in Rule 3.10.

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, ~~vehicular 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 rules, then application for consent will also need to be made in respect to those rules.
9. Any application arising from non-compliance with land use rules in the zone/activity standards caused by the proposed subdivision shall be considered jointly with the subdivision consent.
10. Underlined words are defined in Part D of the Plan.
11. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from ~~Transit New Zealand~~ 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.
12. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.^{V30}
- 13¹. The Selwyn District Council Design Guide for Residential Subdivisions in the Living Zone and Engineering Code of Practice should be consulted when preparing and assessing applicable subdivisions.

¹ As proposed by PC7

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

12.1.3.2 Except in Doyleston, any allotment created is supplied with a reticulated water supply which complies with the current New Zealand Drinking Water Standard; and

Effluent Disposal

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

Solid Waste Disposal

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

Size and Shape

12.1.3.5 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m; **except for sites greater than 350m² in area in a medium density area located within 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 residential development in a Medium Density Area located within an Outline Development Plan there shall be no minimum building area requirement**²and;

² PC7

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

Coalgate

- 12.1.3.7 In the Living zones at Coalgate, no allotment has vehicular access directly on to Homebush Road; and

Darfield

- 12.1.3.8 No subdivision of land in any of the areas labelled “Areas 1–5” as shown in Appendix 25, shall take place until:

- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
- (b) An Outline Development Plan addressing those matters identified in the explanation and reasons to Policy B4.3.22, Darfield Specific Policies has been incorporated into the District Plan for the area as identified in Appendix 25 within which the subdivision is proposed.

- 12.1.3.9 Where a potable water supply is available which is capable of serving the lots within the subdivision, and there is an Outline Development Plan which has been incorporated into the District Plan for the area identified in Appendix 25 within which the subdivision is proposed, the subdivision complies with the layout and contents of the Outline Development Plan for that area.

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

Dunsandel

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

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

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

- (a) An acceptable effluent disposal system has been identified and/or established; and

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

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

Kirwee

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

Lincoln

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

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

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

12.1.3.17 The cycleway/walkway linking Springs Road to Douglas Street identified in Appendix 18 shall be constructed prior to any other development taking place.

12.1.3.18 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

12.1.3.19 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

12.1.3.20 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

Prebbleton

12.1.3.21 In the Living 1A1, 1A2, 1A3, 2A, and any deferred living zone at Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and

12.1.3.22 In the Living 1A3, 1A4 and 2A zones or any deferred living zones at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:

- (a) A road or indicative road identified on an Outline Development Plan in Appendix 19; or
- (b) Any allotments(s) that are wholly contained within the Banham & Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road; and

12.1.3.23 For the Living 1A5 (Deferred) Zone at Prebbleton, until the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for comprehensive residential development, the rules of the Living 1A2 Zone shall apply to that land and for the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.

12.1.3.24 For the Living 1A5 (Deferred) Zone at Prebbleton, upon the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for comprehensive residential development, the Living 1A5 (Deferred) Zone

shall cease to be deferred and the rules of the Living 1A5 Zone will apply to that land, and the rules of the Living 1A2 Zone will cease to apply, without further formality.

- 12.1.3.25 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.
- 12.1.3.26 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
- 12.1.3.27 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
- 12.1.3.28 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.
- 12.1.3.29 For the Living 2A (Deferred) Zone at Prebbleton, prior to the issue of any completion certificate under section 224 of the Act for subdivision of Certificate of Title CB41C/255 (comprising part of the land shown on the Outline Development Plan for the Shaw Block in Appendix 19) a restrictive covenant over the remaining Rural (Inner Plains) zoned land in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council, the Canterbury Regional Council and the Christchurch City Council to prevent subdivision of the remaining Rural (Inner Plains) zoned land below 4 hectares.
- 12.1.3.30 Until either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a deferred living or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/ stormwater from a particular area of land subject to a deferred living the rules of the Rural Zone (Inner Plains) shall apply to that land; and
- 12.1.3.31 Upon either the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service any particular area of land subject to a deferred living zone, or until all necessary resource consents have been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the relevant living zone will apply to that land, and the rules of the Rural Zone (Inner Plains) will cease to apply, without further formality.
- 12.1.3.32 In the Living 2A (Blakes Road) Zone, any subdivision of land within the area shown in Appendix 19 shall be in substantial accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive

covenant in the form of an appropriate legal instrument in a form acceptable to the Council shall be registered in favour of the Council and the Canterbury Regional Council and the Christchurch City Council to prevent the further subdivision of Lots 1-7 on the development plan in Appendix 19.

Springston

12.1.3.33 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

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

12.1.3.35 Any subdivision of land within the area shown in Appendix 20 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) provide a pedestrian/cycle underpass beneath State Highway 73 between the Living 1 and Living 2 Zones, prior to titles being issued for more than 30 dwellings in the Living 2 Zone.

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

12.1.3.37 No subdivision of land in the Living 1 (Deferred) or Living 2 (Deferred) Zones at West Melton 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 1 or 2 Deferred west of Weedons Ross Road.

Outline Development Plans

12.1.3.38 Any subdivision within a Living Z Zone that is subject to an operative Outline Development Plan within the District Plan shall be in general accordance with that Outline Development Plan.³

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

³ PC7

Township	Zone	Average Allotment Size Not Less Than
	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
	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~~	~~500m²~~
	~~Living 1A4~~	~~1,500m²~~
	Living 2	3,000m ²

Township	Zone	Average Allotment Size Not Less Than
	Living X	2,000m ²
	Living Z	650m ² , with a minimum individual allotment size of 550m ² , except that allotments within a Medium Density area located within an operative Outline Development Plan shall have a maximum average allotment size of 450m ² and a minimum individual allotment size of 350m ² . These requirements exclude any allotment that forms part of a comprehensive residential development identified by a consent notice on the subdivision consent and located within a Medium Density area where there shall be no minimum site size. Subsequent subdivision consent within a comprehensive residential development shall however only be granted following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided, with that subsequent subdivision to have a maximum average density of no more than 450m ² per unit.
Prebbleton	Living 1	800m ²
	Living 1A	2,000m ²
	Living 1A (Deferred)	4 ha
	Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living 1A Zone will apply.	
	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 1A5 (Deferred)	800m ² and no more than 10 % at less than 700m ²
	Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u> , the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.	
	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 (Deferred)	4 ha
	Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.	
	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 X (Deferred)	4 ha
Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living X Zone will apply.		
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m 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 1B Deferred	5,000m ² until deferral lifted in January 2010, then 1,200m ² with a minimum lot area of 750m ²

Township	Zone	Average Allotment Size Not Less Than
	Living 2	5,000m ²
	Living 2A	1 ha
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
Southbridge	Living 1	650m ²
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Springston	Living 1	800m ²
	Living 1A	800m ²
Tai Tapu	Living 1A	800m ²
	Living 2A	5,000m ²
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
West Melton	Living 1	1,000m ²
	Living 1 Deferred	Refer to Subdivision – General Rules. 800m ² if criteria met.
	Living 1B	2,800m ²
	Living 2	5,000m ²
	Living 2 Deferred	Refer to Subdivision – General Rules. 5,000m ² if criteria met.
	Living 2A	Maximum number of allotments is 10, and a minimum <u>allotment</u> size of 1 ha.
Whitecliffs	Living 1	The size needed for on-site effluent <u>disposal</u> but not less than 800m ²

Township	Zone	Average Allotment Size Not Less Than
All <u>Townships</u>	Heritage Buildings listed in Appendix 3	Listed in Appendix 3. The <u>building</u> , curtilage and any other area needed to: - 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 – 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.
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:
- Any adverse effects, including cumulative effects, on traffic safety and traffic flow on the State Highway; and
 - The design and location of the vehicular accessway and vehicle crossing; and
 - Whether access to the allotment(s) can be obtained off another road which is not a State Highway either directly or by an easement across other land.

Corner Splays

12.1.4.2 Under Rule 12.1.3.2 the Council shall restrict its discretion to consideration of:

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

Water

~~12.1.4.23~~ The provision of water for firefighting; and

~~12.1.4.34~~ 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

~~12.1.4.45~~ 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

~~12.1.4.56~~ Whether any utility cables shall be laid underground.

Telephone and Power

~~12.1.4.67~~ 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

~~12.1.4.78~~ The method(s) for disposing of stormwater; and

~~12.1.4.89~~ Any adverse effects of stormwater disposal on any land drainage scheme which is administered by Selwyn District Council; and

~~12.1.4.910~~ The quantity and rate of stormwater disposed into any land drainage scheme which is administered by Selwyn District Council.

On-Site Effluent Disposal

~~12.1.4.1011~~ In the Living zones at Arthur's Pass, Coalgate, Dunsandel, Glentunnel, Hororata, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs:

- (a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

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

Roads, Reserves and Walkways/Cycleways

12.1.4.11~~12~~ The provision, location, co-ordination, layout and formation of all roads and vehicular accessways, reserves and walkways/cycleways; and

12.1.4.13 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.

12.1.4.12 The avoidance of areas which could create unsafe situations e.g. dark corridors, or where a safe and secure environment may be compromised; and (PC 7)

12.1.4.13 Whether variety in the design and layout of roading, footpath patterns, and allotments complements the natural characteristics of the site and the design and layout of any adjoining urban areas; and (PC 7)

12.1.4.14 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 (PC 7)

12.1.4.15 The access to cul-de-sacs being from a through road rather than another cul-de-sac; and (PC 7)

12.1.4.16 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 (PC 7)

12.1.4.17 The provision, location, coordination, layout and formation of any land required for reserves, which is to comply with the 'Criteria for Taking Land Instead of Cash' clause of the 'Reserves Specific Issues regarding Development Contributions Assessment' in the Development Contribution Policy of the 2006-2016 LTCCP; and^{v30}

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

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

12.1.4.20 Whether roads and reserves have a coherent and logical layout to facilitate connectivity, legibility and permeability. (PC 7)

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 12.1.4.11 to 12.1.4.20.(PC 7)

Point Strips

12.1.4.23 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

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

Size and Shape

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

Note: *The consent authority shall consider a dwelling as being a minimum of 150m² in gross floor area, when using its discretion under Rules 12.1.4.18 to 12.1.4.22 for compliance with District Plan rules.*

Residential Allotments

12.1.4.22 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

12.1.4.23 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

12.1.4.24 Whether the number of rear allotments (served by an accessway serving less than four allotments) exceeds 10% of all allotments created in a subdivision and the potential adverse effects of not creating an open street environment and/or concentrating small sections as rear allotments; and

12.1.4.25 Whether residential blocks achieve an average perimeter of 800m and maximum perimeter of 1000m, unless precluded by an existing pattern of development. NOTE: The Subdivision Design Guide can be referred to for other examples of how residential blocks can be measured; and

12.1.4.26 A variety in sections sizes whilst maximising orientation to the sun.⁴

Utilities and Facilities

12.1.4.23 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

12.1.4.24 For other utilities and facilities:

- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and
- (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

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

Construction of any Works

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

Fencing

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

⁴ PC7

Easements

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

High Voltage Transmission Lines

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

Esplanade Reserves

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

Prebbleton

- 12.1.4.30 In the Living 1A2, 1A3, 1A4 and 2A zones at Prebbleton, the retention of existing trees that are considered "significant" in terms of the Prebbleton Townscape Plan; and
- 12.1.4.31 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.32 In the Living 1A2 Zone at Prebbleton, the achievement of a graduated density of allotment sizes such that average lot size generally increases in a southward direction; and
- 12.1.4.33 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.32, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.34 In the Living 1A3 Zone at Prebbleton, the necessity for larger allotments along the boundary of the zone adjoining Meadow Mushrooms, so as to mitigate minor odour and noise effects; and
- 12.1.4.35 In the Living 1A4 Zone at Prebbleton, the necessity for the Ministry of Education to acquire part of the zone to accommodate the future needs of Prebbleton Primary School.
- 12.1.4.36 In the Living 2A Zone at Prebbleton, the need for an interim walkway/cycleway linkage to Springs Road via the north west corner of the zone until such time as a linkage on the land between the Living 1A2 and Living 2A zones is able to be achieved.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) Code of Practice where appropriate, in using its discretion under Rule 12.1.4.37.

Rolleston

- 12.1.4.37 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;
- 12.1.4.38 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;
- 12.1.4.39 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;
- 12.1.4.40 The need to provide for pedestrian and cycle movement within the road reserve;
- 12.1.4.41 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;
- 12.1.4.42 The need for local reserves;

- 12.1.4.43 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.44 The design guidelines contained in Appendix 23;
- 12.1.4.45 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.
- 12.1.4.46 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.
- 12.1.4.47 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.

Tai Tapu

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

Restricted Discretionary Activities — Subdivision – West Melton

- 12.1.5 The following activities shall be restricted discretionary activities:
- 12.1.5.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.34.
- 12.1.5.2 The exercise of discretion shall be restricted to the matters listed in 12.1.5.3 to 12.1.5.6 below.
- 12.1.5.3 Whether any amendments to the roading pattern will retain connectivity and avoid piecemeal and uncoordinated subdivision patterns;

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

Discretionary Activities – Subdivision – General

12.1.6 The following activities shall be discretionary activities:

- 12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or 12.1.3.10.
- 12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13.
- 12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate or Dunsandel with an average allotment size of less than 1 hectare.
- 12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m².

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 within a Living Z (deferred) Zone shown on the Planning Maps as requiring an Outline Development Plan shall be a non-complying activity where it does not comply with the provisions of the Rural (Inner Plains) Zone, unless the District Plan contains an operative Outline Development Plan for the area.
- 12.1.7.5 In a Medium Density area located within an Outline Development Plan, any subdivision to create an allotment less than 350m² that is not part of a comprehensive residential development shall be a non-complying activity. Subdivision of a comprehensive 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.

12.2 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 ~~Strategic Road~~ State Highway listed in Appendix 7:

- (a) Any adverse effects, including cumulative effects, on traffic safety or traffic flow on the ~~Strategic Road~~ State Highway; and
- (b) Any alternative roads that may be used for access; and
- (c) The design and siting of the vehicular 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 12.2.2.3(c), the consent authority shall consider a dwelling of 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

- 12.2.2.5 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, Dunsandel, Glentunnel, Hororata, 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; 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 State Highway listed in Appendix 7:

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

Size and Shape

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

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

Special Sites

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

12.3.2.5 If the land to be subdivided contains any place or item which is listed in Appendix 2 or 3 as a Heritage site or ecological site, or designation:

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

Utilities

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

Easements

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

Point Strips

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

High Voltage Transmission Lines

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

Esplanade Reserves and Strips

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

Tai Tapu

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

- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including the filling (with inert hardfill) of any low lying area; and
- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

Reasons for Rules

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

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

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

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

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

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

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

In 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 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 450m² 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 roading 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 realignments 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.

DEFINITIONS

- This section lists the meaning of underlined words used in this Plan in alphabetical order.
- Where reference is made to an interpretation provided in a particular act, and is marked with an asterisk (*), the meaning is provided at the end of this section, to assist readers.
- Any singular definition includes the plural and vice versa.
- Words and phrases defined in section 2 of the Act take the same meaning for the purposes of this Plan.

A

Access: means that area of land over which lawful vehicular or pedestrian access is obtained to a legal road.

Accessway: see Vehicle accessway.

Accessory building: means any building which is separate from the principal building or buildings on the site, the use of which is incidental to the use of the principal building or buildings on the site or to the use of a site. In respect of land used for a residential activity “accessory building” extends to include a sleepout (but not a family flat), garage or carport (whether freestanding or attached to any other building), shed, glasshouse, fence over 2 metres in height, swimming pool or similar structure. Accessory buildings also include implement sheds, storage sheds, and commercial glasshouses and packing facilities which generate less than 15 equivalent car movements/day (refer to the definition of Equivalent Car Movements Per Day).

Act: means the Resource Management Act 1991.

Adjoining: includes any land which is physically attached or separated by road, railway, vehicular accessway, easement, water-race or drain, or a river or stream which has a formed bed of not more than 3 metres in width.

Agrichemical: means any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, used to eradicate, modify or control flora and fauna. This excludes fertilisers, lime, vertebrate toxic agents, and oral nutrition compounds.

Airport: means any land intended or designed to be used, whether wholly or partly, for the landing, departure and movement of aircraft.

Allotment: has the same meaning as in section 218 of the Act. *

Amenity Planting: means any tree or trees planted in the immediate vicinity of a house or principal building, primarily to provide shelter or aesthetic appeal. Amenity plantings include any woodlot, orchard or vineyard planted in close proximity to a house or principal building, primarily to supply the residents on-site. The total area of any woodlot, orchard or vineyard which is classed as amenity planting shall not exceed 4 ha.

Antenna: means that part of a communication facility used for the transmission or reception of signals including the antenna mounting but not including any supporting mast, pole or similar structure. This definition includes any dish antenna.

Archaeological site: has the same meaning as in section 2 of the Historic Places Act 1993. *

Arterial Road: means any road identified as an arterial road in the road hierarchy classification as listed in Appendix 9. They connect areas of district importance not already provided by State Highways. Arterial roads connect the districts townships and other important places and activities together, including across district boundaries. Arterial roads are required to minimize, and control local road and property access to ensure they operate efficiently. They are subject to access controls in this Plan.

B

Boarding of Animals: includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals.

Boundary: is any legally defined boundary of a site, allotment or property.

- **Internal boundary:** is any boundary of a site other than a road boundary.
- **Road boundary:** means any boundary with a legal road (formed or unformed) or any boundary which is contiguous to a boundary of a road designation

Building: means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- Any scaffolding or falsework erected temporarily for maintenance or construction purposes.
- Any fence or wall of up to 2m in height.
- Any fence or yards for the containment of stock.
- Any structure which is less than 10m² in area and 2m in height.
- Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use).
- Any utility structure.

Note:

1. A utility structure is excluded from the definition of 'building' under this District Plan. However, such a structure is subject to the requirements of the Building Act and may require a Building Permit under that Act.
2. A utility building falls under the definition of a building if it does not constitute one of the structures listed under 'Building'.

Building Node: includes that area of land which contains the principal dwelling, other principal buildings, and any worker's accommodation or accessory buildings of a high country property, which are contained in a discrete area of the property, delineated by intensive shelter or amenity planting and worked paddocks. A building node does not include any area which contains only holiday homes, baches, cabins, huts or similar buildings which are not permanently occupied and which are not associated with the farming operation on the property.

C

Camping Ground facilities: includes the use of any land, building or structure for the establishment or operation of a camping ground. Camping ground has the meaning set out in the Camping Ground Regulations 1985.

Clean Fill: includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) soil, clay, rock, concrete and bricks.

Collector Road: means any road identified as a collector road in the road hierarchy classification as listed in Appendix 9. Their prime role is to distribute and collect local traffic within and between neighbourhood areas. In some situations they may link smaller rural communities to the arterial road network. Collector roads are required to balance the necessary traffic movement function against the property access function that they also need to provide.

Community Facility: includes any land, building or structure which is/are used for the primary purpose of health, education, safety or cultural, physical or spiritual well-being, where those facilities are funded or managed as a non-profit organization by a central or local government agency or a community organisation, and are available for use by any person in the community. Community facilities include (but are not limited to): schools, hospitals, churches, cemeteries, halls, libraries, community centres, police or fire stations, reserves and recreational facilities.

Community Infrastructure: has the same meaning as in section 197 of the Local Government Act 2002. *V30

Contaminated Land: includes any land which contains hazardous substances at concentrations above recognised guidelines which pose or are likely to pose an immediate or long term risk to human health and/or the environment.

Cycleway / Cyclist Link: See Pedestrian / Cycle Link

D

dBA: means A-frequency-weighted sound pressure level in decibel relative to a reference sound pressure of 20 micropascals. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Decibel (dB): is the term used to identify 10 times the logarithm to base 10 of the ratio of two like quantities proportional to intensity, power or energy. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Design speed in respect to roads is the speed used for the design of geometric features of a road carriageway that influence vehicle operation. Design speed should not be less than the 85th percentile speed (which is known as the operating speed).

Detention centre or prison: means land and buildings used in whole or in part for the assembly, corrective training, housing or incarceration of persons convicted of offences or on remand and includes (without limitation):

- a) a prison, corrective training institution or police jail established under the Penal Institutions Act 1952;
- b) a “habitation centre” as defined in section 2 of the Criminal Justice Act 1985;
- c) a periodic detention centre established under section 126(1) of the Criminal Justice Act 1985; or
- d) any like facility.”

Developer: includes any person or persons who are legally liable for paying any development contribution taken upon the granting of a resource consent, a building consent or and authorisation for a service connection.

Development Contribution: has the same meaning as in section 197 of the Local Government Act 2002. *V30

Disposal: includes any activity associated with the permanent discarding of material which is spent, worthless or in excess. For the purposes of Rule 7.4.1 disposal does not include the application of hazardous substances in accordance with the manufacturer's instructions. For the purposes of Rule 8.1.1.3 disposal does not include: the deposition of inert fill on to land from another site, for the purposes of landscaping, levelling or recontouring land, filling holes or depressions, preparing building sites or other construction work.

District Plan: means this District Plan prepared under section 73 of the Resource Management Act 1991.

Dwelling: means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.

A dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site; unless that building or part of a building is being used for overnight accommodation.

Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.

E

Earthworks: include any disturbance, to, or excavation, removal or deposition of, soil, earth or any other mineral derived from the ground. For the purpose of Rule 1, Earthworks, do not include disturbing soil associated with the following activities: digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees. It does include disturbance of earth associated with harvesting trees.

Educational Facility: includes any land, building or structure which is/are used for the provision of regular instruction or training of students by suitably qualified instructors and any ancillary activities, and includes any preschool.

Emergency Services: means facilities and activities utilised for the protection and safety of people and property in times of an emergency and shall include New Zealand Fire Service, New Zealand Police and St Johns Ambulance.

Equivalent Car Movement per Day (ecm/d): is defined as follows.

1 car to and from the property	=	2 equivalent car movements
1 truck to and from the property	=	6 equivalent car movements
1 truck and trailer to and from the property	=	12 equivalent car movements

averaged over any one week period.

Existing Plantation: means the tending, maintenance, harvesting and replanting of a plantation already established at the date of notification of the Plan including any ancillary traffic movements thereto.

F

Family Flat: means any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to the dwelling or an accessory building, or be free-standing.

Fumigant: means any substance listed in Schedule 1 of the “Environmental Risk Management Authority Hazardous Substances (Fumigants) Transfer Notice 2004 (as amended)”.

G

Green Waste: includes any compostible vegetative material, including but not limited to: weeds and garden waste, spoiled crops and tree prunings.

Gross Floor Area: means the sum of the total area of all floors of any building. It shall be measured from the exterior faces of the exterior walls or from the centre line of any wall separating adjoining buildings.

Ground Level: means the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new building work on the land has commenced.

H

Hazardous Substance: includes, but is not limited to, any substance as defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.

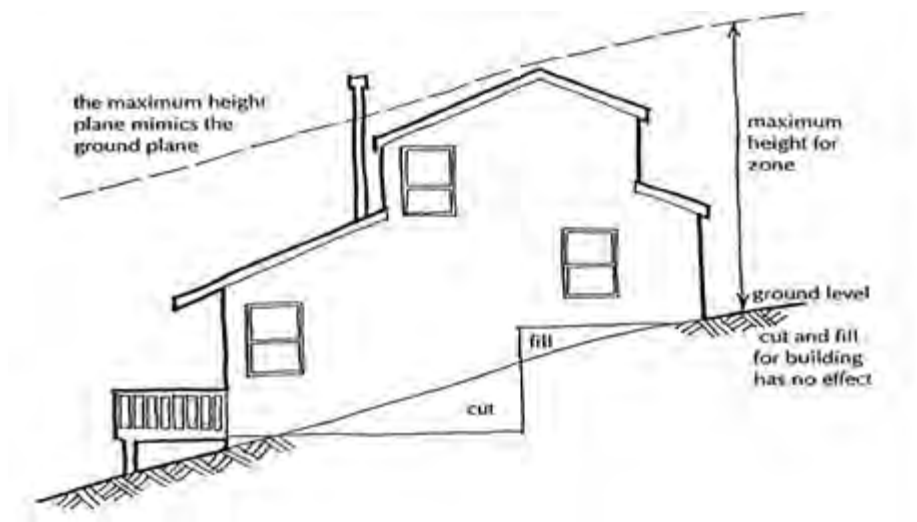
Heavy Vehicle: includes any vehicle which requires a heavy licence under section 5 of the Transport Act 1986.

Height: in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point. For the purpose of calculating height, no account shall be taken of any:

- a) radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m;
- b) chimney or flue not exceeding 1m in any direction;
- c) utility, or part of a utility with a horizontal dimension less than 25mm.

Measurement of Height:

For the purpose of applying rules in relation to height, the following diagram may be used to understand the application of the height rule.



Heritage Site: includes any land, building or structure which is listed in Appendix 3 and shown on the Planning Maps as a Heritage Site.

Heritage Tree: includes any tree listed in Appendix 4 and shown on the Planning Maps as a Heritage Tree.

Home Based Occupation: includes the use of a site for an occupation, business, trade or profession in conjunction with the use of the same site for residential activities. A home based occupation is undertaken by a person(s) permanently residing on the site.

I

Improved Pasture: for the purposes of administering indigenous vegetation clearance rules, improved pasture shall mean an area of pasture where species composition and growth has clearly been modified and enhanced for livestock grazing by cultivation or topdressing and over-sowing, or direct drilling, and where exotic pasture species are obvious.

Indigenous Vegetation: means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes, coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained. Where structural dominance occurs (that is indigenous species are the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.

Industrial Activity: means any activity involving the manufacturing production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying and, for the avoidance of doubt, harvesting activities associated with plantation forestry. For the purpose of this definition an industrial activity is further defined as being either of the following:

- (a) Rural Based Industrial Activity: means an Industrial Activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticultural and crops.
- Or
- (b) Other Industrial Activity: means any other Industrial Activity that is not defined as a “rural based industrial activity”, as stated in (a) above.

Intensive Livestock Production: means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.

Intensive Piggery Production Activity: means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.

Internal Boundary: refer to Boundary.

K

Kitchen: means a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).

L

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

L_{dn}: means the night-weighted sound exposure level in dBA also known as the day-night average sound level and is the 24 hour sound exposure level in A-frequency weighted decibels (dBA) for any day with the period 10pm to 7am the following day “weighted” by 10 dB to represent the increased sensitivity of people to night-time noise. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Leq: means the sound level averaged over a stated time period which has the same A-weighted sound energy as the time varying sound during the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

L_{max}: means the maximum A-frequency-weighted sound level (dBA L_{max}) during a stated time period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Local Road: (Includes cul de sacs): means a road that is not intended to act as main through routes for traffic as their primary function is to provide property access, and they generally have lower traffic volumes. Any road in the district that is not a State Highway, Arterial or Collector road is a ‘local road and not specifically identified in this Plan.

M

Mahinga Kai Site: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site.

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

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

Monofill: includes any landfill which is designed and operated to accept waste associated with one specific activity or form of waste. For the purposes of Rule 7, a monofill does not include any landfill which accepts hazardous waste.

Municipal Solid Waste: includes any non-hazardous solid waste from any combination of domestic, commercial and industrial sources. It includes putrescible waste, garden waste, uncontaminated biosolids and contaminated waste, which is sterilised to a standard acceptable to the Department of Health and does not contain liquids or hazardous waste, which exceeds 200ml/tonne or 200g/tonne.

Network Infrastructure: has the same meaning as in section 197 of the Local Government Act 2002. ^{*V30}

N

Noise Limit: means a L₁₀, Leq or L_{max} sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Noticeboard: means a structure or device upon which notices can be placed or attached that are of community interest, which are intended to be read by people stopping at the notice board rather than by people passing by.

Notional Boundary: means a line 20m from any side of a rural dwelling or the legal boundary where this is closer to the dwelling.

O

Operating Speed: The speed at which motor vehicles generally operate (85th percentile speed) on a particular road. Where operating speeds are unknown they are assumed to be the posted speed limit plus 10km/hr.

P

Papakāinga Housing: includes any dwelling(s) which is/are erected to house members of the same family, iwi, or hapū, on land which is owned by that family, iwi or hapū, and which is Māori Land within the meaning of section 129 of Te Ture Whenua Māori Act 1993.

Parking Areas: means a continuous portion of a site, sites, allotment, allotments or part of any site or allotment on which parking for motor vehicles is provided and includes associated access.

Pathway: Pathway: means a formed path for pedestrians and, or cyclists.

Pedestrian-cyclist link: means a green transport corridor for pedestrians and, or cyclists that for example links a road to a road, or a road to a reserve or facility. They are also known as 'walkway/cycleway links'. There is generally a path provided within the corridor for pedestrians and cyclists to share.

Place of Assembly: means any land and building used for the gathering of people. It does not include residential accommodation or places of work.

Planned Upgrade: includes any work proposed to form, install or upgrade any road or other utility which has been planned to occur within the next ten years, as outlined by the Council in the relevant Asset Management Plan(s) or Long Term Financial Strategy.

Plantation: means any group of trees planted on a site, whether intended to be harvested or not, which are not classed as amenity plantings or shelterbelts. A plantation may be comprised of exotic or indigenous species and includes but is not limited to: forests planted for harvesting,

conservation, soil erosion control, pest or wilding tree management, and any orchard, vineyard or woodlot which does not comply with the definition of amenity planting (refer also to the definition of Existing Plantation).

Point Strip: includes any strip of land adjoining the site or end of a road, the purpose of which is to prevent access on to that road from land adjoining the point strip. Point strips may also be for the purpose of protecting the opportunity to achieve future transport links between adjoining blocks of land. A point strip is usually (though not exclusively) up to 200mm wide.

Posted Speed Limit: the legal and sign posted speed limit that applies to the road as per the Selwyn District Council Speed Limits Bylaw.

Principal Building: includes any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include dwellings but do not include accessory buildings.

Project: for the purposes of Rule 1.6.1.2 the term ‘project’ includes all earthworks undertaken as part of, or ancillary to, the completion of one particular activity or the construction of a building or structure, whether that activity is undertaken or the building or structure is erected continuously or in discrete stages; and whether it occurs in one continuous area or is separated by land which is not disturbed by earthworks. For example: the construction of one road or track from destination (a) to (b) is one project, as is the disturbance of soil for geological surveys over an identified area.

Property: means all land and adjoining land which is held in the same ownership. Any property may include one or more allotments.

Public Waste Collection Service: includes any waste collection service which is provided by the local authority using its functions under the Local Government Act 1974.

Q

Quarrying: means to take, mine or extract, by whatever means, any rock, stone, gravel or sand existing in its natural state in land. “To quarry” has a corresponding meaning.

R

Radio Communication Facility: means any transmitting or receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.

Recreational Facility: includes the use of any land, building or structure for the primary purpose of recreation or entertainment and is available to be used by members of more than one household.

Redevelopment in respect to any parking area includes:

Any change to the nature or type of park area users resulting from associated changes in land use (e.g. from office user to retail user), or

Any alterations to the parking area which change the pedestrian or vehicle circulation within or around the parking area, or

The reconstruction, repositioning, relocation or addition, of more than five parking spaces within any one year period.

Relocated Building: includes any building that is removed from one site and relocated to another part, in whole or in parts. It does not include any new building which is designed for, or intended to be used on, a site but which is erected off the site, in whole or in parts, and transported to the site.

Research: means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.

Residential Activity: means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site;
- b) Emergency and/or refuge accommodation; and
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site.

'Residential Activity' does not include:

- (a) Travelling accommodation activities (other than those specified above); and
- (b) Custodial and/or supervised living accommodation where the residents are detained on the site.

Restaurant: means any land and/or buildings, or part thereof, principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.

Riparian Margin/Zone: means a strip of land of varying width adjacent to a waterbody which contributes to the natural functioning, quality and character of the waterbody, the land margin and their ecosystems.

Road: shall have the same meaning as defined in section 315 of the Local Government Act 1974
* and shall include roads to be vested.

Road Boundary: refer to Boundary.

Rural Activity: means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and intensive livestock production and may include a dwelling.^{V29Dec}

S

Secure: with respect to cycle parking, means that cyclists and their bicycles are not exposed to danger or harm; for example cycle parking is not located where manoeuvring vehicles could collide with a cyclist and or their parked bicycle; also that the cycle parks are not located where there is no visibility from a public space (i.e. a road or car parking area).

Sensitive Activity: includes any of the following activities:

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

Shelterbelt: means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are not more than 20 metres in width and are not clearfelled.

Sign: means any device or structure which is visible from any public space and is used to: identify any site or building; provide directions or information; or promote any goods, services, or forthcoming event. A sign does not include any window display, or any property identification signs which do not exceed an area of 0.2 m² (including rural numbers, dairy company numbers, street/road numbers/property names and property owners' names as long as those property identifiers do not include any advertising).

Silent File Area: includes any land which is listed in Appendix 5 and shown on the Planning Maps as a Silent File Area.

Site: means the area of land on which a particular activity and any ancillary activities by a person or party is/are undertaken. A site may include all or part of an allotment or more than one allotment.

Skyline: means the ridgelines of any mountain or hill range which are silhouetted against the sky and which do not have any other hill, mountain or mountain range behind them which is higher.

Solid Waste: includes any material which is discarded as being spent, useless, worthless or in excess, and includes liquid or gaseous waste which is stored in containers.

Sound Exposure Level: means the A-frequency weighted sound pressure level in decibels which, if maintained consistent for a period of 1 second, would convey the same sound energy to the receiver as is actually received from a given noise event over the same period. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound.

Strategic Road: includes any road listed as a Strategic Road in Appendix 9.

State Highway: means any road that is identified as a State Highway in the road hierarchy classification as listed in Appendix 9. State Highways are under the control of the New Zealand

Transport Agency. They are high capacity and high speed roads of national importance providing inter-district and regional links between towns, cities, ports and other places of significance. State Highways are constructed and managed to high standards to ensure they operate correctly, including managing both road and property access to them. They are subject to access controls in this Plan.

Stopbank: means an embankment constructed for the purpose of preventing flooding.

T

Telecommunication Facility: means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

Telecommunication Line: means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor and also includes any part of a line.

Temporary Accommodation: includes the use of any building to house any person for residential or business activities on a site, while construction work is being undertaken on the site. Temporary accommodation maybe provided for persons occupying the site on which construction work occurs, or for persons involved in the construction work.

Temporary Activity: includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period. For the purposes of Rule 9.13.1 a temporary activity includes casual labour for seasonal activities such as crop harvesting and fruit picking, provided it complies with one of the time periods specified in the definition.

Temporary Military Training Activity: means a temporary activity undertaken for Defence Purposes. Defence purposes are those in accordance with the Defence Act 1990.

Temporary Sign: includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation which is associated with an activity on the site on which the sign is erected. Any temporary sign shall not be erected on any site for more than 6 consecutive calendar months at any one time, or for a collective period of more than 6 calendar months in any 2 year period, except that for any school or church anniversary event the temporary sign maybe displayed for up to 12 months prior to the event.

Tertiary Education: means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreation facilities.

Township: means an urban area within the District which comprises a Living zone(s) and in some situations a Business zone(s).

Track: includes any area of land which is formed or used principally to traverse an area of land by foot, animals, or vehicles and includes any road. A track will have access to or from a formed

road, or access to another track which has access to a formed road. For the purpose of Rule 1 - Earthworks, a track does not include multiple strips of land of up to 10m in width which run parallel to one another over a site.

Travelling Accommodation: means the use of land and buildings for temporary residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guest. Travelling accommodation includes motels, holiday flats, motor and tourist lodges and hostels.

U

Utility: includes the use of any structure, building or land for any of the following purposes:

- (a) The generation, transformation and/or transmission of energy;
- (b) Any telecommunication facility or telecommunication line;
- (c) Any radio communication facility;
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;
- (e) The drainage, reticulation or treatment of stormwater, waste water or sewage;
- (f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;
- (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or
- (h) Meteorological facilities for the observation, recording and communication of weather information.

Utility Building: includes any building or part of any building which is a utility or which is used principally to house or support a utility; and that building is 10m² or more in gross floor area and 2.5m or greater in height.

Utility Structure: includes any device, equipment or other facility which is used principally to house or support a utility including any antenna, mast, pole or pylon; or any structure housing a utility which is less than 10m² in gross floor area or less than 2.5m in height.

V

Vehicle Crossing: ~~includes any formed vehicle entrance or exit point from any site on to any road, and includes that part of the road boundary across which the vehicle access is obtained and any culvert, bridge or kerbing.~~ means the area within the road reserve over which vehicles move from the carriageway to a site. The width of a vehicle crossing shall be defined as the formed width at the property boundary. The length of the crossing is the distance from the edge of the carriageway to the property boundary

Vehicle Movement: means a single motor vehicle journey to or from a particular site. "Vehicle trip" has the same meaning.

Vehicular Vehicle Accessway: ~~means that part of any site which is used to provide vehicular access into or through the site, but does not include a road within the meaning of section 315 of the Local Government Act 1974.~~ any area of land, the primary purpose of which is to provide access between the body of any allotment(s) or site(s) and any road reserve. Accessway includes any rights of way, access lot, access leg or private road.

Vertebrate Toxic Agent: means any substance listed in Schedule 1 of the “Environmental Risk Management Authority Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004 (as amended)” and includes 1080 (Sodium fluoroacetate).

W

Wāhi Taonga Site: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site.

Walkway: See Pedestrian / Cycle Link

Waterbody: means fresh water or geothermal water in a river, lake, stream, pond (but excluding any artificial pond), wetland or aquifer or any part therefore that is not located within the coastal marine area. The terms “river”, “lake” and “wetland” are also defined in this Plan.

LEGISLATION REFERRED TO IN THE DEFINITIONS SECTION

The following are sections of legislation referred to in the Definitions section and marked by an asterisks (*).

They do not form part of the Plan but have been included to be of assistance to readers.

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

Allotment: in section 218 of the Act.

- (2) Means—
 - (a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - (i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
 - (b) Any parcel of land or building or part of a building that is shown or identified separately—
 - (i) On a survey plan; or
 - (ii) On a licence within the meaning of Part VIIA of the Land Transfer Act 1952; or
 - (c) Any unit on a unit plan; or
 - (d) Any parcel of land not subject to the Land Transfer Act 1952.
- (3) For the purposes of subsection (2), an allotment that is—
 - (a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
 - (b) Not subject to that Act and was acquired by its owner under one instrument of conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

- [(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.]

Amenity Values: has the same meaning as defined in section 2 of the Act

Archaeological site: in section 2 of the Historic Places Act 1993.

“Means any place in New Zealand that—

- (a) Either—
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand:

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

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

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

- (a) provided for in a development contribution policy included in the long-term council community plan of a territorial authority; and
- (b) calculated in accordance with the methodology; and
- (c) comprising—
 - (i) money; or
 - (ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - (iii) both.^{V30}

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

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

- a) with one or more of the following intrusive properties:
 - i) Explosiveness
 - ii) Flammability
 - iii) A capacity to oxidise
 - iv) Corrosiveness
 - v) Toxicity (including chronic toxicity)
 - vi) Ecotoxicity, with or without bioaccumulation; or

- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.”

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

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

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

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

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

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

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

The provision of roads and other transport, water, wastewater, and stormwater collection and management.^{V30}

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

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

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

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

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

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

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

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

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