

Before the Selwyn District Council

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*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*

Summary of evidence of Jeremy Phillips (Planning)

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Dated: 12 September 2022

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Reference: JM Appleyard (jo.appleyard@chapmantripp.com)  
LMN Forrester (lucy.forrester@chapmantripp.com)

chapmantripp.com  
T +64 4 499 5999  
F +64 4 472 7111

PO Box 993  
Wellington 6140  
New Zealand

Auckland  
Wellington  
Christchurch



## **SUMMARY OF EVIDENCE OF JEREMY GOODSON PHILLIPS**

### **INTRODUCTION**

- 1 My name is Jeremy Goodson Phillips. I am a senior planner and Director practising with Novo Group Limited in Christchurch and my qualifications and experience are set out in full in my statement of evidence.

### **SUMMARY OF EVIDENCE**

- 2 The matters raised in submissions and in the Officer's Report have been addressed in my evidence.
- 3 In summary, I consider there are two key questions to be addressed in determining whether PC81 and PC82 ('the Requests') are appropriate and should be approved:

- 3.1 Whether the provisions in the NPS-UD, as applied to the proposal, allow for consideration of the Requests which the directive provisions for urban growth within the CRPS and District Plan would otherwise seek to avoid.

And if so,

- 3.2 Whether PC81 and PC82 warrant approval on their merits.
- 4 In respect of the first question, I consider the Requests are clearly and strongly consistent with the thrust of the NPS-UD generally, and clearly within the parameters of policy 8. Specifically:
  - 4.1 Significant demand for housing at Rolleston exists and there are significant shortfalls in capacity to meet these demands<sup>1</sup>. Therefore, regardless of PC81 and PC82, there is in my view an imperative under the NPS-UD to provide capacity at Rolleston in order to: support competitive land and development markets<sup>2</sup>; enable more people to live in an area with high demand relative to other areas<sup>3</sup>; meet the needs of different households<sup>4</sup>; and, meet expected demand for housing<sup>5</sup>.
  - 4.2 In the event that sufficient capacity is not provided at Rolleston: growth will occur in locations that make a

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<sup>1</sup> Refer to evidence of Messrs Jones, Sellars, Akehurst and Colegrave

<sup>2</sup> NPS-UD Objective 2

<sup>3</sup> NPS-UD Objective 3

<sup>4</sup> NPS-UD Policy 1(a)(i)

<sup>5</sup> NPS-UD Policy 2.

comparatively poor contribution to urban environments rather than transference of demand towards areas of urban intensification); and/or market dysfunction (price escalation) will occur<sup>6</sup>. In my view, these outcomes are a consequence of the directive policy constraints on growth and land supply within the CRPS (and unresponsive review processes) which are failing to meet needs and demands for housing and support competitive land markets. As such, I also consider these rigid policy constraints are exactly what the NPS-UD (and policy 8 especially) seeks to overcome.

- 4.3 The Requests will provide significant development capacity, there are no significant economic costs to approving the Requests, but accounting for the preceding points there would be if the Requests were refused.<sup>7</sup>
- 4.4 Whilst a number of CRPS objectives and policies are unequivocal in their directions to avoid urban growth in areas not specifically identified for that purpose in Map A, these provisions ultimately seek to provide sufficient capacity to meet demands and needs for housing<sup>8</sup>. The Requests will provide this capacity and are otherwise consistent with the balance of the relevant provisions in the CRPS and District Plan and the environmental results anticipated.
- 4.5 The proposed land use can and will be integrated with infrastructure planning and funding decisions in a manner consistent with Objective 6 and clause 3.4 of the NPS-UD. Specific network infrastructure upgrades relied on by the Requests are identified within the LTP (e.g. Pines WWTP upgrade) or Infrastructure Strategy and these documents otherwise recognise the delivery of other new infrastructure in response to development and funding of this through development contributions where not otherwise provided by the developer (e.g. pump stations, bores, intersection upgrades, etc). More specifically:
  - (a) In the short term (0-3 years hence), little demand on infrastructure is likely given that construction of the subdivision and housing would still be at a very early stage. Accordingly, infrastructure constructed specifically for the development at the time of subdivision and existing wider/network infrastructure would be *available*.

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<sup>6</sup> Refer to evidence of Messrs Jones, Sellars, Akehurst and Colegrave

<sup>7</sup> Refer to evidence of Messrs Jones, Sellars, Akehurst and Colegrave

<sup>8</sup> See Objective 5.2.1 (b) and Anticipated Environmental Results for chapter 6, clauses 6.4 10 and 21.

- (b) In the medium term (3-10 years hence), adequate infrastructure would be in place (per point (a) above) or would be *funded* in accordance with the LTP<sup>9</sup>, noting this contemplates the funding of specific drinking water, wastewater and transport infrastructure improvements (including 'big decisions'<sup>10</sup>) by development contributions, rates and other sources (such as NZTA funding). The LTP (and 30-year Infrastructure Strategy<sup>11</sup>) otherwise recognises that with rapid and often unpredictable growth, infrastructure upgrades will also be provided through a 'just in time' and responsive delivery approach utilising development contributions and developer agreements. For example, the LTP notes that in respect of the transportation network *'The programme for capital work will be adjusted to align with the funding approved, which could include readjusting the timing of works to align with further funding availability'*<sup>12</sup> (e.g. additional development contributions from new developments). Similarly, service targets for transportation in the LTP seek to *'cater for any significant projected traffic increases in a sustainable manner'* and *'assess, plan and implement new roading projects'*<sup>13</sup>.
- (c) In the long term (+10 years) the infrastructure needs would be in place or in the LTP (as above), or otherwise *identified* in general terms within the Infrastructure Strategy. For example, the stated priorities in the Strategy states *'The rapid growth in the district, particularly eastern Selwyn, is the immediate challenge facing the Council, and all indications are that this will continue. The impacts are spread across roading, 5 waters, community facilities and solid waste. Understanding these impacts and developing 'fit for purpose' responses into a comprehensive programme is Council's priority'*<sup>14</sup>. Consistent with the LTP, this indicates that the evolving needs for wider infrastructure upgrades will be assessed and responded to, on an ongoing basis.

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<sup>9</sup> Selwyn Long-Term Plan 2021–2031

<sup>10</sup> Such as the Pines 120K upgrade, drinking water supply upgrades, road maintenance and roading and transport projects

<sup>11</sup> 30-year Infrastructure Strategy 2021–2051

<sup>12</sup> Selwyn Long-Term Plan 2021–2031, page 81

<sup>13</sup> Selwyn Long-Term Plan 2021–2031, pages 83–84

<sup>14</sup> 30-year Infrastructure Strategy 2021–2051, page 10.

- 4.6 The Requests will contribute to a well-functioning urban environment at a local, district and regional scale accounting for my evidence and that of others on the environmental effects of PC81 and PC82. The PC81 and PC82 sites are otherwise well-connected along transport corridors, accounting for their proximity to the State Highway 1 corridor, and arterial routes connecting into central Rolleston and surrounding areas.
- 5 On the basis of the points above and my resulting conclusion that the Requests engage policy 8 of the NPS-UD and are otherwise strongly supportive of and consistent with the NPS-UD, I consider the directive provisions within the CRPS and OSDP do not preclude the rezoning. I understand that the Officer shares this view<sup>15</sup>.
- 6 The second question arising concerns the merits of the Requests and in this respect I note that the primary areas of disagreement between the Officer's evidence and mine, which we agree is the crux of whether or not the rezoning is the most appropriate way to achieve the purpose of the RMA, relates to:
- 6.1 The concerns of Mr Nicholson regarding connectivity and urban form outcomes for PC81 and PC82; and,
- 6.2 For PC82, the potential impact of increased residential development on the continued and optimal operation of the RRP, and to a lesser degree, the potential frustration of consenting of the upgrades to the WWTP.
- 7 Reliant on the evidence of Mr Compton-Moen and Ms Lauenstein, I consider that PC81 and PC82, when considered on their own merits, achieve an appropriate and acceptable level of connectivity with Rolleston and a compact urban form, accounting for the intervening Living 3 zoned Skellerup block. Moreover, the merits of the Requests in terms of connectivity and urban form are significantly enhanced if considered holistically with PC73. More specifically, the PC73, PC81 and PC82 proposals collectively provide for comprehensive, integrated, and compact urban form along the western edge of the existing Rolleston township with good accessibility and connectivity (with each other and with the existing and planned Rolleston urban area to the east).
- 8 In respect of the RRP and the WWTP, accounting for the evidence of Mr Van Kekem and Mr Iseli and the further amendments to PC82 as set out in my evidence, I am of the view that these matters have been resolved. By way of a summary, I understand the experts agree that the distance of dwellings within the PC82 block from the

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<sup>15</sup> Section 42a report, paragraph 227.

RRP (and WWTP) is sufficient to avoid reverse sensitivity effects from 'normal operations'.

- 9 To the extent that Mr Bender and Mr Curtis remain concerned about 'upset conditions' and 'abnormal operations', I understand that this would require an unlikely combination of events and non-compliance with consent conditions. Accordingly, I do not consider such concerns should preclude the rezoning requested.
- 10 Mr Boyd's request for a larger setback to avoid future complaints about real or perceived odour is not supported by the evidence of Mr Van Kekem and Mr Iseli on real effects. To the extent that Mr Boyd is concerned that more people in the area generally may result in perceived odour effects and/or unfounded complaints and Mr England considers this may frustrate consenting processes, this does not warrant refusal of PC82, noting this would not provide a legitimate basis to constrain '*the efficient operation, use, development, appropriate upgrade, and future planning*<sup>16</sup> of this strategic infrastructure.
- 11 I do not consider the proposal otherwise results in any environmental effects or inconsistency with the balance of relevant provisions in the District Plan or CRPS in a way that precludes the rezoning. In this regard, my evidence highlights that inconsistency with the CRPS is confined to those *parts* of Objectives 6.2.1 and 6.2.2 which direct where urban growth is to be located, but that the framework and context for these objectives (including the environmental results anticipated for Chapter 6) is given effect to by the Requests.
- 12 Overall, I consider that the Proposal is the most appropriate way of achieving the objectives of the proposal, the existing Plan objectives and the purpose of the Act. Accordingly, I conclude that the Plan Change should be approved.
- 13 **Attached** to this summary are updated provisions for PC81 and PC82, with tracked changes and comments that reflect minor amendments in response to questions from the Commissioner to witnesses at the hearing on 12 September 2022 and discussions with Ms White in regards to the administration or implementation of provisions.

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<sup>16</sup> Per CRPS objective 6.2.1(10).

## THE EVIDENCE OF SUBMITTERS

- 14 In regards to the key matters raised in the evidence of submitters, I comment as follows:

### ***Ms Whyte's evidence for Waka Kotahi***

- 15 Ms Whyte states that the requests (per the amendments attached to my evidence) *'are generally satisfactory to address issues raised by Waka Kotahi in the submissions on Plan Change 81 and 82'*. This evidence reinforces my view (and that of Mr Collins (for the Council) and Mr Fuller) that there are no traffic or transport related issues with the Requests.

### ***Mr Langman's evidence for CCC and CRC***

- 16 Mr Langman adopts evidence or raises issues that that he has raised with a number of recent private plan change requests to the Selwyn District Plan seeking urban zoning of land beyond the Greenfield Priority Areas (GPA) and Future Development Areas (FDA) identified in the CRPS. Fundamentally, Mr Langman raises concerns that the zoning of land beyond these areas is:

- 16.1 *Not significant and not needed to provide capacity in the short or medium term.*

However, based on the evidence of Messrs Sellars, Jones, Colegrave and Akehurst I disagree. I also consider that whilst the 350 households enabled by PC81 is less than the 1320 households enabled by PC82, it is significant when viewed alongside the quantum of other recently approved plan changes in Selwyn District<sup>17</sup>.

- 16.2 *Likely to compromise intensification elsewhere in Greater Christchurch.*

Mr Langman does not provide any evidence to support this concern. Conversely, Messrs Sellars, Jones, Colegrave and Akehurst state that the households enabled by PC81 and PC82 are distinct from the medium or higher density housing typologies enabled by intensification. As described by Mr Jones in response to questioning, lower density housing in Selwyn is specifically sought after by the market, and insufficient supply in Rolleston will be substituted by other township locations in Selwyn, including those that are more distant and less self-sufficient. And as Mr Akehurst stated, the demand that the Requests will cater for will not be

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<sup>17</sup> E.g. PC67 – 131 lots; PC74 130 lots; PC76 150 lots, PC75 280 lots; PC72 295 lots; PC79 400 lots, PC62 210 lots; PC 63- 440 lots.

substituted to any meaningful extent by medium density housing options enabled by MDRS throughout Greater Christchurch, including in Christchurch City.

In my view and based on the evidence I have referenced, rather than compromising intensification, PC81 and PC82 in combination with the MDRS will '*enable a variety of homes that meet the [distinct] needs in terms of type, price and location of different households*' as is expressly sought by policy 1 of the NPS-UD.

**16.3 *Unplanned, resulting in potential impacts on infrastructure funding and delivery or the undermining of outcomes that might otherwise eventuate through strategic planning processes.***

I disagree. Whilst PC81 and PC82 (and PC73) are not contemplated by the CRPS or SDP, given their scale, extent and integration and the analysis and evidence base supporting these Requests they could not be described as 'unplanned', 'ad hoc' or 'piecemeal'. Further, the Requests align with the planning framework and outcomes sought, except to the extent that these are directive as to the location of urban growth being confined to GPA and FUDA.

Whilst a suitable odour buffer requires determination, the evidence for the applicant and the s42a report<sup>18</sup> does not identify any fundamental infrastructure or other barriers to the rezoning, in isolation, or when considered alongside other planned or potential growth in Rolleston.

And, accounting for the preference for urban growth in Rolleston<sup>19</sup> and the constraints to where such growth can occur<sup>20</sup>, I consider a strategic planning process would likely identify the subject land as the most appropriate location for expansion of the township. In my view, it is a question of 'when' and 'how' rather than 'if' the land should be rezoned.

**16.4 *Will not contribute to a well functioning urban environment***

I disagree, noting that my evidence and the evidence on which I rely demonstrates otherwise.

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<sup>18</sup> In particular, the assessments of Messrs McLeod, Mthamo, Fuller and England

<sup>19</sup> Per CRPS Objective 6.2.2(2) and (5) in regards to growth around KAC and sustainable and self sufficient growth in Rolleston.

<sup>20</sup> Refer to paragraph 50 and Figure 2 of my evidence.



16.5 *In conflict with (and does not give effect to) the CRPS, where such conflict is not resolved by the NPS-UD*

Again, for the reasons set out more fully in my evidence I disagree.

The Requests are consistent with objective 6.2.1 insofar as this seeks that 'recovery, rebuilding and development are **enabled**' through a 'framework'.

They are also consistent with objective 6.2.2 insofar that it seeks an 'urban form and settlement **pattern**' that 'is managed to provide **sufficient land** for rebuilding and recovery needs and **set a foundation for future growth**'.

Accounting for these and other relevant provisions in chapters 5 and 6 in the round, my evidence concluded that the proposal would give effect to the CRPS. And, to the extent that conflict exists with the 'avoidance' directives within objectives 6.2.1 and 6.2.2, associated policies (and corresponding SDP provisions), I consider this is expressly catered for by objective 6(c) and policy 8 of the NPSUD. In this regard, I note that the Ministry for the Environment's guide on the responsive planning policies states that:

**"Objective 6(c) recognises local authorities cannot predict the location or timing of all possible opportunities for urban development. It therefore directs local authorities to be responsive to significant development opportunities when they are proposed. [...]"**

*Expected outcomes*

**The responsive planning policy in the NPS-UD limits a local authority's ability to refuse certain private plan-change requests without considering evidence. This is because Policy 8 requires local authorities to make responsive decisions where these affect urban environments.**

**Implementing this policy is expected to result in more plan-change proposals being progressed where they meet the specified criteria (see section on criteria below). This will likely lead to proposals being brought forward for development in greenfield (land previously undeveloped) and brownfield (existing urban land) locations, which council planning documents have not identified as growth areas. [...]"**

*Local authorities may choose to identify in RMA plans and future development strategies where they intend:*

- *development to occur*
- *urban services and infrastructure to be provided.*

***The identified areas must give effect to the responsive planning policies in the NPS-UD and therefore should not represent an immovable line. Council policies, including those in regional policy statements relating to out-of-sequence development, will need to be reviewed and, in some cases, amended to reflect the responsive planning policies of the NPS-UD.”*** [emphasis added]

*Other issues*

- 17 Mr Langman raises a number of other matters of concern which have been addressed in the Officer’s report, in my evidence and in the evidence I rely upon.
- 18 However, to the extent that Mr Langman considers the Requests do not adequately account for the implications of the MDRS within the PC81 and PC82 sites and Rolleston generally, I note the evidence of Messrs Sellars, Jones, Colegrave and Akehurst that intensification in this location is unlikely, uncertain or speculative and ultimately will not materially alter their conclusions as to the household demand or supply in a Rolleston context.
- 19 For this reason, I do not share Mr Langman’s concerns that the MDRS will change the quantum of households developed in Rolleston to any significant extent or in a way that might materially alter the conclusions reached in evidences- particularly with regards to infrastructure or road network capacity. If over an extended timeframe the MDRS progressively delivers additional housing to Rolleston through intensification, I would expect that any additional infrastructure requirements or upgrades can be readily planned for, funded and implemented as described above in paragraph 4.5. I also note that neither Mr England nor Mr Collins have identified any concerns in this regard in terms of Council infrastructure and Waka Kotahi have not identified any concerns in respect of State Highway 1.

Dated: 12 September 2022

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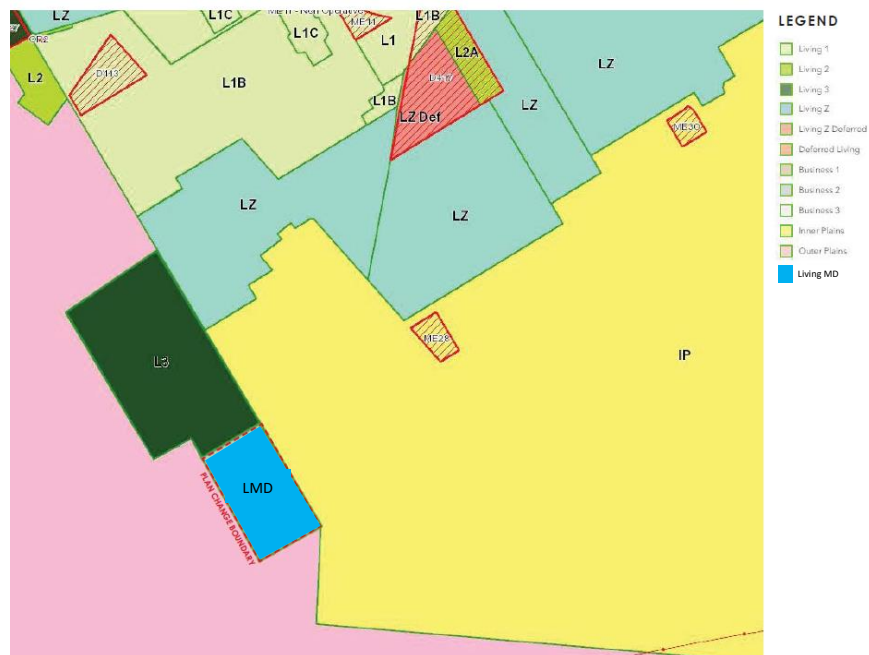
Jeremy Phillips

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.

## **Attachment 1: PC81 - Proposed Changes to the SDP**

Plan Change 81 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD as depicted in **Attachment 1a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 1b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 1c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.



**Attachment 1b: PC81 - Proposed ODP (Skellerup South) for inclusion in Appendix 38.**

**Attachment 1b: PC81 - Proposed ODP (Skellerup South) 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.
- 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.

# OUTLINE DEVELOPMENT PLAN XX (SKELLERUP SOUTH)

## Introduction

The Outline Development Plan (ODP) area comprises 28.4 hectares and is situated at the south-western corner of the existing Rolleston Township, to the west of Dunns Crossing Road, and to the north of Selwyn Road.

The ODP embodies a development framework and utilises design concepts that are in accordance with:

- a. The Land Use Recovery Plan (LURP)
- b. The Canterbury Regional Policy Statement
- c. The Greater Christchurch Urban Development Strategy (UDS)
- d. The Ministry for the Environment's Urban Design Protocol
- e. The Selwyn District Council's 2009 Subdivision Design Guide

A single Overall ODP addresses the land use, movement, green and blue networks.

## Land Use Plan

~~The ODP area provides for at least 350 residential households in total. However, an Integrated Transport Assessment shall be required in association with any resource consent application resulting in any more than 350 households total within the ODP area, in order to re-evaluate and manage road network effects at that time. The ODP area shall provide for a maximum of 350 households, beyond which an Integrated Transport Assessment shall be required in association with any resource consent application. In addition, the~~ The development area shall achieve a minimum net density of 12 household per hectare, averaged over the area.

The Living MD zone ODP densities will enable a minimum individual allotment size of 400m<sup>2</sup>. Comprehensive residential development (i.e. with semi-attached and attached built-form typologies) is provided for and may be co-located with either open space, reserves, local centres, along key road connections and in smaller pockets around high amenity, low traffic residential streets.

A rural-style interface treatment will be established along the Selwyn Road frontage and the western boundary of the site. This will include open rural fencing, and tree planting with the detailed design to be confirmed at subdivision stage.

For all earthworks across the site, an Accidental Discovery Protocol will be implemented at the time of site development, in addition to appropriate erosion and sediment controls, to assist in mitigating against the potential effects on wāhi tapu and wāhi taonga values generally.

## Movement Network

For the purposes of this ODP, it is anticipated that the built standard for a "Primary Route" will be the equivalent to the District Plan standards for a Local-Major Road, and a "Secondary Route" will be the equivalent to the District Plan standards for a Local-Intermediate Road.

The ODP provides for an integrated transport network incorporating:

- a. Primary routes that provide east-to-west and north-to-south linkages through the ODP area, connecting to Dunns Crossing Road, and providing a connection to Selwyn Road. A future primary road connection and secondary road connection are provided for land to the north.
- b. Secondary routes are otherwise provided throughout the ODP block and are intended to provide ease of movement access in a north-to-south and east-to-west direction through the block.
- c. Shared pedestrian and cycle connections are provided centrally through the ODP area to enhance safe walking and cycling opportunities, and will provide linkages to adjacent properties.
- d. ~~A gateway feature is proposed at the western end of the site frontage along Selwyn Road to demarcate a change in speed environment to 60km/hr and the urbanising of this area. Rural/urban gateways in the locations shown on the ODP are to be provided with signage, road markings or other design treatments to demarcate a change in speed environment and the urbanising of the area.~~

The remaining internal roading layout must provide for long-term interconnectivity once full development is achieved. An integrated network of tertiary roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access.

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 350 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.

**Table 1: Transport network upgrades**

Upgrade required	Timing	Anticipated funding mechanism
<u>Commencement of</u> SH1 / Dunns Crossing Road / Walkers Road Intersection <u>upgrade</u>	Prior to <u>any development (including earthworks or construction related activities) occupation of any dwelling</u> in the ODP area.	Works already funded by Waka Kotahi.
Dunns Crossing Road / Burnham School Road Traffic Signals	Prior to <u>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</u> in the ODP area.	Developer agreement (as in the Selwyn District Council Long Term Plan for 2032/2033 and also required for Plan Change 73).
Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade	Prior to <u>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</u> in the ODP area.	Developer agreement as also required for Plan Change 70.

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



<del>Dunns Crossing</del> Road Frontage Upgrades (including gateway thresholds) as shown on the ODP	Prior to <a href="#">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.</a>	Developer constructed.
Selwyn Road Frontage Upgrade	<del>Prior to occupation of any dwelling in the ODP area.</del>	<del>Developer constructed.</del>
<del>Dunns Crossing Road / Newmans Road Intersection</del>	<del>Prior to occupation of any dwelling in the ODP area.</del>	<del>To be delivered by PC73 and / or as part of Waka Kotahi works to SH1 / Dunns Crossing Road.</del>
Dunns Crossing Road / Lowes Road	Prior to <a href="#">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.</a>	To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.

#### Green Network

A recreational reserve of approximately 1.5-2.0ha will be provided, in addition to green links and reserves that provide open space and facilitate attractive pedestrian and cyclist connections to align with adjacent sites. The location of the reserve has been determined based on the number of households within the plan change area and to ensure people are within a 500m walking radius of their homes.

The proposed reserve network provides an opportunity to create an ecological corridor, and to integrate the collection, treatment, and disposal of stormwater where appropriate. Plant selection in new reserves will include locally sourced native tree and shrub plantings.

The existing water race [and any other water bodies identified on the site will be subject to a field-based ecological assessment prior to subdivision, in order to determine whether they will be decommissioned, retained, or otherwise managed prior to or](#) as part of the subdivision works. Fauna within the water race will be translocated locally, except for eels, where they shall be translocated into the neighbouring Te Waihora/Lake Ellesmere catchment so they can access the sea and complete their life cycles. The fish and kākahi salvage/translocation will be conducted in accordance with ECAN fish salvage guidelines prior to any works within the water races.

#### Blue Network

Stormwater - Stormwater runoff from individual sites will discharge primary runoff from rooves and hardstand areas directly to ground via on-site soak pits. 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. Flows in excess of the capacity of the primary system can be directed to the roads which will act as secondary flow paths to safely convey stormwater through the developments. 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.

Water – The water reticulation will be an extension of the existing water reticulation network bordering the site into the plan change block along proposed roads with minor upgrading of the existing network . Additional connections to other parts of the Council network to the north/east will be determined at the subdivision stage to increase network connectivity and resilience. ~~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.~~

#### **Educational Facilities**

The provision of new educational facilities can be provided within the block or in the wider area albeit subject to a needs assessment.

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

## Attachment 1c: 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.
- Text that is underlined or ~~struck out~~ in black font, represent changes proposed by PC81, as notified.
- Text that is underlined or ~~struck out~~ in red font, represent changes proposed by PC81, with 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 proposed by PC81, with changes made as part of the applicant's evidence dated 26 August 2022.
- 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.

### 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.<sup>1</sup></u>
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### B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.7<sup>2</sup>

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.

### 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 or<sup>3</sup> within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

Policy B3.4.9A<sup>4</sup>

<sup>1</sup> Adapted from Planning Std description of the medium density residential zone

<sup>2</sup> Cl6(1)(a) Objective 1

<sup>3</sup> Consequential amendment to clarify that this policy does not apply to MDRS

<sup>4</sup> Cl6(2)(b) Policy 2

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 B3.4.27A<sup>5</sup>

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

##### Policy B3.4.27B<sup>6</sup>

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

##### Policy B3.4.27C<sup>7</sup>

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 Zone<sup>8</sup> and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

#### Objective B4.1.3<sup>9</sup>

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 B4.1.14<sup>10</sup>

Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units<sup>11</sup>, and low-rise apartments.

### **B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT**

#### **Policy B4.3.7**

Living Z and Living MD<sup>12</sup> 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;

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<sup>5</sup> Cl6(2)(c) Policy 3

<sup>6</sup> Cl6(2)(d) Policy 4

<sup>7</sup> Cl6(2)(e) Policy 5

<sup>8</sup> Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

<sup>9</sup> Cl6(1)(b) Objective 2

<sup>10</sup> Cl6(2)(a) Policy 1

<sup>11</sup> EHS uses ‘dwellings’, but MDRS standards use ‘residential units’

<sup>12</sup> To ensure that Living MD zones also get an ODP

- 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'

- Provision of a Primary road on a north-south 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;
- Provision of a neighbourhood park centrally and adjacent the Primary road;
- ~~Provision for medium density development adjacent the reserve;~~
- 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.

## 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 except<sup>13</sup> 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~~<sup>14</sup> erection on an allotment (other than a site at Castle Hill) of not more than either:
- One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or
  - One principal building (other than a dwelling) and one dwelling, 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 except<sup>15</sup> 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, the ~~the~~<sup>16</sup> 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 instead<sup>17</sup>, and except as provided for<sup>18</sup> 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

<sup>13</sup> Consequential amendment because CI18 applies instead

<sup>14</sup> Consequential amendment because CI10 applies instead

<sup>15</sup> Consequential amendment because CI14 applies instead

<sup>16</sup> Consequential amendment because CI11 applies instead

<sup>17</sup> Consequential amendment because CI12 applies instead

<sup>18</sup> Consequential amendment to improve clarity given the length of exclusions

- (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 4.19<sup>19</sup> 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.

### 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), ~~a Living Z zone~~ or a Living MD Zone

### 4.19 DENSITY STANDARDS IN THE LIVING MD ZONE

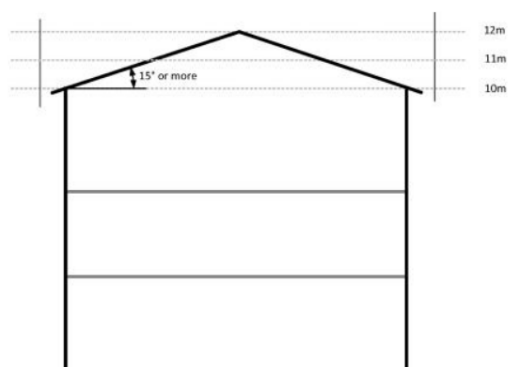
#### Permitted Activities – Density Standards in the Living MD Zone

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.<sup>20</sup>

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.<sup>21</sup>

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



<sup>19</sup> Consequential amendment because CI13 applies instead

<sup>20</sup> CI10

<sup>21</sup> CI11

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.<sup>22</sup>*

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.<sup>23</sup> For 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

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

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.<sup>24</sup>*

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.<sup>25</sup>*

4.19.8 *Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:<sup>26</sup>*

- 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 20m<sup>2</sup> 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.<sup>27</sup>*
- 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 8m<sup>2</sup> 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*

<sup>22</sup> CI12

<sup>23</sup> CI13(1)

<sup>24</sup> CI13(2), refer 4.9.7 for wording for other Living zones

<sup>25</sup> CI14

<sup>26</sup> CI15(1)

<sup>27</sup> CI15(1)



(ii) located directly adjacent to the unit.<sup>28</sup>

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 C4.2<sup>29</sup> and<sup>30</sup>

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

(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; and<sup>31</sup>

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;<sup>32</sup>

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;<sup>33</sup>

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;<sup>34</sup>

4.19.9.5 Outlook spaces may be under or over a balcony;<sup>35</sup>

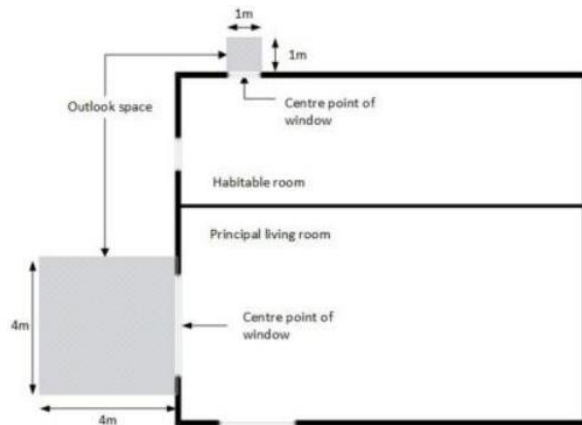
4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and<sup>36</sup>

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.<sup>37</sup>

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone<sup>38</sup>



<sup>28</sup> CI15(2)

<sup>29</sup> CI16(2)

<sup>30</sup> CL16(1)

<sup>31</sup> CL16(3)

<sup>32</sup> CL16(4)

<sup>33</sup> CL16(5)

<sup>34</sup> CI16(6)

<sup>35</sup> CI16(7)

<sup>36</sup> CI16(8)

<sup>37</sup> CI16(9)

<sup>38</sup> CI16(2)

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.<sup>39</sup>

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.

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.<sup>40</sup>

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1<sup>41</sup> shall be a restricted discretionary activity,<sup>42</sup> which shall not be subject to public or limited notification.<sup>43</sup> 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.<sup>44</sup>

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.<sup>45</sup>

4.19.13 Any activity which does not comply with Rule 4.19.2<sup>46</sup> or Rule 4.19.3<sup>47</sup> shall be a restricted discretionary activity,<sup>48</sup> which shall not be subject to public notification.<sup>49</sup> 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.

<sup>39</sup> CI17

<sup>40</sup> CI18

<sup>41</sup> CI10 Density

<sup>42</sup> CI4

<sup>43</sup> CI5(2)

<sup>44</sup> PDP RESZ-MAT8

<sup>45</sup> PDP RESZ-MAT14

<sup>46</sup> CI11 height of residential units

<sup>47</sup> Height of other buildings

<sup>48</sup> CI4

<sup>49</sup> CI5(1)

4.19.13.4 Mitigation of the effects of natural hazards.<sup>50</sup>

4.19.14 Any activity which does not comply with Rule 4.19.4<sup>51</sup> shall be a restricted discretionary activity,<sup>52</sup> which shall not be subject to public notification.<sup>53</sup> 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.<sup>54</sup>

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 4.19.5<sup>55</sup> shall be a restricted discretionary activity, which shall not be subject to public notification,<sup>56</sup> unless it is permitted by Rule 4.19.6<sup>57, 58</sup>. 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.<sup>59</sup>

(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.<sup>60</sup>

(d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>61</sup>

4.19.16 Any activity which does not comply with Rule 4.19.7<sup>62</sup> shall be a restricted discretionary activity,<sup>63</sup> which shall not be subject to public notification.<sup>64</sup> 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.<sup>65</sup>

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<sup>50</sup> PDP RESZ-MAT3

<sup>51</sup> CI12 height in relation to boundary

<sup>52</sup> CI4

<sup>53</sup> CI5(1)

<sup>54</sup> RESZ-MAT4

<sup>55</sup> CI13 setbacks

<sup>56</sup> CI5(1)

<sup>57</sup> Exclusion for common walls

<sup>58</sup> CI4

<sup>59</sup> PDP RESZ-MAT6

<sup>60</sup> RESZ-MAT5

<sup>61</sup> Adapted from RESZ-MAT1

<sup>62</sup> CI14 Building coverage

<sup>63</sup> CI4

<sup>64</sup> CI5(1)

<sup>65</sup> PDP RESZ-MAT2

4.19.17 Any activity which does not comply with Rule 4.19.8<sup>66</sup> shall be a restricted discretionary activity,<sup>67</sup> which shall not be subject to public notification.<sup>68</sup> 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 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 site<sup>69</sup>

4.19.18 Any activity which does not comply with Rule 4.19.9<sup>70</sup> shall be a restricted discretionary activity,<sup>71</sup> which shall not be subject to public notification.<sup>72</sup> 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 4.19.10<sup>73</sup> shall be a restricted discretionary activity,<sup>74</sup> which shall not be subject to public notification.<sup>75</sup> 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.<sup>76</sup>

4.19.20 Any activity which does not comply with Rule 4.19.11<sup>77</sup> shall be a restricted discretionary activity,<sup>78</sup> which shall not be subject to public notification.<sup>79</sup> 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

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<sup>66</sup> CI15 Outdoor living space

<sup>67</sup> CI4

<sup>68</sup> CI5(1)

<sup>69</sup> SDP Rule 4.14.2

<sup>70</sup> CI16 Outlook space

<sup>71</sup> CI4

<sup>72</sup> CI5(1)

<sup>73</sup> CI17 Windows to street

<sup>74</sup> CI4

<sup>75</sup> CI5(1)

<sup>76</sup> Adapted from RESZ-MAT1

<sup>77</sup> CI18 Landscaping

<sup>78</sup> CI4

<sup>79</sup> CI5(1)

- (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.<sup>80</sup>
- (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.

## 12.1 SUBDIVISION — GENERAL

### Controlled Activities — Subdivision — General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2<sup>81</sup> or 12.3<sup>82</sup> shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.<sup>83</sup>
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.<sup>84</sup> 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, any<sup>85</sup> Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> 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;<sup>86</sup>

### Rolleston

#### 12.1.3.50

- (c) In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):
  - i. 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.
  - ii. No 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 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 Lower Road / Dunns Crossing Road intersection;
    - d. road frontage upgrades and gateway threshold treatments as shown on the ODP; and
    - e. provision of a potable water supply which is capable of serving any lots within the subdivision.
  - ii. no subdivision of land shall take place until a potable water supply is available which is capable of serving any lots within the subdivision.

<sup>80</sup> PDP RESZ-MAT14.7

<sup>81</sup> Boundary adjustments

<sup>82</sup> Access, reserve and utility allotments

<sup>83</sup> C13

<sup>84</sup> C15(2)

<sup>85</sup> Consequential amendment to allow C18

<sup>86</sup> C18

**Commented [JP-NG3]:** Per discussion with Ms White, this part of the rule has been deleted, noting rules otherwise require adherence to the ODP which specifies these timeframes explicitly in the table.

This change is consistent with PC69 as approved, avoids unnecessary duplication and avoids the issue of a subdivision rule requirement being 'tagged' to s224c which occurs after subdivision approval.

Note- a land use rule for earthworks rule is not considered necessary, noting that a breach of earthworks rules (2000m3 max) = fully discretionary activity consent under rule 2.1.8.2

**Commented [JP-NG4]:** 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.

- 12.1.3.58 Any subdivision within a Living Z Zone, Living MD Zone or Living ~~MD~~ 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 400m<sup>2</sup> <sup>87</sup></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><sup>88</sup></p>
<u>Calculating allotment size</u> <sup>89</sup>	<u>All Living Zones except Living MD</u> <sup>90</sup>	<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 - 10m<sup>2</sup>; 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> <sup>91</sup>

- 12.1.4 Matters over which the Council has reserved its control or<sup>92</sup> restricted the exercise of its discretion:

- 12.1.4.77A. In respect of the land identified at Appendix 38 ODP Area XX (Skellerup South):
- (a) Whether, following consultation with the Ministry for Education, any land is required to be provided for education purposes within ODP Area XXX in Appendix 38.
- (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 350 residential allotments or provide for more than 350 residential units, in total, within the Outline Development Plan area, the recommendations of an Integrated Transport Assessment.
- (e) 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-NG5]:** 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...

<sup>87</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>88</sup> Cl8

<sup>89</sup> Consequential amendment to restructure table so that provisions make sense

<sup>90</sup> Provisions as described do not apply to Living MD

<sup>91</sup> 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

<sup>92</sup> Consequential amendment from Cl3

*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.<sup>93</sup>

*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.<sup>94</sup>

*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.<sup>95</sup>

## D DEFINITIONS

**Building:** except in the Living MD Zone<sup>96</sup>, 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 10m<sup>2</sup> 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.<sup>97</sup>

**Building coverage** means the percentage of the net site area covered by the building footprint<sup>98</sup>

**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 ground<sup>99</sup>

**Height:** except in the Living MD Zone<sup>100</sup> 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.

<sup>93</sup> Corner splays

<sup>94</sup> Consistent with Living Z

<sup>95</sup> Consistent with Living Z

<sup>96</sup> A different definition applies in the Living MD Zone

<sup>97</sup> The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

<sup>98</sup> Planning Stds definition

<sup>99</sup> Planning Stds definition

<sup>100</sup> C11 applies instead

- 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.

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.<sup>101</sup>

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 1981<sup>102</sup>

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.<sup>103</sup>

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 Zone,<sup>104</sup> 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

<sup>101</sup> Planning Stds definition, as per Cl1

<sup>102</sup> Planning Stds definition, per Cl1

<sup>103</sup> Planning Stds definition, per Cl1(3)

<sup>104</sup> Cl1(3) applies instead



- (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
- (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.<sup>105</sup>

## APPENDIX 11

### RECESSION PLANES

#### ***Recession Plane A***

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone<sup>106</sup> and to all<sup>107</sup> 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.<sup>108</sup>

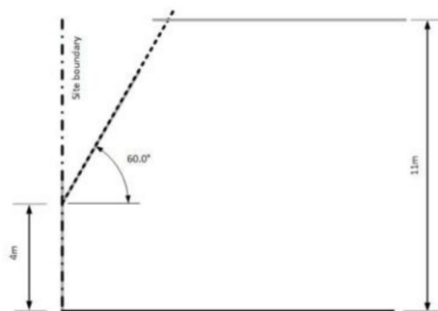
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

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.<sup>109</sup>

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.<sup>110</sup>



<sup>105</sup> Planning Stds definition, per C11(3)

<sup>106</sup> C12 applies instead

<sup>107</sup> To improve clarity, given the exclusion now added

<sup>108</sup> C12

<sup>109</sup> As for Recession Planes A and B

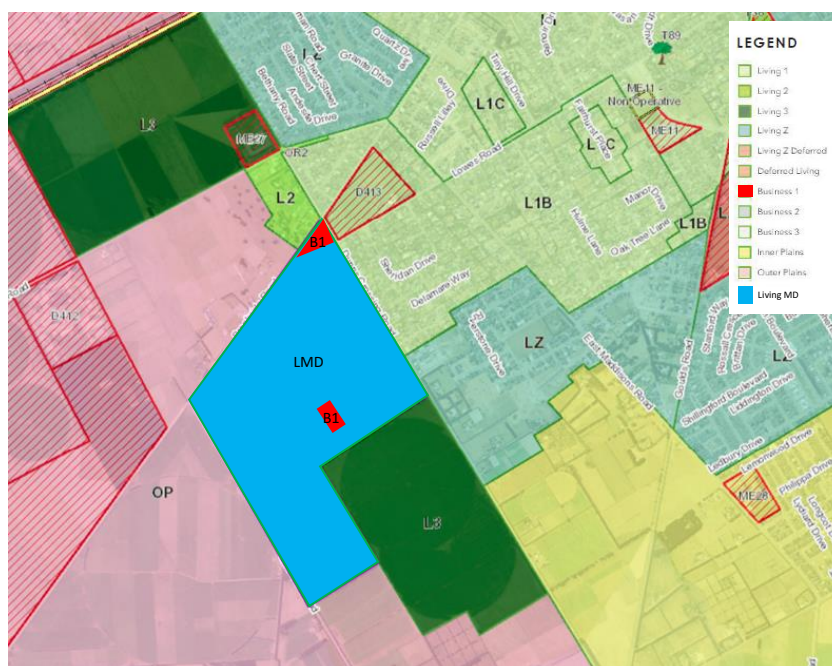
<sup>110</sup> C12

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.

## Attachment 2: PC82 - Proposed Changes to the SDP

Plan Change 82 proposes to make the following changes to the Selwyn District Plan:

1. To amend the Selwyn District Plan Planning Maps, by rezoning the site to Living MD and Business 1 as depicted in **Attachment 2a**.
2. To amend the Township Volume, Appendix E38, Outline Development Plan- Rolleston by inserting the Outline Development Plan attached in **Attachment 2b** as a new ODP Area XX.
3. To amend the District Plan provisions (including to incorporate the Medium Density Residential Standards (MDRS)), as set out below in **Attachment 2c**.
4. Any other consequential amendments including but not limited to renumbering of clauses.



**Attachment 2b: PC82 - Proposed ODP (Brookside) for inclusion in Appendix 38.**

**Attachment 2b: 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.

## 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 400m<sup>2</sup>. 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 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~~<sup>2025</sup>, 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 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</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 and gateway threshold on Brookside Road</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>
<u>Goulds Road / Dunns Crossing Road / Selwyn Road Upgrade</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 also required for Plan Change 70.</u>



<a href="#">Dunns Crossing Road Frontage Upgrades as shown on the ODP</a>	<a href="#">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.</a>	<a href="#">Developer constructed.</a>
<a href="#">Dunns Crossing Road / Lowes Road</a>	<a href="#">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.</a>	<a href="#">To be delivered by PC82 or brought forward by developer agreements noting it is in the LTP for 2035/36.</a>
<a href="#">The upgrade of Edwards Road between Brookside Road and Selwyn Road including a gateway threshold on Edwards Road.</a>	<a href="#">Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.</a>	<a href="#">Developer constructed.</a>
<a href="#">The upgrade of the Edwards Road / Ellesmere Junction Road intersection.</a>	<a href="#">Prior to the establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road.</a>	<a href="#">Developer constructed.</a>

#### 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.](#)

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

## Attachment 2c: 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.
- Text that is underlined or ~~struck-out~~ in blue font, represent changes proposed by PC82, with changes made as part of the applicant's evidence dated 26 August 2022.
- 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.

### 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.<sup>1</sup></u>
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### B3.4 QUALITY OF THE ENVIRONMENT — OBJECTIVES

Objective B3.4.7<sup>2</sup>

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.

### 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 or<sup>3</sup> within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

<sup>1</sup> Adapted from Planning Std description of the medium density residential zone

<sup>2</sup> Cl6(1)(a) Objective 1

<sup>3</sup> Consequential amendment to clarify that this policy does not apply to MDRS

*Policy B3.4.9A<sup>4</sup>*

*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 B3.4.27A<sup>5</sup>*

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

*Policy B3.4.27B<sup>6</sup>*

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

*Policy B3.4.27C<sup>7</sup>*

*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 Zone<sup>8</sup> and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.*

*Objective B4.1.3<sup>9</sup>*

*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 B4.1.14<sup>10</sup>*

*Enable a variety of housing typologies with a mix of densities within the Living MD Zone, including 3-storey attached and detached residential units<sup>11</sup>, and low-rise apartments.*

## **B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT**

*Policy B4.3.7*

*Living Z and Living MD<sup>12</sup> 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:*

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<sup>4</sup> Cl6(2)(b) Policy 2

<sup>5</sup> Cl6(2)(c) Policy 3

<sup>6</sup> Cl6(2)(d) Policy 4

<sup>7</sup> Cl6(2)(e) Policy 5

<sup>8</sup> Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

<sup>9</sup> Cl6(1)(b) Objective 2

<sup>10</sup> Cl6(2)(a) Policy 1

<sup>11</sup> EHS uses ‘dwellings’, but MDRS standards use ‘residential units’

<sup>12</sup> To ensure that Living MD zones also get an ODP

- *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;*
- *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.*

## 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 except<sup>13</sup> 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~~<sup>14</sup> erection on an allotment (other than a site at Castle Hill) of not more than either:
- One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or
  - One principal building (other than a dwelling) and one dwelling, 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 except<sup>15</sup> 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, the ~~the~~<sup>16</sup> 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 instead<sup>17</sup>, and except as provided for<sup>18</sup> 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

<sup>13</sup> Consequential amendment because CI18 applies instead

<sup>14</sup> Consequential amendment because CI10 applies instead

<sup>15</sup> Consequential amendment because CI14 applies instead

<sup>16</sup> Consequential amendment because CI11 applies instead

<sup>17</sup> Consequential amendment because CI12 applies instead

<sup>18</sup> Consequential amendment to improve clarity given the length of exclusions

- (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 4.19<sup>19</sup> 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).

#### 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

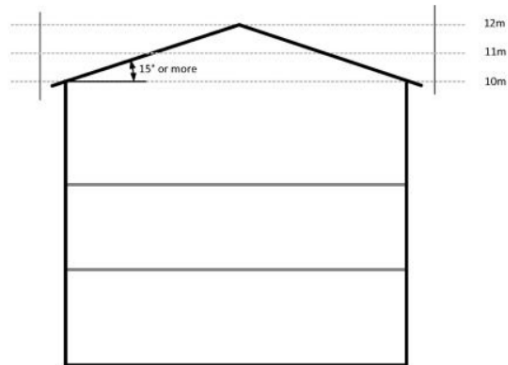
- 4.19.1 In the Living MD Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.<sup>20</sup>
- 4.19.2 In the Living MD Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted 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.<sup>21</sup>
- 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.

<sup>19</sup> Consequential amendment because CI13 applies instead

<sup>20</sup> CI10

<sup>21</sup> CI11

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.<sup>22</sup>

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.<sup>23</sup>For 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

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

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.<sup>24</sup>

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.<sup>25</sup>

4.19.8 Any residential unit in the Living MD Zone shall be a permitted activity where it provides an outdoor living space that:<sup>26</sup>

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 20m<sup>2</sup> in area; and

(b) where located at ground level, has no dimension less than 3 metres; and

<sup>22</sup> CI12

<sup>23</sup> CI13(1)

<sup>24</sup> CI13(2), refer 4.9.7 for wording for other Living zones

<sup>25</sup> CI14

<sup>26</sup> CI15(1)



- (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.<sup>27</sup>

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 8m<sup>2</sup> 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.<sup>28</sup>

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 C4.2<sup>29</sup> and:<sup>30</sup>

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

- (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; and<sup>31</sup>

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;<sup>32</sup>

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;<sup>33</sup>

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;<sup>34</sup>

4.19.9.5 Outlook spaces may be under or over a balcony;<sup>35</sup>

4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and<sup>36</sup>

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.<sup>37</sup>

<sup>27</sup> CI15(1)

<sup>28</sup> CI15(2)

<sup>29</sup> CI16(2)

<sup>30</sup> CL16(1)

<sup>31</sup> CL16(3)

<sup>32</sup> CL16(4)

<sup>33</sup> CL16(5)

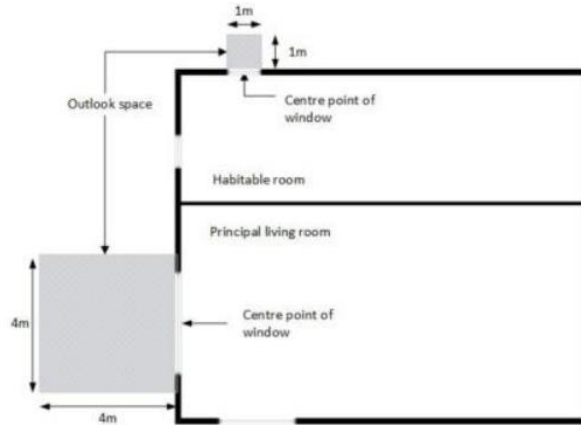
<sup>34</sup> CL16(6)

<sup>35</sup> CL16(7)

<sup>36</sup> CL16(8)

<sup>37</sup> CL16(9)

Figure C4.2 Required outlook space from habitable rooms, Living MD Zone<sup>38</sup>



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.<sup>39</sup>

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.

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.<sup>40</sup>

Restricted Discretionary Activities — Density Standards in the Living MD Zone

4.19.12 Any activity which does not comply with Rule 4.19.1<sup>41</sup> shall be a restricted discretionary activity,<sup>42</sup> which shall not be subject to public or limited notification.<sup>43</sup> 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.<sup>44</sup>

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.

<sup>38</sup> CI16(2)

<sup>39</sup> CI17

<sup>40</sup> CI18

<sup>41</sup> CI10 Density

<sup>42</sup> CI4

<sup>43</sup> CI5(2)

<sup>44</sup> PDP RESZ-MAT8

- 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.<sup>45</sup>
- 4.19.13      Any activity which does not comply with Rule 4.19.2<sup>46</sup> or Rule 4.19.3<sup>47</sup> shall be a restricted discretionary activity,<sup>48</sup> which shall not be subject to public notification.<sup>49</sup> 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.<sup>50</sup>
- 4.19.14      Any activity which does not comply with Rule 4.19.4<sup>51</sup> shall be a restricted discretionary activity,<sup>52</sup> which shall not be subject to public notification.<sup>53</sup> 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.<sup>54</sup>
  - 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 4.19.5<sup>55</sup> shall be a restricted discretionary activity, which shall not be subject to public notification,<sup>56</sup> unless it is permitted by Rule 4.19.6<sup>57</sup>.<sup>58</sup> 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.<sup>59</sup>
    - (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:

<sup>45</sup> PDP RESZ-MAT14

<sup>46</sup> CI11 height of residential units

<sup>47</sup> Height of other buildings

<sup>48</sup> CI4

<sup>49</sup> CI5(1)

<sup>50</sup> PDP RESZ-MAT3

<sup>51</sup> CI12 height in relation to boundary

<sup>52</sup> CI4

<sup>53</sup> CI5(1)

<sup>54</sup> RESZ-MAT4

<sup>55</sup> CI13 setbacks

<sup>56</sup> CI5(1)

<sup>57</sup> Exclusion for common walls

<sup>58</sup> CI4

<sup>59</sup> PDP RESZ-MAT6

- (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.<sup>60</sup>
- (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>61</sup>

4.19.16 Any activity which does not comply with Rule 4.19.7<sup>62</sup> shall be a restricted discretionary activity,<sup>63</sup> which shall not be subject to public notification.<sup>64</sup> 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.<sup>65</sup>

4.19.17 Any activity which does not comply with Rule 4.19.8<sup>66</sup> shall be a restricted discretionary activity,<sup>67</sup> which shall not be subject to public notification.<sup>68</sup> 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 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 site.<sup>69</sup>

4.19.18 Any activity which does not comply with Rule 4.19.9<sup>70</sup> shall be a restricted discretionary activity,<sup>71</sup> which shall not be subject to public notification.<sup>72</sup> 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.

<sup>60</sup> RESZ-MAT5

<sup>61</sup> Adapted from RESZ-MAT1

<sup>62</sup> CI14 Building coverage

<sup>63</sup> CI4

<sup>64</sup> CI5(1)

<sup>65</sup> PDP RESZ-MAT2

<sup>66</sup> CI15 Outdoor living space

<sup>67</sup> CI4

<sup>68</sup> CI5(1)

<sup>69</sup> SDP Rule 4.14.2

<sup>70</sup> CI16 Outlook space

<sup>71</sup> CI4

<sup>72</sup> CI5(1)

- 4.19.19 Any activity which does not comply with Rule 4.19.10<sup>73</sup> shall be a restricted discretionary activity,<sup>74</sup> which shall not be subject to public notification.<sup>75</sup> 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.<sup>76</sup>
- 4.19.20 Any activity which does not comply with Rule 4.19.11<sup>77</sup> shall be a restricted discretionary activity,<sup>78</sup> which shall not be subject to public notification.<sup>79</sup> 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.<sup>80</sup>
- (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.

## 12.1 SUBDIVISION — GENERAL

### Controlled Activities — Subdivision — General

- 12.1.A1 A subdivision of land, which is not a subdivision under Rules 12.2<sup>81</sup> or 12.3<sup>82</sup> shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.<sup>83</sup>
- 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.<sup>84</sup> 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, any<sup>85</sup> Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> 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:

<sup>73</sup> CI17 Windows to street

<sup>74</sup> CI4

<sup>75</sup> CI5(1)

<sup>76</sup> Adapted from RESZ-MAT1

<sup>77</sup> CI18 Landscaping

<sup>78</sup> CI4

<sup>79</sup> CI5(1)

<sup>80</sup> PDP RESZ-MAT14.7

<sup>81</sup> Boundary adjustments

<sup>82</sup> Access, reserve and utility allotments

<sup>83</sup> CI3

<sup>84</sup> CI5(2)

<sup>85</sup> Consequential amendment to allow CI8

- (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;<sup>86</sup>

#### 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.~~~~
- ~~ii. 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.~~~~
- ~~iii. 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 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 Lower 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.~~~~

**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.

- 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>	<u>Minimum individual allotment size 400m<sup>2</sup><sup>87</sup></u> <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<sup>88</sup></u>
<u>Calculating allotment size<sup>89</sup></u>	<u>All Living Zones except Living MD<sup>90</sup></u>	The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation. Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone - 10m <sup>2</sup> ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.
	<u>Living MD</u>	<u>Net site area shall be used to calculate allotment size.<sup>91</sup></u>

12.1.4 Matters over which the Council has reserved its control or<sup>92</sup> 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.

(g) In respect of the land identified at Appendix 38 (Brookside ODP):

- A. 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:
  - i. the completion of the upgrade to the SH1 / Dunns Crossing Road intersection; and
  - ii. upgrade to the Lowes Road / Dunns Crossing Road intersection; and
  - iii. realignment of the Brookside Road at Dunns Crossing Road.

**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...

<sup>87</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>88</sup> C18

<sup>89</sup> Consequential amendment to restructure table so that provisions make sense

<sup>90</sup> Provisions as described do not apply to Living MD

<sup>91</sup> 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

<sup>92</sup> Consequential amendment from C13

*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.<sup>93</sup>

*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.<sup>94</sup>

*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.<sup>95</sup>

## D DEFINITIONS

**Building:** except in the Living MD Zone<sup>96</sup>, 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 10m<sup>2</sup> 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.<sup>97</sup>

**Building coverage** means the percentage of the net site area covered by the building footprint<sup>98</sup>

**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 ground<sup>99</sup>

**Height:** except in the Living MD Zone,<sup>100</sup> 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.

<sup>93</sup> Corner splays

<sup>94</sup> Consistent with Living Z

<sup>95</sup> Consistent with Living Z

<sup>96</sup> A different definition applies in the Living MD Zone

<sup>97</sup> The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

<sup>98</sup> Planning Stds definition

<sup>99</sup> Planning Stds definition

<sup>100</sup> C11 applies instead



- 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.

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.<sup>101</sup>

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 1981<sup>102</sup>

**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.<sup>103</sup>

**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 Zone,<sup>104</sup> 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

<sup>101</sup> Planning Stds definition, as per Cl1

<sup>102</sup> Planning Stds definition, per Cl1

<sup>103</sup> Planning Stds definition, per Cl1(3)

<sup>104</sup> Cl1(3) applies instead

- (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
- (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.<sup>105</sup>

## APPENDIX 11

### RECESSION PLANES

#### **Recession Plane A**

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD Zone<sup>106</sup> and to all<sup>107</sup> 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.<sup>108</sup>

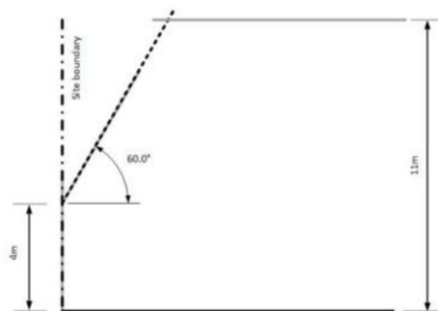
The recession plane shall be measured from a point 4 metres vertically above ground level along all boundaries.

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.<sup>109</sup>

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.<sup>110</sup>



<sup>105</sup> Planning Stds definition, per C11(3)

<sup>106</sup> C12 applies instead

<sup>107</sup> To improve clarity, given the exclusion now added

<sup>108</sup> C12

<sup>109</sup> As for Recession Planes A and B

<sup>110</sup> C12