

APPENDIX B

Proposed Amendments to Township Volume of the Selwyn District Plan

TOWNSHIP VOLUME AMENDMENTS

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PART C

2 LIVING ZONE RULES – EARTHWORKS

2.1 EARTHWORKS

Permitted Activities – Earthworks

2.1.1 Any ~~disturbance, deposition or removal of any soil, rock, or other mineral~~ earthworks shall be a permitted activity if the following conditions are met:

2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and

2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and

2.1.1.3 Any site subject to earthworks is either:

- (a) built upon,
- (b) sealed,
- (c) landscaped, or
- (d) the land recontoured and replanted,

no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

2.1.1.4 Earthworks do not occur and material from earthworks is not deposited within:

- (a) 20m of any waterbody listed in Appendix 12.
- (b) 10m of any other waterbody (excluding aquifers).

2.1.1.5 On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.

2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has:

- (a) a volume of not more than 2,000m³ per project; and
- (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.

2.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.

2.1.1.8 The earthworks are not part of mining or mineral exploration.

Restricted Discretionary Activities – Earthworks

2.1.2 Any activity which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.

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

2.1.3.1 The nature of any flooding or land instability and whether this makes the site unsuitable to undertake the proposed earthworks.

2.1.3.2 Any effects of earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.

2.1.3.3 Any mitigation measures proposed.

Discretionary Activities – Earthworks

2.1.4 The following shall be discretionary activities:

2.1.4.1 Mineral exploration.

2.1.4.2 Any activity which does not comply with any of Rules 2.1.1.1 to 2.1.1.4 and 2.1.1.6 to 2.1.1.8.

Non- Complying Activities – Earthworks

2.1.5 Mining shall be a non-complying activity.

Notes

1. Rule 2 does not apply to any of the following activities:
 - Landscaping or maintenance of gardens, lawns or public spaces;
 - Sowing, tending or cultivating crops, grazing or planting trees;
 - Digging post holes, soak holes, building foundations and related activities;
 - Maintaining and clearing rivers, water races or drains;
 - Maintaining or repairing existing flood protection works; or
 - Earthworks required to duct cables.
2. Stockpiling of material disturbed by earthworks may be affected by Rule 10.11 – Activities and the Outdoor Storage of Materials and Goods.
3. Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.
4. Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).
5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed

or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.v30

Reasons for Rules

~~Disturbing, depositing or removing soil, rock or other minerals~~ Earthworks may create the following effects: dust nuisance; slope failure or erosion; siltation effecting neighbouring properties; waterbody bank erosion; sedimentation in waterbodies; and unsightliness of the Living Zone if left unoccupied.

Rule 2.1 sets out the conditions for when earthworks are likely to have minor effects on the environment, including timeframes for the completion and rehabilitation. Earthworks that cannot comply with Rule 2.1.1 may still be allowed, by granting of a resource consent for a discretionary activity (under Rule 2.1.4).

Mineral exploration and mining require resource consent in Living zones, irrespective of the scale of earthworks. The reason that mineral exploration within townships requires resource consent is because this activity may have the potential for adverse effects on amenity values and property values.

Note 1 clarifies that earthworks associated with the activities listed are, in the view of the Council, de minimus activities (very minor/negligible). Rule 2 is not intended to affect or control those activities.

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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.

4.6 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. **The step shall be of sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.**

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.

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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</u>
<u>Dwelling or principal building</u>	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces <u>road</u>	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces <u>internal boundary</u>	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces <u>road</u>	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces <u>internal boundary</u>	2 m	4 m
<u>Accessory Building</u> with wall length not more than 7m	1 m	2 m
<u>Accessory Building</u> with wall length greater than 7m	2 m	4 m

Building Type	Metres from Boundary	
<u>Utility Structures</u>	0 m	0 m

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

Common Wall

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

Castle Hill

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

Prebbleton

- 4.9.6 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.
- 4.9.7 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.
- 4.9.8 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.
- 4.9.9 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 <u>dBA</u> (<u>Leg</u> 1 hour)	30 <u>dBA</u> (<u>Leg</u> 1 hour)
Within Living Area Rooms	40 <u>dBA</u> (<u>Leg</u> 1 hour)	35 <u>dBA</u> (<u>Leg</u> 1 hour)

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

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.

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Reasons for Rules

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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.~~

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6.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities – Height and Setbacks – Utility Buildings

6.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

6.2.1.1 The height of the utility building shall not exceed 8m. For Rule 6.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.

6.2.1.2 Except as specified under subclauses (a) or (b) below, the utility building is setback a minimum distance of 4 metres from a road boundary, and 2 metres from an internal property boundary except that a utility building may be sited along the internal boundary of a site if the boundary shares a common wall with another building.

(a) Prebbleton

Any utility building in the Living 1A Zone at Prebbleton shall be set back from the road boundary of Trices Road by not less than 10 metres, provided that the 10 metre area is landscaped.

Any utility building shall be set back not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.

(b) Castle Hill

Any utility building shall be set back 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.

Any building or structure shall be set back not less than 1.5 metres from all internal and road boundaries within the Living 1A zone at Castle Hill, except that:

- along the Living 1A zone boundaries the minimum setback shall be 3 metres; and
- 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.

- 6.2.1.3 The utility building is positioned so that it complies, at the property boundary with the recession plane angles in Appendix 11.

Restricted Discretionary Activities: Height and Setbacks – Utility Buildings

- 6.2.2 Any activity which does not comply with Rule 6.2.1.2 shall be a restricted discretionary activity.

- 6.2.3 Under Rule 6.2.2 the Council shall restrict its discretion to:

6.2.3.1 Internal Boundary

Any adverse effects on:

- (a) Privacy;
- (b) Outlook;
- (c) Shading; or
- (d) Amenity values of the adjoining property, its occupiers and their activities; and

6.2.3.2 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.

Discretionary Activities: Height and Setbacks – Utility Buildings

- 6.2.4 Any activity which does not comply with Rules 6.2.1.1 and 6.2.1.3 shall be a discretionary activity.

PART C

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 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. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. 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.
10. 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}
11. If a subdivision completed under 12.1 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.

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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

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	500m ²
	Living 1A4	1,500m ²
	Living 2	3,000m ²
	Living X	2,000m ²
Prebbleton	Living 1	800m ²
	Living 1A	2,000m ²
	Living 1A (Deferred)	4 ha
<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the rules of the Living 1A Zone will apply.</p>		

Township	Zone	Average Allotment Size Not Less Than
	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 .
	Living 1A5 (Deferred)	800m ² and no more than 10 % at less than 700m ²
	<p>Following the passing of a Council resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service that land for <u>comprehensive residential development</u>, the Living 1A5 (Deferred) Zone shall cease to be deferred and the rules of the Living 1A5 Zone will apply. For the avoidance of doubt that land may be developed in accordance with the rules of the Living 1A2 Zone.</p>	
	Living 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
	<p>Following either the Council passing a resolution that there is adequate capacity in a local authority operated reticulated sewage treatment facility to service a particular area of land subject to deferred living zoning, or following all necessary resource consents having been obtained for a method of treatment and disposal of sewage/stormwater from a particular area of land subject to a deferred living zone, the living zone shall cease to be deferred and the minimum <u>allotment</u> size shall be 1.5 ha.</p>	
	Living X	What the subdivider nominates, but not less than the average for the Living 1 Zone in the <u>township</u> (800m ²)
	Living X (Deferred)	4 ha

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

Township	Zone	Average Allotment Size Not Less Than
	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: <ul style="list-style-type: none"> - mitigate adverse effects; or - maintain the heritage values of the site
	Community Reserves, Community Facilities and <u>Point Strips</u>	No minimum area
All Living Zones	Calculating <u>Allotment</u> Sizes	<p>The average <u>allotment</u> size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for <u>access</u>, reserves or to house <u>utility structures</u>, or which are subject to a designation.</p> <p>Any <u>allotment</u> which is twice or more the size of the average <u>allotment</u> required in the zone, shall be calculated as being:</p> <p>2 x average <u>allotment</u> size for that zone – 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
All <u>Townships</u>	<u>Allotment</u> sizes for Flats/Townhouses – Living 1	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> .

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Stormwater Disposal

12.1.4.7 The method(s) for disposing of stormwater; and

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

On-Site Effluent Disposal

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

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

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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 or Lincoln with an average allotment size of less than 1 hectare.
 - 12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m².
 - 12.1.6.5 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m².

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.

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On Site Effluent Disposal

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

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

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14.1 EARTHWORKS

Permitted Activities — Earthworks

- 14.1.1 Any ~~disturbance, deposition or removal of any soil, rock, or other mineral~~ earthworks shall be a permitted activity if the following conditions are met:
- 14.1.1.1 Any disturbed or stockpiled material is to be kept moist until it has consolidated, and
- 14.1.1.2 Any stockpiled material is to be kept consolidated or covered to avoid sediment run-off from rainfall, and
- 14.1.1.3 Any site subject to earthworks is to be:
- (a) Built upon; and/or

- (b) Sealed; and/or
- (c) Landscaped; or
- (d) The land recontoured and replanted

No more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

- 14.1.1.4 Earthworks are not to occur and material from earthworks is not to be deposited within:
 - (a) 20m of any waterbody listed in Appendix 12.
 - (b) 10m of any other waterbody (excluding aquifers).
- 14.1.1.5 Any earthworks has:
 - (a) A volume of not more than 5,000m³ per project; and
 - (b) A vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
- 14.1.1.6 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.
- 14.1.1.7 The earthworks are not part of mining or mineral exploration.

Discretionary Activities – Earthworks

- 14.1.2 The following shall be discretionary activities:
 - 14.1.2.1 Mineral exploration.
 - 14.1.2.2 Any activity which does not comply with any of Rules 14.1.1.1 – 14.1.1.7.

Non- Complying Activities – Earthworks

- 14.1.3 Mining shall be a non-complying activity.

Reasons for Rules

~~Excavating and the stockpiling of soil or other minerals~~ Earthworks can have the following adverse environmental effects in the Business zones – create a dust nuisance, siltation effecting adjoining properties and be unsightly if left uncompleted. To ensure that the adverse effects arising on the environment will be no more than minor, controls need to be imposed requiring the dampening down of excavated areas and excavated spoil to prevent dry material being blown about in strong winds. Any stockpiled material needs to be adequately consolidated or covered to prevent scouring etc by water runoff.

Mineral exploration and mining require resource consents, irrespective of the scale of earthworks. The reason is potential effects on property values as a result of lessened environmental standards if mineral exploration occurs within the township area. Mining and quarrying tend to be associated with the generation of significant adverse environmental effects that can persist for a long time even after those activities have concluded.

16.3 BUILDINGS AND WATER SUPPLY

Permitted Activities – Buildings and Water Supply

- 16.3.1 In all Business 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, except where it can be demonstrated that the use of the principal building in the Business 3 Zone does not require such a supply.

~~The requirement that connection be to a reticulated supply does not apply to the erection of a dwelling or principal building within the existing Business zone at Doyleston.~~

Non-Complying Activities – Buildings and Water Supply

- 16.3.2 Any activity which does not comply with Rule 16.3.1 shall be a non-complying activity.

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Water Supply

Every principal building, which may include a dwelling, is required to have a potable water supply for health reasons.

~~Doyleston is the only township in Selwyn District which does not have a reticulated public water supply at present. The low depth of the groundwater, the small population of the township, and the reticulated sewerage schemes means that on-site water supplies in Doyleston are satisfactory at present. However, the Council strongly encourages regular monitoring of those supplies. Extensions to the Business 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.~~

(**Note:** Permits to drill bores and take water are issued by Environment Canterbury.)

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18.2 HEIGHT AND SETBACKS – UTILITY BUILDINGS

Permitted Activities – Height and Setbacks – Utility Buildings

18.2.1 Erecting any utility building, or any addition or alterations to, or modification ~~or demolition~~ of any utility building which complies with all of the following conditions shall be a permitted activity.

18.2.1.1 The height of the utility building shall not exceed the following standards:

- (a) Business 1A Zone; 8m
- (b) Business 1 Zone; 10m
- (c) Business 2 Zone; 15m
- (d) Business 3 Zone; 25m

For Rule 18.2.1.1, the height of any building shall be measured from ground level at the base of the building, to the highest point on the building, but excluding any chimney, mast, aerial, or other structure which is attached to the outside of the building.

18.2.1.2 The setback of the utility building shall not be less than the following standards:

- (a) Business 1A Zone – 6m from a road boundary, or from the boundary of Lots 1 and 2 DP 22544.
- (b) Business 2 Zone (excluding area at Rolleston that is depicted on the Outline Development Plan at Appendix 22): 2m from a road boundary, or any boundary adjoining a Living Zone.
- (c) Business 2 Zone at Rolleston as is depicted on the Outline Development Plan at Appendix 22):
 - Road Boundaries: 10m
 - Internal Boundaries: 10m (only along the common boundary of the Business 2 Zone at Rolleston as shown on the Outline Development Plan at Appendix 22 and the Rural Zone).

Within area Z on the Outline Development Plan attached at Appendix 22: 30m until the shelter planting reaches a height of 3m across its length; and 10m thereafter.

- (d) Business 3 Zone: 10m from a road boundary or a Living Zone boundary.
- (e) In all Business Zones, the building shall be positioned so that it complies on a Living Zone boundary, with the recession plane angles in Appendix 11.

Restricted Discretionary Activities – Height and Setbacks – Utility Buildings

- 18.2.2 Any activity which does not comply with Rule 18.2.1.2 (a)–(d) shall be a restricted discretionary activity.
- 18.2.3 Under Rule 18.2.2 the Council shall restrict the exercise of its discretion to consideration of:
- 18.2.3.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter.
- 18.2.3.2 Road Boundary
- Any adverse effects on:
- (a) Roadscape; and
 - (b) Landscaping potential; and
 - (c) Shading of the adjoining road.
- 18.2.3.3 Internal Boundary
- Any adverse effects on:
- (a) Privacy; and
 - (b) Outlook; and
 - (c) shading; and
 - (d) any other amenity values of the adjoining property.

Discretionary Activities – Height and Setbacks – Utility Buildings

- 18.2.4 Any activity which does not comply with Rule 18.2.1.1 or 18.2.1.2(e) shall be a discretionary activity.

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PART C

24 BUSINESS 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 11 applies to the subdivision of land, within the meaning of section 218 of the Act.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 17: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 14: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 16: Buildings, Rule 18: Utilities or Rule 22: Activities.
8. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. 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.
10. 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 B.4 for further information on development contributions.v30
11. If a subdivision completed under 12.1 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.

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24.1.3 Standards and Terms

Access

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

Water

- 24.1.3.2 ~~Except in Doyleston, a~~ Any allotment created is supplied with a reticulated water supply which complies with the current New Zealand Drinking Water Standard; and

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

Access

- 24.1.4.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7:
- (a) Any adverse effects, including cumulative effects, on traffic safety and traffic flow on the Strategic Road; and
 - (b) The design and location of the vehicular accessway and vehicle crossing; and
 - (c) Whether access to the allotment(s) can be obtained off another road which is not a Strategic Road either directly or by an easement across other land.

Water

- 24.1.4.2 The provision of water for fire fighting; and
- 24.1.4.3 In relation to any new bore to provide a potable water supply:
- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
 - (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
 - (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Solid Waste Disposal

- 24.1.4.4 The appropriateness of the proposed facilities for solid waste collection or disposal, considering:
- (a) The number of allotments; and
 - (b) The type of accommodation (permanent or holiday); and
 - (c) The distance to a public solid waste collection service or disposal facility.

Utility Cables

- 24.1.4.5 Whether any utility cables shall be laid underground.

Telephone and Power

- 24.1.4.6 Whether telecommunication and electricity connections shall be made available to any allotment; and, if not, the mechanism(s) used to alert prospective buyers of an allotment that these connections are not installed to.

Stormwater Disposal

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

On-Site Effluent Disposal

24.1.4.10 In the Business Zones at Coalgate, Dunsandel and Darfield:

(a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

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

Roads, Reserves and Walkways/Cycleways

- 24.1.4.~~10~~~~11~~ The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 24.1.4.~~11~~~~12~~ The provision, location, coordination, layout and formation of any land required for reserves, which is to comply with the “Criteria for Taking Land Instead of Cash” clause of the “Reserves Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTCCP; and^{v30}
- 24.1.4.~~12~~~~13~~ The provision of footpaths, lighting and street furniture; and
- 24.1.4.~~13~~~~14~~ Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rules 24.1.4.~~10~~~~11~~ to 24.1.4.~~13~~~~14~~.

Special Sites

- 24.1.4.~~14~~~~15~~ For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 24.1.4.~~15~~~~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

24.1.4.~~1617~~ The size and shape of allotments in accordance with Rules 24.1.3.5 and 24.1.3.6; and

24.1.4.~~1718~~ The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3.

24.1.4.~~1819~~ Whether subdivision in the Business 2 Zone at Hoskyns Road – North, Rolleston, as depicted on the Outline Development Plan at Appendix 33 creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of the locations shown on the Outline Development Plan.

Utilities and Facilities

24.1.4.~~1920~~ 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

24.1.4.~~2021~~ For other utilities and facilities:

- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and
- (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Note: *The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Standards (2000) where appropriate, in using its discretion under Rule 24.1.4.~~1920~~.*

Construction of any Works

24.1.4.~~2122~~ 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

- 24.1.4.~~22~~23 Any measures to avoid or mitigate the potential adverse visual effects of 1.8 metre high (or higher) solid fencing being erected along road boundaries where subdivisions “back onto” roads.

Easements

- 24.1.4.~~23~~24 Any easements or other mechanism(s) needed to obtain or maintain legal access to land or utilities.

High Voltage Transmission Lines

- 24.1.4.~~24~~25 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

- 24.1.4.~~25~~26 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 24.1.4.~~26~~27 Whether any esplanade reserve 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

- 24.1.4.~~27~~28 In any Deferred Business 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 allotment(s) that are wholly contained within the Banham and Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road.

Rolleston

- 24.1.4.~~28~~29 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;
- 24.1.4.~~29~~30 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;
- 24.1.4.~~30~~31 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;
- 24.1.4.~~31~~32 The need to provide for pedestrian and cycle movement within the road reserve;

- 24.1.4.~~32~~33 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;
- 24.1.4.~~33~~34 The need for local reserves;
- 24.1.4.~~34~~35 The extent to which failure to provide walkways/cycleways may result in a loss of pedestrian safety and amenity;
- 24.1.4.~~35~~36 The design guidelines contained in Appendix 23;
- 24.1.4.~~36~~37 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
 - (b) bus routes
 - (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.
- 24.1.4.~~37~~38 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.

Non-Complying Activities – Subdivision – General

24.1.5 The following activities shall be non-complying activities:

24.1.5.1 Any subdivision which is subject to Rule 24.1.1 and does not comply with 24.1.3.