

APPENDIX C

Proposed Amendments to Rural Volume of the Selwyn District Plan

RURAL VOLUME AMENDMENTS

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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~~ on 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

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RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – ANTICIPATED ENVIRONMENTAL RESULTS

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

- Residential development remains lower in rural areas than in townships.
- ~~Most residential development on smaller allotments occurs within 1km of Leeston, Lincoln, Prebbleton and Rolleston and 0.5km of other remaining townships, except for those in the High Country, West Melton and Kirwee.~~
- Dwellings built on small allotments in the rural area, are surrounded by land without buildings.
- Papakainga housing occurs at Taumutu.
- There is variety in the size and shape of allotments subdivided in the District.
- Residential density varies across the rural area.
- Other activities have allotments which are of an appropriate size and shape with the utility connections the activity requires.

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2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities – Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, or shelterbelts ~~or visual screening~~ shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
 - Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziessi*)
 - Mountain pine (*Pinus mugo/unaciata*)
 - 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
 - 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:

- (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
- (b) Set back a minimum distance of 300m from the road boundary;

2.1.1.4 The tree(s) are planted at least:

- (a) 20m from the edge of any waterbody listed in Appendix 17; and
- (b) 10m from the edge of any other waterbody (excluding aquifers).

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

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

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

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

2.1.1.5 No tree shades:

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

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

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

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

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

2.1.1.10 In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.^{PC6}

3.1 BUILDINGS AND NATURAL HAZARDS

Permitted Activities — Buildings and Natural Hazards

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

3.1.1.1 Any new dwelling or other principal building is not erected in any of the following areas:

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

Notes

The Proposed Regional Coastal Environment Plan prohibits habitable buildings with floor areas in excess of 25m², including any extensions or alterations, seaward of the Coastal Hazard 1 line. If the Prohibited status remains once the Regional Plan is operative, then no consents will be granted for these activities by Environment Canterbury.

Refer to Council pamphlet “Building a House in the Rural Zone” in respect to Rules 3.1.1.1(d) or 3.1.1.1(e).

Rule 3.1.1 does not apply to additions or alterations to existing dwellings or existing principal buildings located in these areas.

Existing buildings may be able to be replaced as Existing Uses under section 10 of the RMA.

Restricted Discretionary Activities — Buildings and Natural Hazards

3.1.2 Erecting any new dwelling or other principal building on any site in the areas listed in Rule 3.1.1.1(d) and (e) ~~or~~ with a minimum floor level which does not comply with Rule 3.1.1.1(d) or (e) shall be a restricted discretionary activity.

3.1.3 Under Rule 3.1.2, the Council shall restrict its discretion to consideration of:

- 3.1.3.1 The potential risk of the dwelling or other principal building being inundated and the extent of any flood damages; including its proximity to any adjacent stopbank where in the case of overtopping, breach or failure of a stopbank, the depth and velocity of that event (i.e. depth (m) x velocity (ms⁻¹) > 1) shall be taken into account.
- 3.1.3.2 The effectiveness of any mitigation measures proposed to reduce the risk of inundation or extent of flood damages;
- 3.1.3.3 Any effects of the dwelling or other principal building or the proposed flood mitigation measures on diverting or displacing floodwaters on to other property or increasing the potential level of floodwater on other properties;
- 3.1.3.4 Any other effects of any proposed mitigation measures on the environment;
- 3.1.3.5 Any positive effects which may offset any adverse effects; and
- 3.1.3.6 Any monitoring or review conditions.

Non-Complying Activities Buildings and Natural Hazards

- 3.1.4 Erecting any new dwelling or other principal building on any site in the areas listed in Rules 3.1.1.1(a), 3.1.1.1(b) or 3.1.1.1(c) shall be a non-complying activity.

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3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

Permitted Activities — Buildings and Outstanding Landscape Areas

- 3.2.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:
 - 3.2.1.1 In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:
 - (a) A maximum gross floor area exceeding 40m²;
 - (b) A maximum height exceeding 4m; and
 - (c) A maximum reflectance exceeding 37%;

Notes

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

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

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

Permitted Activities – Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

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

3.3.1.1 In the areas shown on the Planning Maps as the High Country, no building on land within a distance of 300m of SH 73 or the Midland Railway has

(a) A maximum gross floor area exceeding 40m²; and

(b) A maximum height exceeding 4m; and

(c) A maximum reflectance exceeding 37%.

Notes

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

For Rule 3.3.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance values for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the ~~Council~~ applicant shall ~~determine~~ supply evidence of its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour. Where the finish is an alternative to paint e.g. stone, brick, unpainted timber etc, the applicant shall supply evidence of the reflectance value of the product used.

Restricted Discretionary Activities – Buildings and State Highway 73 (SH 73) and the Midland Railway Corridor

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

3.4 BUILDINGS AND RURAL CHARACTER

Permitted Activities — Buildings and Rural Character

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

Note

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

Discretionary Activities Buildings and Rural Character

- 3.4.2 Erecting any building or any part

3.13 BUILDINGS AND BUILDING POSITION

Permitted Activities – Buildings and Building Position

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

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

Table C3.2 – Setbacks from Boundaries Property Size	Building Type	Setbacks		
		Property Boundary	Arterial Road or Strategic Road	Other Road
Less than Up to 1ha (<1ha)	Garage or <u>Accessory</u>	3m	10m	10m
	<u>Dwelling</u> or <u>Principal Building</u>	3m	20m	10m
Greater than 1ha (>1ha)	Garage or <u>Accessory</u>	5m	10m	10m
	<u>Dwelling</u> or <u>Principal Building</u>	5m	20m	10m
Any Size	Building housing Animals	30m	30m	30m

Notes:

1. The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production.
2. Refer to Rule 9 Activities for rules relating to intensive livestock production.

3.13.1.2 No building is positioned so that it encroaches into the line of sight for any railway crossing as shown in Appendix 11.

3.13.1.3 Any building is positioned so that it complies, at the property boundaries, with the relevant recession plane angles in Appendix 16;

3.13.1.4 Any building is setback a minimum distance of:

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

Notes

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

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

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

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

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

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

Restricted Discretionary Activities – Buildings and Building Position

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

Discretionary Activities – Buildings and Building Position

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

Non-Complying Activities — Buildings and Building Position

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

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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, **unless it meets the minimum floor levels set out in Rules 3.1.1.1(d) and 3.1.1.1(e).**

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.*

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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.

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Access: means that area of land over which lawful vehicular or pedestrian access is obtained to a legal road.

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, or to visually screen any building as a means of mitigating potential adverse environmental effects. Amenity plantings include any woodlot, orchard or vineyard planted in close proximity to a house or principle 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. *

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