

Before the Selwyn District Council

under: the Resource Management Act 1991

in the matter of: Proposed Private Plan Changes 81 and 82 to the
Operative District Plan: Dunns Crossing Road, Rolleston

and: **Rolleston Industrial Developments Limited** and
Brookside Road Residential Limited
Applicant

Joint witness statement on planning matters

Dated: 2 December 2022

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JOINT WITNESS STATEMENT ON PLANNING MATTERS

INTRODUCTION

- 1 The supplementary planning evidence of Mr Jeremy Phillips and supplementary officer's evidence of Ms Liz White both identified a similar framework for managing an odour buffer area, if one is required, and if the preference is to apply a Living zoning to that land and include it within the Outline Development Plan (ODP)¹.
- 2 Noting this, the purpose of this joint witness statement is to identify the extent to which this potential framework is agreed upon. The parties to this joint witness statement are:
 - 2.1 Jeremy Phillips (planner for the Applicant);
 - 2.2 Liz White (planning officer for the Selwyn District Council (the *Council*)).
- 3 In preparing this statement, the experts have read and complied with the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2014.

MATTERS IN AGREEMENT

- 4 The experts agree that should the Commissioner conclude that an odour setback greater than 600m from the RRP is required, and that it is preferable to apply a Living zoning to that 'buffer' area and include the buffer within the ODP for PC82:
 - 4.1 The area would need to be delineated in the ODP and the "Odour Constrained Area" notation should be identified on the ODP to reflect the relevant setback/buffer area; and
 - 4.2 The ODP narrative for the PC82 site should be amended to describe the purpose of the Odour Constrained Area and the types of activities anticipated (or not anticipated) in this location; and
 - 4.3 Rules 4.9.39 and 4.9.58 appropriately constrain the establishment of certain *buildings* within the Odour Constrained Area. However, a new rule would be required in Chapter C1 of the Township Volume to appropriately restrict *activities* within the Odour Constrained Area.

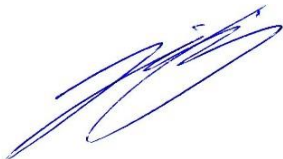
This would list only low intensity recreation activities and rural activities as permitted activities within the Living MD Zone within the Odour Constrained Area in the Appendix 38 ODP Area XX (Brookside). Consequential changes to other parts of Rule 1.1 would be required to specific the activity status of other activities.

¹ Refer to paragraph 10 of the Supplementary Evidence from Ms White; and paragraphs 13-14 of the Supplementary Evidence of Mr Phillips, both dated 24/11/2022.

Consideration would also need to be given to inclusion of a definition for low intensity recreation activities and rural activities.

- 4.4 The issues, objectives, policies and subdivision provisions in the District Plan would not otherwise require amendment having regard to the provisions identified in Attachment 1 of Mr Phillips' supplementary evidence.
- 4.5 **Attachments 1 and 2** to this Joint Witness Statement set out amendments to the ODP and District Plan provisions, respectively, that the experts agree would appropriately address the matters in paragraphs 4.1-4.3 above.

Dated: 2 December 2022



Jeremy Phillips



Liz White

Attachment 1: PC81 - Proposed ODP (Brookside) narrative for inclusion in Appendix 38.

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the ODP, as notified.
- Text that is underlined or ~~struck-out~~ in red font, represent changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes made as part of the applicant's evidence dated 26 August 2022.
- Note: Text that is underlined or ~~struck-out~~ in green font, represent changes made in response to matters raised on day 1 of the hearing (12/09/2022) and which are tabled as part of Mr Phillips' summary of evidence.
- Text that is underlined or ~~struck-out~~ in purple font, represent changes made in response to matters raised during the course of the hearing and filed as part of the supplementary evidence of J Phillips.
- Text that is highlighted yellow, represents agreed provisions per the planning JWS dated 2/12/2022.

OUTLINE DEVELOPMENT PLAN XX (BROOKSIDE)

This area comprises approximately 110 hectares and is situated on the west side of Dunns Crossing Road, and bounded by Edwards and Brookside Roads.

Land Use

The development area shall achieve a minimum net density of 12 household per hectare (hh/ha), averaged over the area of the Site, excluding the area identified as an Odour Constrained Area where dwellings are not permitted. 600m from the active composting area in the Rolleston Resource Recovery Park Pines Wastewater Treatment Plant.

The Living MD Zone enables a minimum individual allotment size of 400m². Should this area be developed in stages, confirmation at the time of subdivision of each stage, and an assessment as to how the minimum net density of 12 household per hectare for the overall area can be achieved, will be required.

Comprehensive residential development areas (i.e. with semi-attached and attached built form typologies) within the Site are able to be supported by adjacent amenities that include key open spaces including a neighbourhood park, local parks, green corridors and two small commercial centres within the Site.

The small local commercial centres are proposed adjacent to the intersection of Dunns Crossing Road/ Lowes Road, and on the proposed central Primary Road by the neighbourhood park, to provide good accessibility and to meet some of the convenience needs of residents in the immediate area.

Approximately A maximum of 1320 sites can be provided across the whole of the development area based on a minimum density of 12 hh/ha. However, an Integrated Transport Assessment shall be required in association with any resource consent application enabling any more than 1320 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. No residential lots shall be completed prior to the completion of:

- the upgrade to the SH1 / Dunns Crossing Road intersection;
- the upgrade to the Lowes Road/Dunns Crossing intersection; and
- re-alignment of Brookside Road at Dunns Crossing Road;

A consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes.

No sensitive activities are provided for in the 'Odour Constrained Area' adjoining the area's north-western boundary on Brookside Road. The Odour Constrained Area is identified on the ODP and in Figure 1 below and covers that part of the site within [TBC] metres of the [active composting area at the¹ (or) boundary of the²] Pines Resource Recovery Plant, where potential odour emissions may result in reverse sensitivity effects. Sensitive buildings and activities in this location are to be avoided. The underlying Living MD zoning of the Odour Constrained Area enables appropriate and compatible urban activities to establish subject to their careful evaluation through a resource consent process. This is intended to provide an opportunity for low intensity recreation activity such as sports fields, but would also allow future residential development of the land in the

¹ Mr Phillips considers, based on Mr Van Kekem's and Mr Iseli's evidence, that the Odour Constrained Area should be measured from the active composting area at the Pines Resource Recovery Plant.

² Ms White considers, based on Mr Curtis' evidence, that the Odour Constrained Area should be measured from the boundary of the Pines Resource Recovery Plant.

event that operational or process improvements at the Pines Resource Recovery Plant diminish or remove potential reverse sensitivity effects. The restrictions in this area shall be supported by an appropriate, enduring legal mechanism (such as a covenant, consent notice, etc) imposed at the time of subdivision.

No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the green line shown in Figure 1 below) prior to: Certification by the Council's Asset Manager that the resource management approvals required to enable the Pines Wastewater Treatment Plan to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained; or 31 December 2026~~2025~~, whichever is sooner.



Figure 1: Odour Constrained Area and WWTP Setbacks

Access and Transport

The ODP employs a roading hierarchy that delivers a range of integrated transport options, including active transport connections at the boundary of the development area to adjacent neighbourhoods that facilitate the use of existing and future public transport routes. Roading connections shall be designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing.

The ODP features a primary east – west route that provides a connection point from Dunns Crossing Road to Edwards Road, and a second primary east – west road from Edwards Road in to the Skellerup Block of Plan Change 73. Another primary north – south route links the Skellerup Block to a mid-point on Brookside Road. Brookside Road is to be realigned to connect with Lowes Road at an upgraded intersection. The proposed roading hierarchy will deliver an accessible and coherent neighbourhood that provides safe and efficient access to the new development and can cater for extensions to existing public transport routes and/or new routes.

An integrated network of roads will facilitate the safe and efficient distribution of internal traffic, provide access to properties, assist in connecting the open space reserves network both within and beyond the site and provide links to adjoining neighbourhoods.

The transport network for the area shall integrate into the pedestrian and cycle network established in adjoining neighbourhoods and the wider township. Cycling and walking will be contained within the road reserve and incorporated into the roading design of the overall road network where applicable. Adequate space must be provided to accommodate cyclists and to facilitate safe and convenient pedestrian movements. Three indicative pedestrian crossing points are shown on the ODP on Dunns Crossing Road adjacent to the primary and secondary roads that support pedestrian and cycle networks.

Rural/urban gateways in the locations shown on the ODP are to be provided with signage, road markings or other design treatments, in accordance with the requirements of Road Traffic Standard 15, to demarcate a change in speed environment and the urbanising of the area.

The requirement for the intersection upgrade at Dunns Crossing/ Lowes Roads is also identified on the ODP. The possible need for improvements at the Edwards Road/Ellesmere Junction Road intersection to ensure its safety and efficiency shall be considered at the time of any subdivision which includes property access onto Edwards Road.

Transport network upgrades are required in order to accommodate growth and traffic from the ODP area. The nature of these works, timing requirements and anticipated funding responsibility is set out in Table 1 below and a consent notice or similar mechanism shall be imposed at the time of any subdivision consent to ensure these outcomes. As noted above, where more than 1320 households total are proposed or enabled within the ODP area, an Integrated Transport Assessment shall be required in order to re-evaluate and manage road network effects at that time.

Commented [JP-NG1]: As discussed by Commissioner Thomas / Mr Fuller, and per discussions with Ms White

Table 1: Transport network upgrades

<u>Upgrade required</u>	<u>Timing</u>	<u>Anticipated funding mechanism</u>
<u>Commencement of SH1 / Dunns Crossing Road / Walkers Road Intersection upgrade in accordance with the Waka Kotahi NZ Upgrade Programme</u>	<u>Prior to any development (including earthworks or construction related activities) in the ODP area.</u>	<u>Works already funded by Waka Kotahi.</u>
<u>Dunns Crossing Road / Burnham School Road Traffic Signals</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).</u>
<u>Realignment of Brookside Road at Dunns Crossing Road (in accordance with Figure 2 below) and gateway threshold (in accordance with the requirements</u>	<u>Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.</u>	<u>Developer constructed.</u>

of Road Traffic Standard 15) on Brookside Road		
Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade (Realignment of Goulds Road to intersect with Dunns Crossing Road approximately 150m north-west of Selwyn Road. Selwyn Road / Goulds Road / Dunns Crossing Road to become a roundabout).	Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.	Developer agreement as also required for Plan Change 70.
Dunns Crossing Road Frontage Upgrades as shown on the ODP	Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), in the ODP area.	Developer constructed.
Dunns Crossing Road / Lowes Road roundabout	Prior to issue of a completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), occupation of any dwelling in the ODP area.	To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.
Edwards Road frontage upgrades as shown on the ODP. The carriageway upgrade of Edwards Road between Brookside Road and Selwyn Road including a gateway threshold on Edwards Road.	Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.	Developer constructed.
The upgrade of Safety improvements to the Edwards Road / Ellesmere Junction Road Intersection.	Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.	Developer constructed.

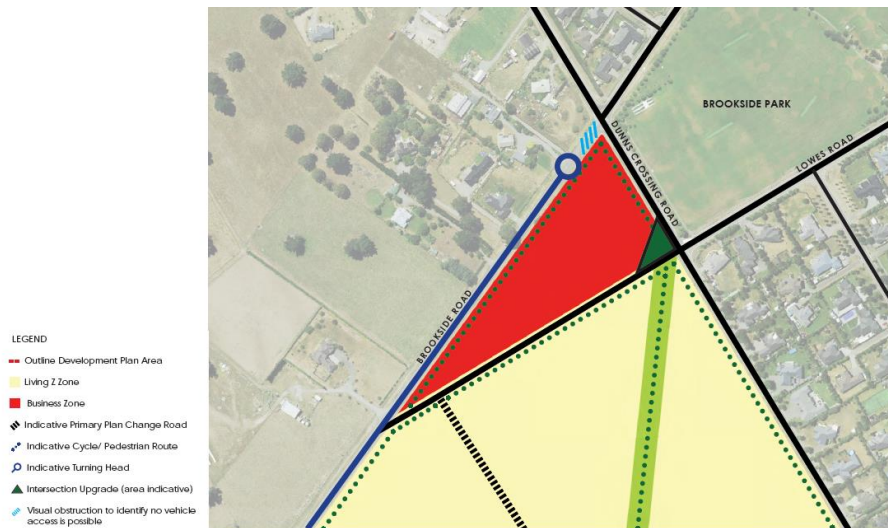


Figure 2: Realignment works required at Brookside Road / Dunns Crossing Road Intersection

Open Space, Recreation, and Community and Educational Facilities

A central neighbourhood park and a number of local parks are to be established within the Site. The location of these reserves has been determined based on the number of reserves established in the wider area and to ensure people living within the development block have access to open space reserve within a 500m walking radius of their homes. These local parks will provide passive recreation opportunities, with nearby Brookside and Foster Parks providing access to active recreation opportunities.

There is an opportunity to integrate the collection, treatment, and disposal of stormwater with open space reserves where appropriate. Pedestrian and cycle paths are required to integrate into the green network to ensure a high level of connectivity is achieved, and to maximise the utility of the public space. Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be adhered to during subdivision design.

The provision of new educational facilities are not part of the design concept but could be provided within the Site or in the wider area albeit subject to a needs assessment.

An existing water race runs through the area and can be retained and realigned. [A field based ecological assessment of the water race and any other water bodies on the site shall occur prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed as part of the subdivision works. Further investigation of its ecological values can be undertaken at subdivision stage, including the feasibility and desirability of its possible naturalisation and integration as part of the urban environment.](#)

Servicing

The underlying soils are relatively free-draining and generally support the discharge of stormwater disposal via infiltration to ground. There are a range of options available for the collection, treatment, and disposal of stormwater. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at subdivision stage and in accordance with Environment Canterbury requirements. Systems will be designed to integrate into both the transport and reserve networks where practicable.

In respect of stormwater treatment for roads, runoff from hardstand areas and roads will be collected and treated before discharging into ground via soak pits or infiltration trenches. In general, the first flush stormwater runoff will be generally treated through a swale or infiltration basin or proprietary stormwater treatment devices. Stormwater runoff from large rainfall events which exceed the first flush capacity can be discharged directly to ground using rapid infiltration trenches or soak pits. The detailed design of stormwater management will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury requirements.

The above management of stormwater will be located within road reserves, dedicated utility reserves and some conveyance and detention storage may also be integrated along the edge of open space areas to create buffers to private properties.

All of these measure will add amenity value to the development with regard to visual amenity, opportunities for landscaping and assist in the sustainable management of the hydrology of the site.

The provision of infrastructure to service the area shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council. No subdivision of land shall take place completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as a potable water supply which is capable of serving any lots within the subdivision is provided and Regional Council water consents to take and use groundwater within the ODP area are transferred and vested in Council.

Commented [JP-NG2]: Amendment here aligns with amendments to the rule

Attachment 2: PC82 - Proposed amendments to operative Selwyn District Plan provisions (including amendments to incorporate the Medium Density Residential Standards (MDRS))

Note: for ease of reference, the amendments set out below are distinguished as follows:

- Italicised text that is not underlined or struck out (irrespective of colour), represents text within the operative Selwyn District Plan (that is not proposed to change).
- Text that is underlined or ~~struck out~~ in grey font, represents changes required to incorporate the Medium Density Residential Standards, with these changes proposed/provided by Selwyn District Council officers. (Note- PC82 contained these changes in a separate Appendix 16 to the PC82 request. For ease of reference, these changes included below alongside all other changes proposed by PC82).
- Text that is underlined or ~~struck out~~ in black font, represent changes proposed by PC82, as notified.
- Text that is underlined or ~~struck out~~ in red font, represent changes proposed by PC82, with changes made after notification (via update dated 16 August 2022), and accounted for in the Officer's report.
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- Text that is highlighted yellow, represents agreed provisions per the planning JWS dated 2/12/2022. .

A4.5 TOWNSHIPS AND ZONES

Table A4.4 – Description of Township Zones

Insert below description of Living MD:

<u>Living MD</u>	<u>Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.</u> ³
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B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.7⁴

Within the Living MD Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

³ Adapted from Planning Std description of the medium density residential zone

⁴ Cl6(1)(a) Objective 1

B3.4 QUALITY OF THE ENVIRONMENT — POLICIES

ZONES

Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD Zone or⁵ within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A⁶

Apply the medium density residential standards in the Living MD Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

BUILDING DESIGN

Policy B3.4.27A⁷

In the Living MD Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy B3.4.27B⁸

In the Living MD Zone, enable housing to be designed to meet the day-to-day needs of residents

Policy B3.4.27C⁹

In the Living MD Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

B4.1 RESIDENTIAL DENSITY — OBJECTIVES

Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within the Living MD Zone¹⁰ and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

Objective B4.1.3¹¹

The Living MD Zone provides for a variety of housing types and sizes that respond to —

- i. housing needs and demand; and
- ii. the neighbourhood's planned urban character, including 3-storey buildings

B4.1 RESIDENTIAL DENSITY — POLICIES

Policy B4.1.14¹²

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units¹³, and low-rise apartments.

B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT

Policy B4.3.7

⁵ Consequential amendment to clarify that this policy does not apply to MDRS

⁶ Cl6(2)(b) Policy 2

⁷ Cl6(2)(c) Policy 3

⁸ Cl6(2)(d) Policy 4

⁹ Cl6(2)(e) Policy 5

¹⁰ Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

¹¹ Cl6(1)(b) Objective 2

¹² Cl6(2)(a) Policy 1

¹³ EHS uses 'dwellings', but MDRS standards use 'residential units'

Living Z and Living MD¹⁴ urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

- Be prepared as a single plan for any identified Outline Development Plan area identified on the Planning Maps and Appendices;
- Be prepared in accordance with the matters set out in Policy B4.3.8;
- Take account of the Medium Density and Subdivision Design Guides.

Policy B4.3.8

Each Outline Development Plan shall include:

- Principal through roads, connection and integration with the surrounding road networks, relevant infrastructure services and areas for possible future development;
- Any land to be set aside for
- community facilities or schools;
- parks and land required for recreation or reserves;
- any land to be set aside for business activities;
- the distribution of different residential densities;
- land required for the integrated management of water systems, including stormwater treatment, secondary flow paths, retention and drainage paths;
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement; and
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection.
- Demonstrate how each ODP area will achieve a minimum net density of at least 10 lots or household units per hectare;
- Identify any cultural (including Te Taumutu Rūnanga values), natural, and historic or heritage features and values and show how they are to be enhanced or maintained;
- Indicate how required infrastructure will be provided and how it will be funded;
- Set out the phasing and co-ordination of subdivision and development in line with the phasing shown on the Planning Maps and Appendices;
- Demonstrate how effective provision is made for a range of transport options, including public transport systems, pedestrian walkways and cycleways, both within and adjoining the ODP area;
- Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- Show how other potential adverse effects on the environment, the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- Include any other information which is relevant to an understanding of the development and its proposed zoning; and
- Demonstrate that the design will minimise any reverse sensitivity effects.
- In the Living MD Zone, any identified qualifying matter and how it is to be addressed

Policy B4.3.77

Ensure that development within each of the Outline Development Plan areas identified on the Planning Maps and Appendices within Rolleston addresses the specific matters relevant to each ODP Area number listed below:

...

Outline Development Plan Area XX (Brookside)

- Provision of a Primary road network on a north-south and east-west alignment across the ODP area;
- Provision of a secondary road network internal to the ODP area and providing connections to the south and north of the ODP area;

¹⁴ To ensure that Living MD zones also get an ODP

- Provision of a neighbourhood park centrally and adjacent the Primary road;
- Provision of pedestrian and cycle links within and through the ODP area to connect to adjoining urban areas;
- Provision of reticulated water supply and wastewater systems that have sufficient capacity for the ODP area;
- Provision of a comprehensive stormwater system that has sufficient capacity for the ODP area;
- Provision of a minimum net density of 12 households per hectare averaged over the ODP Area.
- Potential provision of educational facilities.
- Management of land within the Odour Constrained Area to ensure it is integrated into the development, while ensuring activities sensitive to odour are avoided within this area.

C1 LZ Activities

1.1 STATUS OF ACTIVITIES

Non-Complying Activities — Status of Activities

1.1.3 The following activities shall be non-complying activities in Living zones:

1.1.3.1 Any activity which is specified in Rules 2 to 11 as being a non-complying activity.

1.1.3.2 Any of the activities listed in (a) to (ap) below, irrespective of whether they comply with the conditions for permitted activities in Rules 2 to 11.

(a) Any activity that requires an offensive trade license issued under the Health Act 1956.

...

(p) Any activity other than rural activity or low intensity recreation activity within the Odour Constrained Area in the Appendix 38 ODP Area XX (Brookside).

For the purposes of this rule:

'Rural activity' means activities of a size, function, intensity or character typical of those in rural areas and includes rural land use activities such as agriculture, aquaculture, horticulture and forestry.

'Low intensity recreation activity' means large-footprint parks, reserves, conservation parks; and sports fields.

C4 LZ BUILDINGS

4.2 BUILDINGS AND LANDSCAPING

Permitted Activities — Buildings and Landscaping

4.2.1 Except in the Living MD Zone where Rule 4.19 applies instead and except¹⁵ for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and

- Planted in lawn, and/or
- Paved or sealed, and/or
- Dressed with bark chips or similar material.

4.6 BUILDINGS AND BUILDING DENSITY

Permitted Activities — Buildings and Building Density

4.6.1 Except in the Living MD Zone where Rule 4.19 applies instead, the ~~the~~¹⁶ 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,

¹⁵ Consequential amendment because C18 applies instead

¹⁶ Consequential amendment because C10 applies instead

shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).

4.7 BUILDINGS AND SITE COVERAGE

Permitted Activities — Buildings and Site Coverage

- 4.7.1 Except in the Living MD Zone where Rule 4.19 applies instead, and except¹⁷ as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

4.8 BUILDINGS AND BUILDING HEIGHT

Permitted Activities — Buildings and Building Height

- 4.8.1 Except in the Living MD Zone where Rule 4.19 applies instead, the¹⁸ erection of any building which has a height of not more than 8 metres shall be a permitted activity.

4.9 BUILDINGS AND BUILDING POSITION

Permitted Activities — Buildings and Building Position

The following shall be permitted activities

Recession Planes

- 4.9.1 Except in the Living MD Zone where Rule 4.19 applies instead¹⁹, and except as provided for²⁰ in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;
- 4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is
- (a) not a boundary of a lot in a low density area; and
 - (b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and
- 4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.

Setbacks from Boundaries

- 4.9.2 Except in the Living MD Zone where Rule 4.19²¹ applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

Permitted Activities — Buildings and Building Position

The following shall be permitted activities...

Rolleston

- 4.9.39 Any dwelling, family flat, and any rooms within accessory buildings used for sleeping or living purposes in the Living 3 Zone at Rolleston (as shown on the Outline Development Plan in Appendix 39 (Holmes Block) located outside the 'Odour Constrained Area' as shown in Appendix 40 (Skellerup Block)) or located outside the 'Odour Constrained Area' shown in Appendix 38 ODP Area XX (Brookside).

¹⁷ Consequential amendment because CI14 applies instead

¹⁸ Consequential amendment because CI11 applies instead

¹⁹ Consequential amendment because CI12 applies instead

²⁰ Consequential amendment to improve clarity given the length of exclusions

²¹ Consequential amendment because CI13 applies instead

Non-Complying Activities — Buildings and Building Position...

- 4.9.58 Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in [Appendix 38 ODP Area XX \(Brookside\)](#), Appendix 39 and Appendix 40

4.13 BUILDINGS AND STREETSCENE

Permitted Activities — Buildings and Streetscene

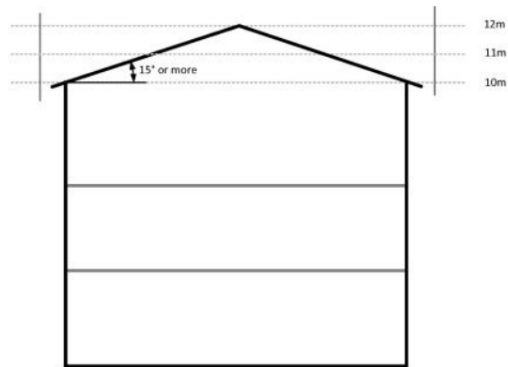
For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or a Living Z zone, or a Living MD Zone~~

4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

Permitted Activities – Density Standards in the Living MD Zone

- 4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.²²
- 4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1.²³
- 4.19.3 In the Living MD Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

Figure C4.1 – Permitted residential unit height, Living MD Zone



- 4.19.4 In the Living MD Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.²⁴
- 4.19.5 In the Living MD zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.²⁵For

²² CI10

²³ CI11

²⁴ CI12

²⁵ CI13(1)

the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD Zone

Building type	Setback from boundary (metres)	
	Internal boundary	Road boundary or shared access where specified
Garage: vehicle door faces road or shared access	1m	5.5m
Residential Unit or other principal building	1m	1.5m
Any other building	1m	2m

4.19.6 Despite Rule 4.19.5, any building in the Living MD Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.²⁶

4.19.7 Any building in the Living MD Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.²⁷

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:²⁸

4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:

- (a) Is at least 20m² in area; and
- (b) where located at ground level, has no dimension less than 3 metres; and
- (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- (d) is accessible from the residential unit; and
- (e) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location;
 - or
 - (ii) located directly adjacent to the unit; and
- (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.²⁹

4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:

- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the residential unit; and
- (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location,
 - in which case it may be located at ground level; or
 - (ii) located directly adjacent to the unit.³⁰

4.19.9 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2³¹ and:³²

4.19.9.1 Each required outlook space shall comply with the following minimum dimensions:

²⁶ CI13(2), refer 4.9.7 for wording for other Living zones

²⁷ CI14

²⁸ CI15(1)

²⁹ CI15(1)

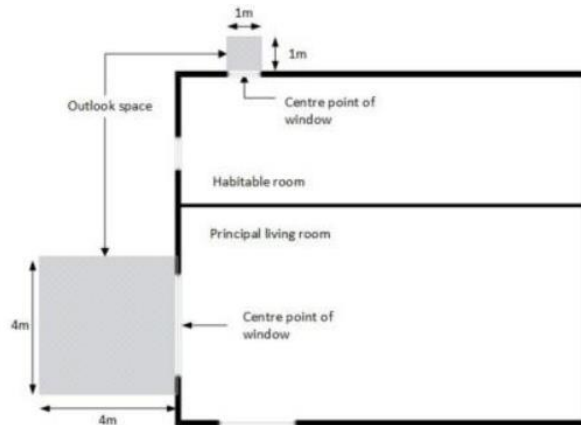
³⁰ CI15(2)

³¹ CI16(2)

³² CL16(1)

- (a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
- (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and³³
- 4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;³⁴
- 4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;³⁵
- 4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;³⁶
- 4.19.9.5 Outlook spaces may be under or over a balcony;³⁷
- 4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and³⁸
- 4.19.9.7 Every outlook space must:
- (a) be clear and unobstructed by buildings; and
- (b) not extend over an outlook space or outdoor living space required by another residential unit.³⁹

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone⁴⁰



4.19.10 In the Living MD Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.⁴¹

4.19.11 In the Living MD Zone, any residential unit at ground floor level shall be a permitted activity where:

4.19.11.1 a landscaped area of a minimum of 20% of a developed site with grass or plants is provided, which can include the canopy of trees regardless of the ground treatment below them.

³³ CL16(3)

³⁴ CL16(4)

³⁵ CL16(5)

³⁶ CL16(6)

³⁷ CL16(7)

³⁸ CL16(8)

³⁹ CL16(9)

⁴⁰ CL16(2)

⁴¹ CL17

4.19.11.2 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.⁴²

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1⁴³ shall be a restricted discretionary activity,⁴⁴ which shall not be subject to public or limited notification.⁴⁵ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.12.1 For each residential unit:

- (a) Adequacy of exclusive outdoor living space
- (b) access to daylight and sunlight; and
- (c) visual privacy

4.19.12.2 Parking and access; safety, efficiency and impacts to on street parking and neighbours.

4.19.12.3 The extent to which each residential unit is required to be provided with separate utility services.⁴⁶

4.19.12.4 Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.

4.19.12.5 Location, orientation and screening of outdoor living, service/storage, and waste management spaces.

4.19.12.6 Extent to which landscaping on the site:

- (a) enhances residential amenity; and
- (b) defines and enhances on-site outdoor living spaces;
- (c) reduces the visual impact of buildings through screening and planting;
- (d) screens service areas, loading areas, and outdoor storage areas from public vantage points.⁴⁷

4.19.13 Any activity which does not comply with Rule 4.19.2⁴⁸ or Rule 4.19.3⁴⁹ shall be a restricted discretionary activity,⁵⁰ which shall not be subject to public notification.⁵¹ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.13.1 Effects on privacy, outlook, or shading on the affected property.

4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.13.4 Mitigation of the effects of natural hazards.⁵²

4.19.14 Any activity which does not comply with Rule 4.19.4⁵³ shall be a restricted discretionary activity,⁵⁴ which shall not be subject to public notification.⁵⁵ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.14.1 Effects on privacy, outlook, or shading on the affected property.⁵⁶

⁴² CI18

⁴³ CI10 Density

⁴⁴ CI4

⁴⁵ CI5(2)

⁴⁶ PDP RESZ-MAT8

⁴⁷ PDP RESZ-MAT14

⁴⁸ CI11 height of residential units

⁴⁹ Height of other buildings

⁵⁰ CI4

⁵¹ CI5(1)

⁵² PDP RESZ-MAT3

⁵³ CI12 height in relation to boundary

⁵⁴ CI4

⁵⁵ CI5(1)

⁵⁶ RESZ-MAT4

4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.

4.19.15 Any activity which does not comply with Rule 4.19.5⁵⁷ shall be a restricted discretionary activity, which shall not be subject to public notification,⁵⁸ unless it is permitted by Rule 4.19.6⁵⁹.⁶⁰ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.15.1 For internal boundaries:

- (a) Effects on privacy, outlook, or shading on the affected property.
- (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- (d) Mitigation of the effects of natural hazards.
- (e) Reverse sensitivity effects.⁶¹
- (f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.

4.19.15.2 For road boundaries:

- (a) Effects on the safety and efficiency of the land transport infrastructure.
- (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.⁶²
- (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁶³

4.19.16 Any activity which does not comply with Rule 4.19.7⁶⁴ shall be a restricted discretionary activity,⁶⁵ which shall not be subject to public notification.⁶⁶ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

4.19.16.2 Provision of adequate outdoor living space on site.⁶⁷

4.19.17 Any activity which does not comply with Rule 4.19.8⁶⁸ shall be a restricted discretionary activity,⁶⁹ which shall not be subject to public notification.⁷⁰ The exercise of discretion shall be restricted to consideration of the following matters:

4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.

4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences

⁵⁷ CI13 setbacks

⁵⁸ CI5(1)

⁵⁹ Exclusion for common walls

⁶⁰ CI4

⁶¹ PDP RESZ-MAT6

⁶² RESZ-MAT5

⁶³ Adapted from RESZ-MAT1

⁶⁴ CI14 Building coverage

⁶⁵ CI4

⁶⁶ CI5(1)

⁶⁷ PDP RESZ-MAT2

⁶⁸ CI15 Outdoor living space

⁶⁹ CI4

⁷⁰ CI5(1)

- between the residential unit and the street, to the detriment of an open street scene.*
- 4.19.17.3 *The degree to which large areas of public open space are provided within very close proximity to the site.*
- 4.19.17.4 *The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site⁷¹*
- 4.19.18 *Any activity which does not comply with Rule 4.19.9⁷² shall be a restricted discretionary activity,⁷³ which shall not be subject to public notification.⁷⁴ The exercise of discretion shall be restricted to consideration of the following matters:*
- 4.19.18.1 *The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year*
- 4.19.18.2 *The extent to which habitable rooms have an outlook and sense of space*
- 4.19.18.3 *The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions*
- 4.19.18.4 *The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.*
- 4.19.19 *Any activity which does not comply with Rule 4.19.10⁷⁵ shall be a restricted discretionary activity,⁷⁶ which shall not be subject to public notification.⁷⁷ The exercise of discretion shall be restricted to consideration of the following matters:*
- 4.19.19.1 *Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.*
- 4.19.19.2 *Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.*
- 4.19.19.3 *Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.⁷⁸*
- 4.19.20 *Any activity which does not comply with Rule 4.19.11⁷⁹ shall be a restricted discretionary activity,⁸⁰ which shall not be subject to public notification.⁸¹ The exercise of discretion shall be restricted to consideration of the following matters:*
- 4.19.20.1 *The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:*
- (a) define and enhance on-site outdoor living spaces,*
- (b) reduce the visual impact of large buildings through screening and planting*
- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.⁸²*
- (d) contributes to a cooling effect of the urban environment*
- 4.19.20.2. *Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.*
- 4.19.20.3 *Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.*

⁷¹ SDP Rule 4.14.2

⁷² CI16 Outlook space

⁷³ CI4

⁷⁴ CI5(1)

⁷⁵ CI17 Windows to street

⁷⁶ CI4

⁷⁷ CI5(1)

⁷⁸ Adapted from RESZ-MAT1

⁷⁹ CI18 Landscaping

⁸⁰ CI4

⁸¹ CI5(1)

⁸² PDP RESZ-MAT14.7

12.1 SUBDIVISION — GENERAL

Controlled Activities — Subdivision — General

12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2⁸³ or 12.3⁸⁴ shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.⁸⁵

12.1.A2 Any subdivision subject to Rule 12.1.A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.⁸⁶ The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

Restricted Discretionary Activities — Subdivision — General

12.1.3.6 Except in the Living MD Zone, any⁸⁷ Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and

12.1.3.6A Within the Living MD Zone, every vacant allotment either:

- (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
- (b) contains a building area of not less than 8m x 15m;⁸⁸

Rolleston

12.1.3.50

(c) In respect of the land identified at Appendix 38 ODP Area XX (Brookside):

i. A consent notice or similar mechanism shall be registered on the title of lots within this ODP area ensuring there are no occupied dwellings here prior to:

- a. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and
- b. upgrade to the Lowes Road / Dunns Crossing Road intersection; and
- c. realignment of the Brookside Road at Dunns Crossing Road.

i. No residential allotments may be created within 1500m of the Pines Wastewater Treatment Plant buildings (as depicted by the line shown in Figure 1 below) prior to: Certification: ODP Area XX (Brookside) in Appendix 38):

a. Prior to certification by Council's Asset manager that the resource management approvals required to enable the Pines Wastewater Treatment Plant to provide treatment capacity for 120,000 person equivalents of incoming flow have been obtained; or 31 December 2026 2025, whichever is the sooner; and,

b. Unless a covenant is registered against the title/s of the land, in favour of the Selwyn District Council, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings under any statute or otherwise oppose any relevant adverse environmental effects (for example noise, dust, traffic, vibration, glare or odour) resulting from any lawfully established activities at the Pines Resource Recovery Plant and Pines Wastewater Treatment Plant.

ii. No development (including earthworks or construction related activities) shall occur prior to the commencement of the upgrade of the SH1/Dunns Crossing Road/ Walkers Road intersection.

iii. No subdivision of land shall take place until a potable water supply is available which is capable of serving any lots within the subdivision. No completion certificate shall be issued under section 224 of the Act (other than for a boundary adjustment or creation of an

Commented [JP-NG3]: Rule changed from s224 requirement, to no subdivision of land generally, noting this a more appropriate trigger as a subdivision rule. This wording is consistent with the equivalent rule imposed on PC71.

⁸³ Boundary adjustments

⁸⁴ Access, reserve and utility allotments

⁸⁵ C13

⁸⁶ C15(2)

⁸⁷ Consequential amendment to allow C18

⁸⁸ C18

~~allotment solely for utility purposes), until such time as the following works have been completed to the satisfaction of the Council:~~

~~a. the signalisation of the Dunns Crossing Road / Burnham School Road intersection;~~

~~b. the upgrade of Dunns Crossing Road / Selwyn Road / Goulds Road intersection;~~

~~c. the upgrade to the Lowes Road / Dunns Crossing Road intersection;~~

~~d. the realignment of Brookside Road at Dunns Crossing Road;~~

~~e. road frontage upgrades and gateway threshold treatments as shown on the ODP; and~~

~~f. provision of a potable water supply which is capable of serving any lots within the subdivision.~~

~~iv. No vehicle crossing, access or road connection to Edwards Road or Brookside Road shall be established from the ODP area, until such time as the following works have been completed to the satisfaction of the Council:~~

~~a. the upgrade of Edwards Road (between Brookside Road to Selwyn Road); and,~~

~~b. the upgrade of the Edwards Road / Ellesmere Junction Road intersection.~~

- 12.1.3.58 Any subdivision within a Living Z ~~Zone~~, Living MD Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

Insert relevant row at the end of the section for the relevant township:

Township	Zone	Average Allotment Size Not Less Than
<u>Rolleston</u>	<u>Living MD</u>	<p>Minimum individual allotment size 400m² ⁸⁹</p> <p><u>There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment</u> ⁹⁰</p>
<u>Calculating allotment size</u> ⁹¹	<u>All Living Zones except Living MD</u> ⁹²	<p>The average allotment 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 access, reserves or to house utility structures, or which are subject to a designation.</p> <p>Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being:</p> <p>2 x average allotment size for that zone - 10m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>
	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.</u> ⁹³

12.1.4 Matters over which the Council has reserved its control or ⁹⁴ restricted the exercise of its discretion:

12.1.4.77A In respect of the land identified at Appendix 38 ODP Area XX (Brookside):

- a. Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within Outline Development Plan Area XX (Brookside).
- b. Whether the pattern and staging of development commences adjacent to Dunns Crossing Road and/or adjacent land development to maximise connectivity and the efficient provision of infrastructure.
- c. The appropriateness of any mechanism proposed to address boundary treatment requirements or transport network upgrades identified within the Outline Development Plan.
- d. For subdivision of land that will result in any more than 1320 residential allotments or provide for more than 1320 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.
- e. How land within the Odour Constrained Area is to be managed and integrated into the development, while ensuring activities sensitive to odour are avoided within this area.
- f. The recommendations of a field-based ecological assessment regarding the retention or management of any existing water races, ponds or any wetland features affected by the subdivision.

Commented [JP-NG4]: Per discussions with Ms White regarding the suitability of a subdivision assessment matter to support the implementation of ODP road network requirements. The 'mechanism' referred to in this assessment matter could be consent conditions upon which s224c certification relies, a developer agreement, or other legal mechanism...

Restricted Discretionary Activities — Subdivision — General

12.1.5 The following activities shall be restricted discretionary activities:

- 12.1.5.1 Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2. ⁹⁵

⁸⁹ These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

⁹⁰ CI8

⁹¹ Consequential amendment to restructure table so that provisions make sense

⁹² Provisions as described do not apply to Living MD

⁹³ Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Stds terms

⁹⁴ Consequential amendment from CI3

⁹⁵ Corner splays

Discretionary Activities — Subdivision — General

12.1.6 The following activities shall be discretionary activities

12.1.6.10 Any subdivision in a Living MD Zone that is not in general compliance with an operative Outline Development Plan.⁹⁶

Non Complying Activities — Subdivision — General

12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:

12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.⁹⁷

D DEFINITIONS

Building: except in the Living MD Zone⁹⁸, 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 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.

in the Living MD Zone, means a temporary or permanent movable or immovable physical construction that is:

(a) partially or fully roofed; and

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.⁹⁹

Building coverage means the percentage of the net site area covered by the building footprint¹⁰⁰

Building footprint means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground¹⁰¹

Height: except in the Living MD Zone,¹⁰² 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 in any zone other than the Living MD Zone, no account shall be taken of any:

- 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.
- Chimney or flue not exceeding 1m in any direction.
- Utility, or part of a utility with a horizontal dimension less than 25mm.
- Lift shaft, plant room, water tank, air conditioning unit, ventilation duct and similar architectural features on any building in the Business zones (except the Business 2A Zone) provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2m.
- Lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, cooling towers, chimney stacks, water tanks and similar architectural features on any building in the Business 2A Zone provided that the maximum height normally permitted by the rules is not exceeded by more than 5m and no more than 10% of the plan area of a building.

⁹⁶ Consistent with Living Z

⁹⁷ Consistent with Living Z

⁹⁸ A different definition applies in the Living MD Zone

⁹⁹ The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

¹⁰⁰ Planning Stds definition

¹⁰¹ Planning Stds definition

¹⁰² C11 applies instead

In the Living MD Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.¹⁰³

Measurement of Height:

For the purpose of applying rules in relation to height...

Net site area: in the Living MD Zone, means the total area of the site, but excludes:

(a) any part of the site that provides legal access to another site;

(b) any part of a rear site that provides legal access to that site;

(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981¹⁰⁴

Residential activity: except in the Living MD Zone 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

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)

b) Custodial and/or supervised living accommodation where the residents are detained on site.

In the Living MD Zone, means the use of land and building(s) for people's living accommodation.

Residential unit: in the Living MD Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.¹⁰⁵

Setback: Except in the Living MD Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

a) Eaves being no more than 600mm wide.

b) Any porch, windbreak, chimney, external stairway or landing being no more than 1.8m long and extending no more than 800mm into the setback area.

c) Any utility structure attached to an existing building or structure located in a setback from a waterbody provided that it does not protrude more than 1.5m from that existing building or structure.

In the Living MD Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

Site: except in the Living MD Zone¹⁰⁶ means an area of land or volume of space:

- Held in a single certificate of title, or
- Comprised of two or more adjoining certificates of title held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- For which a separate certificate of title could be issued without further consent of the Council.

In the Living MD Zone, means:

(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or

(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or

(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or

¹⁰³ Planning Stds definition, as per C11

¹⁰⁴ Planning Stds definition, per C11

¹⁰⁵ Planning Stds definition, per C11(3)

¹⁰⁶ C11(3) applies instead

(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.¹⁰⁷

APPENDIX 11

RECESSION PLANES

Recession Plane A

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone¹⁰⁸ and to all¹⁰⁹ Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

...

Recession Plane C

Applicable to all buildings along all boundaries in the Living MD Zone.¹¹⁰

The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.¹¹¹

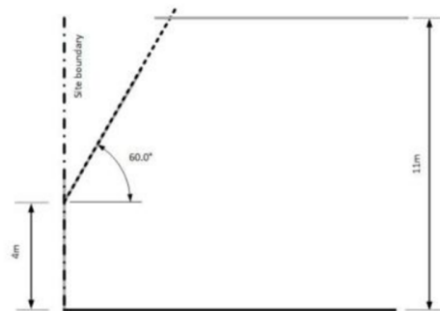
Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the recession plane applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

Compliance with the recession plane is not required in relation to—

(a) any road boundary;

(b) existing or proposed internal boundaries within a site;

(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.¹¹²



¹⁰⁷ Planning Stds definition, per C11(3)

¹⁰⁸ C12 applies instead

¹⁰⁹ To improve clarity, given the exclusion now added

¹¹⁰ C12

¹¹¹ As for Recession Planes A and B

¹¹² C12