



SELWYN DISTRICT PLAN REVIEW RE018 COMPREHENSIVE MEDIUM DENSITY DEVELOPMENT

PREPARED FOR SELWYN DISTRICT COUNCIL

13 June 2018

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REVISION SCHEDULE

Rev No.	Date	Description	Signature or Typed Name (documentation on file)			
			Prepared by	Checked by	Reviewed by	Approved by
1	27/04/18	draft	KB	KB	PH	
2	07/06/18	Revised following client comment received 24 May 2018	KB	KB		AC
3	12/06/18	Revised following client comment received 12 June 2018	KB	KB		AC

Executive Summary

Selwyn District Council (Council) is undertaking a review of the Selwyn District Plan (the District Plan), which is a requirement of Section 79(1) of the Resource Management Act.

One of the workstreams associated with the District Plan review is to consider the effectiveness of the provisions in the Living Z zone in relation to Comprehensive Medium Density Development

As part of preparing this Report a review has been undertaken of the current provisions in the Selwyn District Plan related to Comprehensive Medium Density Development (CMDD) along with an assessment of on-the-ground results. The review has indicated that while the Outline Development Plan and Living Z framework is achieving the minimum densities sought, building consents confirm that the predominant housing typology across the District is the single storey detached dwellings located on a small site of 350-600m². This is not the intended outcome of CMDD as outlined in the definition in the District Plan.

A review of the existing district plan's provisions highlights that the policy framework and the related rules are not clear and anecdotal feedback from Council indicates that developers are reluctant to use the provisions as there is no market interest in CMDD. Given the 'cheap' cost of land there is no external driver to deliver the higher density typologies envisaged by CMDD.

A review of the district plans of two adjoining districts in relation to CMDD indicates a similar approach in greenfield areas but a better integrated policy and rule framework that is more likely to deliver CMDD (although in the case of Waimakariri the number of dwellings required is less). A review of other techniques used in Hamilton and Auckland highlights a cohesive planning policy and rule framework that is delivering CMDD however it is also in markets with higher land costs and a willingness from a larger number of buyers to accept a different housing typology that may suit their personal circumstances.

It is recommended that the Council consider:

1. Deleting the current definition of Medium Density
2. Amending the definition of comprehensive residential development by removing reference to Prebbleton as the L1A5 zone at Prebbleton has been fully developed, and making consequential changes to simplify the plan and reduce confusion in definitions and rules specific to that zone and remove/amend any relevant objectives and policies.
3. Creating a new definition for medium density that is more in line with the Ministry for the Environment definition for medium density housing to provide for a more comprehensive approach so that development is designed, consented and constructed in an integrated manner.
4. Revisiting all the provisions relating to comprehensive residential development and medium density and confirming those that are appropriate for the new definition and making changes to align with the definition such as streamlining the assessment provisions to remove duplication by potentially revisiting how assessment matters are currently grouped.
5. Revisiting the subdivision section of the plan to make subdivision related to comprehensive residential development (with standalone, semi-detached and attached housing typologies) clear and as simple as possible.
6. Enabling provision for comprehensive residential development (4 or more dwellings) in areas other than Living Z by :
 - Determining an appropriate activity status for the proposal and to ensure that the council is able to decline poorly designed proposals.
 - Utilising learnings from the current design process (that has had positive feedback from developers) and use the key design issues as matters to be considered during design and subsequent assessment. This could include considering the use of the LZ comprehensive medium density provisions outside the LZ zone with additional policy guidance about where it would be appropriate to grant consent.
 - Identifying sites able to be used for comprehensive development such as requiring sufficient land (e.g.1,200m²) and within 400m walking distance to town centre to improve connectivity and enable an appropriate lot size while providing on site amenity and sufficient dimensions to provide for rear access.

Selwyn District Council

RE018 Comprehensive Medium Density Development

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1. Introduction

1.1 Background and Report Purpose

Selwyn District Council (Council) is undertaking a review of the operative Selwyn District Plan (the District Plan). This is a requirement of Section 79(1) of the Resource Management Act (RMA) that local authorities must commence a review of district plan provisions if the provision has not been the subject of a proposed plan, a review, or a change by the local authority during the previous 10 years.

Section 35 of the RMA also requires councils to monitor the efficiency and effectiveness of policies, rules, or other methods in its plan. Council has undertaken this task by identifying work streams where key matters can be assessed and considered, with a view to informing the review of the District Plan.

By way of background, it is noted that the District Plan was made fully operative on 3 May 2016. There are a range of zones enabling residential development. The primary zones for residential development are the Living zones that are applied to the existing towns.

The District Plan includes a category of Medium Density development known by the Council as Comprehensive Medium Density Development (CMDD). This report has been prepared following a review requested by Selwyn District Council of CMDD provisions in the District Plan. The focus of this review has been the application of the CMDD provisions in the Living Z zone. It is noted that the Council specified that this review does not include provisions relating to the Living 1A5 Zone in Prebbleton and the Business 1 zone.

It is intended that the report provides information that will inform the Council in decisions related to the development of draft District Plan provisions.

As part of the review the approach taken in relation to CMDD within the Christchurch and Waimakariri District Plans has been assessed to identify the level of cross boundary consistency with Selwyn that is currently achieved, and whether consistency is necessary. It is noted that all three plans share the same higher level planning documents that influence the content of the plan so seeing any differences is a useful exercise.

In addition a review of the approaches taken within the Auckland Unitary Plan and the Hamilton City District Plan in relation to medium density housing in greenfield situations has been undertaken to identify useful techniques or approaches that may be applicable and achieve similar outcomes related to CMDD.

Council staff and those involved in residential development in Selwyn have been contacted to ground truth the effectiveness or not of the existing provisions.

This report:

- Sets out conclusions on the extent to which the existing CMDD provisions in the District Plan have been effective, and if they are delivering development that provides a good level of amenity for residents, neighbours and views from public places;
- Provides recommendations on the existing CMDD provisions in the District Plan in terms of those provisions which should be retained, amended or removed; and
- Where appropriate, recommends options for determining the location of CMDD within the district.

1.2 What is Successful Comprehensive Medium Density Development?

To review the operative provisions it is necessary to identify the factors involved in delivering successful CMDD. These are considered to be the presence of a framework that requires integrated planning, design, and development and is responsive to a range of market needs and preferences.

The successful framework is expected to be delivered through a combination of plans and enabling policy and rules that may include a mandatory outcome. Successful CMDD is also reliant on a development industry that can meet market trends or create a new 'product' that can be the catalyst for developing new markets. It is also reliant on the community being receptive to different housing options.

The delivery of CMDD either across zones or on an individual site or in an identified area relies on the presence of appropriate planning tools to deliver integrated management of resources.

The spatial tool for enabling integrated management of resources is the Outline Development Plan (ODP) or a similar type of development plan. This is typically applied by councils to areas identified as being able to accommodate growth following completion of a structure plan process and can apply to both greenfield and brownfield development sites/areas.

ODPs provide the future form of an area as they delineate the location of key infrastructure networks within the identified area including primary transport infrastructure, the need for and location of stormwater and wastewater networks, and open space. They can also delineate the types of activities and performance standards for that area. This can include the delivery of specific densities, heights and other standards for achieving differing types of residential development.

Some District Plans require development plans (sometimes called ODPs) to be in place prior to development occurring in greenfield areas with these development plans delivered through resource consent processes. These plans sometimes have required subsequent resource consent applications for subdivision and development to comply with the approved development plan. As a result of an Environment Court decision¹, it was confirmed that development plans should be incorporated into district plans. It is noted that Selwyn's Plan Change 7, notified in 2010 had proposed ODPs for Lincoln and Rolleston to be included in the district plan. Other ODPs have also been included in the Selwyn Plan as a result of private plan changes.

Councils will generally ensure the delivery of these planning outcomes by providing a planning framework with policies, rules and sometimes bespoke provisions and commonly by requiring restricted discretionary activity resource consents to be granted in accordance with the existing ODP.

To support the delivery of development plans, an enabling policy and rule framework may be required for an area. This includes ensuring that any provisions from zones or district wide rules that could conflict with the outcomes sought for the ODP are either explicitly excluded or amended for the location.

It is noted that the Selwyn ODPs include a yield based on the number of dwellings per hectare to be achieved in an ODP area. This is not a widespread practice but in some instances density requirements are used to mandate a required outcome.

The word "comprehensive" is often found in conjunction with residential development in planning documents around the country. This brings with it an expectation that development is delivered in a comprehensive manner and this can often involve:

- The design and layout of the area developed with open spaces, roads and lanes for access being identified to ensure that the development is integrated both with the surrounding context and internally;
- The location of different housing typologies and building platforms being identified to ensure access to sunlight, daylight and provision for privacy as well as a relationship with neighbourhood character and to ensure required densities are achieved; and
- The phasing of the development being identified both in terms of subdivision and land use resource consents for areas within the development and the delivery of sites; and vesting of public spaces (roads and open spaces) and delivery of services (stormwater management; wastewater infrastructure etc.); land preparation and development.

The outcome is expected to be that the development is planned as an integrated and comprehensive whole as this is fundamental to achieving high quality residential development, but that the development is physically delivered in phases or parts. This allows the developer to respond to either marketing and sales or funding and development timeframes.

CMDD can be part of a 'comprehensive residential development' that has a mixture of densities and it can equally be a standalone outcome. It would be expected that an ODP would specify this. It is also possible that a zone would include rules that enable CMDD. There are specific forms of development such as retirement villages that use a mix of typologies including CMDD that could also fall under the 'comprehensive residential development' definition. Some providers such as Housing NZ may also have developments that fall under both.

¹ In 2014, the Environment Court found the rules regarding outline development plans (ODPs) in Plan Change 19 (PC19) proposed by the Queenstown Lakes District Council to be outside the law (*ultra vires*) [2014] NZEnvC 93.

The term “Medium Density” is used to describe housing developments that meet an average density that is ‘medium’ in the context of the district or region. In most of the district plans reviewed and others around the country a specific number of dwellings or units (e.g. four or more as in Selwyn’s CMDD definition) is included in a definition of ‘medium density’ or be a rule in a zone. The approach and the measure of ‘medium density’ varies across New Zealand. As a result medium density in one district may be considered high density in another. It is noted that medium density housing has been defined by Ministry for the Environment² in the following definition:

Medium-density housing means comprehensive developments including four or more dwellings with an average density of less than 350 m² per unit. It can include stand-alone dwellings, semi-detached (or duplex) dwellings, terraced housing or apartments within a building of four storeys or less. These can be located on either single or aggregated sites, or as part of larger master-planned developments.

In the case of a comprehensive residential development there is commonly a specific resource consent pathway that is identified in a district plan to ensure that development is delivered as an integrated and comprehensive whole that is consistent with the zone rules and their application as required by an outline development plan.

Challenges to delivering the necessary frameworks for successful CMDD are commonly:

- Negative community perceptions associated with medium density residential developments that involve unfamiliar housing typologies resulting in reduced market demand and greater risks for developers;
- Opposition to proposed medium density residential developments from owners of more traditional forms of residential accommodation who oppose the introduction of the necessary policy and rule framework because of stigma or negative perceptions associated with unfamiliar housing typologies and concerns relating to increases in traffic, noise, loss of amenity etc.;
- The absence of joined together policies, rules and what are perceived to be unsupportive council processes that results in developers being frustrated by real or perceived difficulties, meaning they will choose easier options that they know can deliver quickly and for potentially bigger returns.

Implementing CMDD is generally easier in greenfield or a brownfield area as retrofitting development in an existing residential area on any scale can be disruptive where the existing subdivision pattern is not conducive, sometimes as a result of topography, but generally due to the layout of roads. Successful CMDD in existing areas may require site amalgamation where sites are small (e.g. less than 600m²) to cater for the requirements for access; building position and on site amenity. In some other parts of NZ where pressure requires CMDD to be provided in large volumes to address shortages it has also required council involvement both in zone changes and to facilitate changes to reserves and the roading layout due to the relatively large urban block pattern built for cars rather than pedestrians.

2. Review of the Comprehensive Medium Density Development Provisions of the Operative District Plan

2.1 Methodology

The initial tasks when reviewing the Selwyn District Plan’s approach has been to:

- Understand the policy framework;
- Identify the planning instruments that have influenced its content; and
- Look at how this framework is implemented in terms of relevant definitions, subdivision and density rules.

² In 2011, the Ministry for the Environment completed a medium-density housing project to develop a set of medium-density housing building typologies and a medium-density housing assessment methodology. This project included a definition on *Medium-density housing*

2.2 Policy Framework

The first task was to review the resource management issues, objectives, policies and explanations and reasons in the District Plan.

The relevant policy framework for CMDD within the District Plan is largely expressed in Part B.4 Growth of Townships. There are also other parts of the Plan that provide some useful context. These includes Table A4.4 – Description of Township Zones and Part D - Definitions. However, the review identified potential inconsistencies between the provisions.

2.2.1 The Key Issues

The key issues relevant to CMDD are considered to be:

B4.1 RESIDENTIAL DENSITY — ISSUES
The need for a range of section sizes and living environments in Selwyn District, while maintaining the spacious character and amenity values of townships
B4.2 SUBDIVISION OF LAND – ISSUES
<ul style="list-style-type: none">• Expectations associated with subdivision.• Effects of subdivision on residential growth and changes in land uses.• Effects of subdivision on town form, transportation and amenity.
B4.3 RESIDENTIAL AND BUSINESS DEVELOPMENT — ISSUES
<ul style="list-style-type: none">• Effects on the environment from the location, amount and rate of residential or business growth in the District.• How to provide for new residential and business growth in a way that achieves an integrated land use planning approach, while recognising that parts of the district are at different stages of strategic planning.

The issues collectively anticipate providing for a range of section sizes and living environments in an integrated manner while addressing the effects of subdivision on town form, transportation and amenity and the effects on the environment related to the location, amount and rate of residential growth.

2.2.2 Relevant Objectives and Policies

The policy framework is also established by the following relevant objectives and policies:

Provision	Comments
Relevant objectives (included in Appendix A)	<p>Objectives B4.1.1, B4.1.2 , B4.2.4 and B4.3.3 outline that:</p> <ul style="list-style-type: none">• Medium Density areas are to be identified in Outline Development Plans (ODPs) to provide for anticipated population growth within a consolidated urban area and provide choice and opportunity for a variety of housing types.• Opportunity and flexibility for developers is provided to allow for low and medium density development within Living Z ODP areas (as indicated in Appendix C).• Sufficient land is provided within township Urban Limits (as identified within the Regional Policy Statement) to accommodate the projected growth of those townships within the Greater Christchurch area achieving both a compact urban form and a diversity of living environments.
Relevant policies (included in Appendix A)	<p><u>Policy B4.1.1</u> provides for a variety of section sizes when land is subdivided to erect dwellings in Living 1 Zones, provided small</p>

Provision	Comments
	<p>sections are balanced with larger ones. At the present time the focus is on small sections and the larger sites are used for standalone housing as opposed to other housing typologies.</p> <p><u>Policy B4.1.6</u> provides for site coverage to be exceeded on allotments within Medium Density areas identified in an Outline Development Plan in Living Z zones (refer Appendix C), to make provision for flats and large houses on small sections.</p> <p><u>Policy 4.1.13</u> seeks to ensure that medium density housing developments in areas identified on Outline Development Plans are well designed and provide a high level of amenity for residents whilst also providing an attractive and open streetscene.</p> <p><u>Policy 4.2.2</u> notes that the subdivision of land and the proposed use of the resulting allotment are two separate activities but it does not promote sustainable management of natural and physical resources to subdivide land into allotments which are of an inappropriate size, shape or condition for the intended use. Small lot subdivision limits the ability to create sufficient site mass to development larger multi-unit development in the future.</p> <p><u>Policy 4.3.7</u> notes that is important to ensure that any areas identified in the District Plan as being suitable for urban growth are developed in a coordinated manner that achieves good levels of urban design and connectivity. More directive rules and policy about delivering CMDD may be necessary to provide for future growth.</p>

The objectives and policies seek to:

- Provide for anticipated population growth within a consolidated urban area on areas suitable for urban growth and provide choice and opportunity for a variety of housing types, with medium density areas identified in ODPs.
- Provide opportunity and flexibility for developers with a range of lot sizes to allow for low and medium density development within Living Z ODP areas.
- Accommodate the projected growth of those townships within the Greater Christchurch area achieving both a compact urban form and a diversity of living environments.

2.2.3 Other Relevant Provisions

Other relevant provisions that influence how the CMDD approach is delivered are:

Table A4.4 – Description of Township Zones	<p>The description notes that the Plan distinguishes between ‘Small-lot’ Medium Density housing and ‘Comprehensive’ Medium Density Housing.</p> <ul style="list-style-type: none"> • Small-lot Medium Density housing provides for small houses on small lots. The anticipated typologies for small-lot Medium Density housing in the Selwyn District include detached and semi-detached. These lots can be developed individually by separate house builders using a variety of designs. • Comprehensive Medium Density development will occur where four or more dwellings are designed and developed in a comprehensive manner on one large block of land identified for medium density housing within an Outline Development Plan. <p>The description notes that the key distinction between small lot and comprehensive medium density is that comprehensive developments have all the houses developed as part of a single</p>
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	<p>overall design and that this enables more intensive developments, with a wider range of typologies such as attached and terraced units that are generally two stories in height being the anticipated built forms in comprehensive developments. Comprehensive design also facilitates purpose-built housing for a specific community sector, such as retirement villages and student accommodation.</p>
Outline Development Plan	<ul style="list-style-type: none"> Under the current framework of the District Plan medium density in the Living Z zone is expected to occur in an area identified in an Outline Development Plan (or the Business 1 zone that is not part of this study). It is noted that under the District Plan, medium density development can also occur in other zones, either: <ul style="list-style-type: none"> under Rule 4.6.5 that provides for erection of more than one dwelling as a discretionary activity in Living 1 and Living WM zones or through Table C12.1 that states that where two or more dwellings (flats/townhouses) have been erected in Living 1 zone the average site per dwelling should be half the average lot size listed in table. These provisions appear to enable rather than promote medium density. <p>Outline Development Plans apply to land subject to a number of zones. They are a key planning tool in the rezoning of land (through a plan change) for all areas in the district. Not all Living Z land is the subject of an Outline Development Plan.</p>
The Living Z zone	<ul style="list-style-type: none"> Living Z is only applied to the outskirts of Prebbleton, Lincoln and Rolleston Living Z zone and Medium Densities areas are expected to have greater densities than existing residential areas and to achieve high quality urban design outcomes to maintain amenity. This includes: <ul style="list-style-type: none"> A range of section sizes by having an average lot size, not a minimum. Spaciousness managed through site coverage (small section/small house; large house/large section). <p>Site coverage and other rules are able to be exceeded</p>

2.3 Planning Instruments that have influenced the Current Framework

To better understand the CMDD provisions in the Selwyn District Plan it was considered necessary to understand how they had developed. Key points to note about the District Plan's policy framework in relation to CMDD appeared to be related to Plan Change 7 and LURP and in particular Action 48.

2.3.1 Selwyn District Council Plan Change 7

One of the key planning instruments that appears to have delivered the medium density provisions in the District Plan was Plan Change 7 (PC7). PC7 rezoned large tracts of rural land that had been identified as 'greenfield priority areas' in Proposed Change 1 to the Canterbury Regional Policy Statement (RPS) and the Lincoln and Rolleston Structure Plans to provide for the future growth of both townships. PC7 also inserted the mixed density Living Z Zone framework with accompanying objectives, policies, subdivision and urban design standards and ODPs into the Operative District Plan.

It is understood that as part of the policy direction set by the RPS to meet residential densities, that the District Plan was amended to make provision for comprehensive developments, with PC7 formalising Low, Medium and Comprehensive density typologies into the Plan. The Plan Change introduced rules for the

Living Z Zone and the medium density housing within it and applied the zone to identified greenfield areas situated on the fringe of the Rolleston and Lincoln townships.

PC7 was approved for notification in February 2010 and was made operative on 19 September 2012.

The Plan Change:

- Introduced the Living Z zone, including a subset of rules to provide for medium density areas of development to address potential amenity effects. The premise of the Living Z zone working in tandem with the ODP was that any area identified in an ODP area as a medium density area may include comprehensive residential development but was not required to be a comprehensive residential development.
- Provided specific rules for site coverage in a 'comprehensive residential development'.
- Zoned land in Rolleston and Lincoln within the proposed Metropolitan Urban Limit (MUL)³ Living Z and introducing ODPs for the areas following on from Selwyn District Council's structure plan work.

PC 7 amended the definition of 'comprehensive residential development only apply to the Living L15 zone in Prebbleton or to a Medium Density area located within an Outline Development Plan.

In Prebbleton it means 8 or more residential units clustered, planned and designed in an integrated and comprehensive manner. Comprehensive residential development applies where all residential land use and subdivision consents are submitted concurrently or where the required landuse consent for comprehensive residential development is submitted and approved prior to a subdivision consent submitted for the same.

In a Medium Density area located within an Outline Development Plan, it means 4 or more residential units, clustered, planned and designed in an integrated and comprehensive manner. The comprehensive residential development is to be shown via a consent notice on the creation of the balance lot, with any subsequent subdivision consent for the individual units only being granted following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided.

2.3.2 Land Use Recovery Plan (LURP)

Following the earthquakes, The Minister for Canterbury Earthquake Recovery directed Environment Canterbury to develop a Recovery Plan for Greater Christchurch to guide the earthquake response over the next 15 years. The LURP sets out a resource management regime to assist in the recovery and rebuild of Greater Christchurch following the earthquakes. The LURP was gazetted in December 2013, with the Recovery Plan having legal effect from that date. A number of actions undertaken under the LURP prepared under the Canterbury Earthquake Recovery Act (CER Act) to guide the recovery process in Greater Christchurch have resulted in the existing provisions that are the subject of this review.

The LURP applied a number of Actions to Selwyn District. Of particular relevance was Action 18 that directed Selwyn District Council to amend its District Plan to rezone the balance of the identified 'greenfield priority areas' that had not already been zoned through PC7, with accompanying objectives, policies, rules and ODPs. The most directly relevant to the Living Z zone and CMDD is Action 48, approved in December 2014. The changes are understood to have been seeking to improve the suite of provisions introduced by Plan Change 7.

It is understood that when PC7 was developed there was considerable uncertainty voiced by developers and house builders as to the market demand for medium density housing, along with the uncertainty as to how medium density house types would best integrate with the existing Selwyn Township character.

Action 48 noted that following the Canterbury Earthquakes, the uptake of medium density housing has been steady, with sufficient examples available to inform whether the PC7 rule package was working efficiently and whether or not the resultant built outcomes were contributing towards the creation of attractive new communities.

Action 48 resulted in changes related to medium density and comprehensive residential development:

- Amending the description of the Living Z Zone (in Table A4.4 Description of Township Zones in Part A 4 Finding Material in the Plan);

³ as set out in proposed Plan Change 1 to the Regional Policy Statement

- Amending the definition for ‘comprehensive residential development’ to only apply to Living L15 zone in Prebbleton;
- Including a new definition “medium density”, the definition that is in the District Plan at this time that distinguishes between Small-Lot medium Density (stand-alone housing) and Comprehensive Medium Density (semi-detached or attached medium density);
- Amending site coverage provisions;
- Amending the notification provisions; and
- Adding new ODPs for Lincoln.

It is noted that Action 48 while amending the definition of comprehensive residential development to only relate to Prebbleton, did not amend other provisions in the Living Z zone that referred to “comprehensive residential development”.

2.4 Rules Framework

2.4.1 Definitions

The current definition of “Comprehensive Medium Density” in the Selwyn District Plan is located within the definition of Medium Density in Part D. The definition is set out in full below shown in grey shading with emphasis added:

Medium Density: means residential development at a higher density than standard low-density residential development of detached dwellings on sections typically larger than 550m². Medium Density Development has to be located within a medium density area identified on an operative Outline Development Plan in a Living Z zone, or within the Business 1 Zone.

The Selwyn District Plan distinguishes between the two Medium Density types: 1. ‘Small-lot’ Medium Density housing and 2. ‘Comprehensive’ Medium Density dwelling.

1. Small-lot Medium Density

Small-lot Medium Density dwellings means smaller, individually designed houses built on small sections that are a minimum of 400m². Small-lot Medium Density typologies include standalone units, semi-detached and/or duplex units.

2. Comprehensive Medium Density

Comprehensive Medium Density housing means four or more semi-detached or attached dwellings that are designed, clustered, and built in an integrated manner and built on a block of land identified for medium density housing on a Living Z Outline Development Plan or zoned Business 1.

Note: Please refer to the Medium Density Guide for illustrations of typologies anticipated in the Selwyn District.

As noted earlier the term “comprehensive residential development” is used in a number of places in the rules so for completeness the current definition of **comprehensive residential development** is included below:

Shall only apply to the Living L15 zone in Prebbleton. In Prebbleton it means 8 or more residential units clustered, planned and designed in an integrated and comprehensive manner. Comprehensive residential development applies where all required land use and subdivision consents are submitted concurrently or where the required land use consent for comprehensive residential development is submitted and approved prior to a subdivision consent being submitted for the same

A related definition that should also be reviewed in relation to the delivery of CMDD is the definition in the District Plan for “site” (refer Appendix C). This definition and the term “allotment” are used in Parts C12 Subdivision and C4 Buildings in the provisions linked to CMDD it. The term allotment is not defined in the District Plan and therefore users are reliant on finding the definition in s 218(2) of the RMA. There may be benefit in looking at this definition to aid plan users.

2.4.2 Subdivision Rules

There is direct reference to CMDD and also to comprehensive residential development, comprehensive development and Medium Density (comprehensive) in a number of subdivision rules. The presence of

these different terms, sometimes in the same rule creates the potential for confusion making it potentially hard for the Council in a contested environment to get the medium density development that was intended and not to result in perverse outcomes.

The relevant rules are set out in Appendix B of this report.

CMDD specific rules relate to site size in the ODPs. Table 2-1 below summarises the rules. It is noted that the nature of the District Plan's format means that finding the relevant provision can be cumbersome as it requires each ODP to be reviewed. It is also noted that there are rules related to **Medium Density (comprehensive)** in each relevant ODP.

Table 2-1: Operative District Plan Densities (Table C12.1 – Allotment Sizes)

Zone	Average Allotment Size (m ²) (Not Less Than)	Other comments
Living Z (Rolleston) Living Z (Lincoln) Living Z (Prebbleton)	Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.	Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs – [see relevant Appendix]; and – Within a comprehensive Medium Density residential development, a section 224 certificate ⁴ shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided.

2.4.3 Building Development Rules

Building Development is covered in Part C4 Living Zone Rules – Building in the District Plan. The rules included address the bulk and shape of CMDD buildings (Rule 4.2 Landscaping; Rule 4.8 Building height; Rule 94.9 Building Position). Rules included in Part C 4 that appear to be specifically relevant to CMDD in the Living Z zone due to the definition of CMDD, are set out in Appendix B.

It is noted that in relation to density these include Rules 4.6 and 4.12 and the explanation in "Reason for the Rules" that are set out below:

The rules relating to height and building position are relatively simple, but it is not clear how the rules relating to Comprehensive Residential Development in Living Z Medium Density areas located within an ODP (Section 4.12) apply to CMDD (if at all). There is however, guidance in the section called "Reasons for Rules".

Rule 4.6.1

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)

Rule 4. 6.6

⁴ a certificate required under the RMA as part of the subdivision process that is signed by the chief executive or other authorised officer of the territorial authority stating that it has approved the survey plan under section 223 and all or any of the conditions of the subdivision consent have been complied with and for any conditions that have not been complied with—

(i) a completion certificate has been issued in relation to such of the conditions to which section 222 applies:

(ii) a consent notice has been issued in relation to such of the conditions to which section 221 applies:

(iii) a bond has been entered into by the subdividing owner in compliance with any condition of a subdivision consent imposed under section 108(2)(b).

The erection on an allotment of any building (other than an accessory building) which **does not comply with Rule 4.6.1 shall be a non-complying activity** in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 zones.

Rule 4.12.1

Within any comprehensive residential development shall be a restricted discretionary activity where there is at least one gap of a minimum of 6m between units for every 8 road-fronting residential units".

Rule 4.12.3

Any activity which does not comply with Rule 4.12.1 shall be a discretionary activity

Explanation is given in "Reasons for the Rules" under the heading: "Comprehensive Residential Development in Living Z Medium Density areas located within an Outline Development Plan".

The explanation notes that due to the higher density, such developments need to be planned in a comprehensive manner to ensure that adequate levels of urban design and amenity are achieved. The explanation states that the Plan therefore requires resource consent as a restricted discretionary activity with the Council's discretion limited to the urban design, appearance, and amenity of the development.

This explanation seems to be related to rules 4.12.1 and 4.12.3 as the wording aligns with the heading of section 4.12 **Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan.**

It appears from Rule 4.6.1 that CMDD is permitted if it follows subdivision but the explanation suggests that all CMDD is subject to resource consent assessment as a restricted discretionary activity. It also appears that CMDD can occur as a non-complying activity under Rule 4.6.6.

The term CMDD is not included in any of the Building rules in Part C4 other than in relation to site coverage (Rule 4.7.4.1). However, it is assumed that as all building rules apply where ever the term Living Z "Medium Density" is used due to the definition of Medium Density, then CMDD is included. This may be the intention but it is not clear from the provisions.

The specific rules relating to site coverage are potentially confusing as they differentiate between Small Lot Medium Density and the Living Z Medium Density area with both located potentially within an ODP and both rules refer to an allowance for Comprehensive Residential Development.

It is noted that individual ODPs provide additional guidance in relation to Minimum Density requirements as set out below in Table 2-2:

Table 2-2: Outline Development Plan Area Requirements

Township	ODP	Minimum Density (household/ha)	Description of Outcomes
Rolleston	Area 1	11	The ODP provisions in Rolleston provide for a variety of allotment sizes, with medium density development located close to open space areas and local business centres . More intense development concentrated around the key open space locations will provide greater amenity and encourage high quality urban design features in these areas.
	Area 3	10	
	Area 4	10	
	Area 6	12	
	Area 7	19.19	
	Area 8	10	
	Area 9	10	
	Area 10	10	
	Area 11	10	
	Area 12	10	
	Area 13	10	
Lincoln	Area 1	10	Higher density residential uses will be located within 'Medium Density' areas
	Area 2	10	

Township	ODP	Minimum Density (household/ha)	Description of Outcomes
	Area 3	10	adjacent to key open space linkages having access to Primary and Secondary Roads to provide increased housing choice for future residents.
	Area 4	10	
	Area 5	10	
	Area 6	15	
	Area 7	20	
	Area 8	Varies (Refer to ODP)	
Prebbleton	Area 1	10	There are a number of exceptions and some Medium Density areas identified.
	Area 2	10	
	Area 3	10	
	Area 4	10	

The relevant rules are set out in Appendix B.

2.5 Commentary

As part of undertaking this review it was necessary to identify those provisions that directly relate to CMDD in the District Plan in order to assess their effectiveness. Identification of the relevant provisions was not easy and this highlighted a high level of uncertainty. This was primarily due to the inconsistent terminology used throughout the District Plan and also a high level of reliance on the explanation or reasons that cannot be considered to be part of the rule framework. Issues related to the inconsistent wording are likely to be related to:

- Plan users who are not intimately familiar with the District Plan being confused.
- Applications being contested or Council's decisions challenged.
- The terms "Medium Density" and "comprehensive residential development" are used frequently throughout the rules and the policy framework. Comprehensive Medium Density is used less frequently and it is assumed that Medium Density (Comprehensive) is the same as Comprehensive Medium Density.
- As a result of the different terms used there is no clear link between rules and the definition or from the rules back to the objectives and policies.

2.5.1 Subdivision

The various rules are explained by reasons such as in PART C 12 LIVING ZONE RULES — SUBDIVISION:

In Living Z Medium Density areas that are located within an Outline Development Plan, provision has been made for comprehensive residential developments. Such developments are anticipated to result in lots that are generally smaller than 350m², and therefore the development needs to be built in an integrated manner to ensure that acceptable urban design and amenity outcomes are achieved.

The reasons go on to say and this is assumed to be in relation to CMDD due to the reference to a minimum of 4 dwellings:

A minimum of four dwellings designed and built in a comprehensive manner is required to ensure that the building design and relationship to each other has a good standard of urban design.

This subdivision 'explanation' seems to enable small lot development involving four dwellings and does not require the four dwellings to be on the same site initially and is therefore not CMDD. It was confirmed though discussion with one of council's consent planners that CMDD as anticipated by the definition is not really being delivered, although there are a large number of subdivision applications for small lot

development that involve sites smaller than 300m² but these sites are occupied by single family homes. These developments are assessed as 'comprehensive residential development'.

There also appear to be some inconsistencies in terms of requirements related to applications. In Rule 12.1.3.6 there is no requirement for a building area to be specified for CMDD as the expected route for CMDD is that the buildings are constructed before s 224 is issued so as part of the resource consent documentation a commitment is required prior to subdivision consent (typically unit titles) being granted to ensure that the lot boundaries are located in a logical position. As applications for 'comprehensive residential development' are lodged by some developers for individual standalone buildings (sometimes with attached garages) that are then subdivided one by one (once they get to the pre-lining stage) it appears that there are alternative paths being developed by the development industry.

It is noted that subdivision of CMDD prior to the erection of the dwellings is a non-complying activity under Rule 12.1.7.7. The rule clearly envisages that the comprehensive medium density residential development shall be largely erected prior to subdivision and the creation of titles. However council's consent planner advises that this is not always achieved by some developers.

To understand the potential to deliver CMDD as envisaged in the District Plan it is necessary to consider the nature of the development industry in NZ and how they respond to the market. There are generally two types of developers.

- Land developers who acquire natural or unimproved land and undertake civil works, obtain certificates of title and sell vacant sections. The land developer adds value to the land and sells it as a developable block.
- Property developers who acquire natural or improved land and build. The property developer will require a larger amount of capital than the land developer due to the cost of development and may sell on parts of the development.

Some property developers may enter into joint ventures with land developers. There are also different tiers of developers from those who due to scale could fund the high upfront costs of development, to smaller companies who have may see some types of development as having greater risk and develop only what they have signed contracts for.

In this context, obtaining resource consent for CMDD (as anticipated in the District Plan) could potentially reduce the pool of developers and may be a disincentive in the absence of market demand. This is because financing processes in New Zealand make it harder to finance multi-unit building development upfront. It was noted by one of councils senior planners that in Selwyn there are differences in approach between larger firms that have sufficient funding to build to pre-lining stage before subdividing and smaller developers who have to apply to undertake subdivision first as they need the funding stream assured before building...

Most New Zealanders are familiar with purchasing a house already existing on a site and most property developers want to reduce their risk by delivering housing that they are sure will sell quickly. This perpetuates in the Selwyn market the cycle of single house per site, reinforcing a style of housing development that means new typologies are unlikely without other players or drivers. In addition there may be market reluctance for some to commit to the purchase of development off the plans. However this arrangement may be acceptable to those investors who have undertaken similar purchases in the past especially if they can see strong prospects of capital growth and attractive net yields.

Other matters that influence outcomes in relation to CMDD are:

- The Plan expects medium density development to be delivered with a maximum average of 350m² per allotment. Comprehensive medium density with as a minimum four dwellings in the form of attached dwellings (duplexes, attached town houses and terraced housing) may require larger lots and this appears to conflict with the comments in the Plan that comprehensive residential development provisions are to be used for small lots rather than large lots (Reasons for rules in Part C – 12 Living Zone Rules – subdivision).
- The subdivision rules relating to medium density make it easier to deliver sites that are more likely to be attractive for small lot medium density development as these are not only familiar to the market and therefore quicker to sell but also have fewer consenting obstacles meaning that there is a shorter period with holding costs for the developer. They are also more likely to appeal to a wider range of builders as they can be more easily constructed by traditional builders (who are able to initiate small projects and construct one or two or more dwellings) which will, in turn, make them more attractive to a potential land developer/subdivider.

There may be benefits arising from scale in relation to the delivery of CMDD but these are more likely to be realised by larger building companies as comprehensive medium density developments require a better ability to finance development; additional design and construction skills (to deal with the combination of fire rating requirements, internal noise / acoustic performance, access and privacy and garaging) and can be perceived to be more complex to consent therefore more experience in dealing with the RMA processes.

- The requirement for a consent notice on the title is potentially problematic if it adds additional constraints although it appears from Rule 12.1.6.7, that the District Plan envisages that the requirement for Medium Density in an ODP can be addressed through the consent process and larger companies are more likely to be resourced to do this.

2.5.2 Definitions

The framework of the District Plan introduced through Plan Change 7 (PC7) and LURP Action 48, related to the delivery of CMDD is focused on the definition of Medium Density and in particular Comprehensive Medium Density which is very specific as it anticipates medium density development of four or more dwellings designed, clustered, and built in an integrated manner and built on a block of land identified for medium density housing on a Living Z Outline Development Plan or zoned Business 1.

The objectives of the District Plan seek to provide opportunity and flexibility and to allow for low and medium density development. The rules provide for comprehensive residential development to be delivered as a restricted discretionary activity delivered by development followed by subdivision.

The differences between a Small-lot' Medium Density and 'Comprehensive' Medium Density are outlined below in Table 1:

Table 1: Differences between Small-lot' Medium Density and 'Comprehensive' Medium Density in the definition

Medium Density sub type	Typology includes	minimum site size	No. of dwellings	Other
Small-lot Medium Density	standalone units, semi-detached units Duplex units.	400m ²	No minimum number of dwellings	
Comprehensive Medium Density	semi-detached units attached dwellings	None specified in definition	4 or more dwellings required	must be designed, clustered, and built in an integrated manner

The definition of Medium Density creates the potential for interpretive confusion as it includes the specific number of dwellings, the type of development and site size. In effect the definition is drafted as if it is a standard. It is noted that the use of site size in the definition of 'small lot medium density' potentially conflicts with the subdivision standards and the site sizes expected in some ODPs.

The term **comprehensive residential development** appears throughout the Plan **but** the term only applies, as a result of the definition, to the Living L15 zone in Prebbleton (and is therefore excluded from this review⁵). This means that it does not apply to other parts of the District. This is confusing as the term **comprehensive residential development** is used throughout the District Plan in parts not relevant to the Living L15 zone. For example it is used in Table C4.1 Site Coverage Allowances; site coverage in the Living Z Zone for CMDD has an allowance of 50% calculated across the area of the entire **comprehensive residential development**.

⁵ It is understood that it was intended that 'comprehensive residential development' would apply only to the L1A5 zone at Prebbleton (the concept was introduced as the mediated result of an appeal on decisions for the then-proposed plan).

The use of similar groupings of words with different definitions and application creates a level of potential confusion for plan users, particularly those who are not familiar with the Plan's approach. There are similar areas of potential confusion elsewhere in Part C4.

It is noted that the original PC 7 definition of **comprehensive residential development** has been altered (as a result of LURP Action 48) and that comprehensive residential development now only applies in Prebbleton. This is unfortunate as the **comprehensive residential development** definition requires an applicant to prepare and apply for all required land use and subdivision consents concurrently or submit a subdivision application after the required land use consent has been approved. This process is useful in relation to CMDD.

Ideally any medium density development should be designed in an integrated manner and developed comprehensively. Applying the word comprehensive to a development that is not located over a number of sites and potentially only applies to a site developed with more than 4 dwellings has added a potential level of confusion.

2.5.3 Implementation

The guidance in the District Plan in relation to interpreting rules is set out in Chapter 1: Introduction to the Rules. It states that:

"A permitted activity must comply with all the rules for permitted activities and must not be stated as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity under any rule in the Plan.

Users of the Plan should therefore check the applicability of any rules under the headings of controlled, restricted discretionary, discretionary, non-complying or prohibited activity to ascertain whether their proposed activity needs consent in respect to any one or more of these

The status of an activity will be determined by considering all rules in the Plan which are relevant to that activity. Where the application of the rules gives the activity more than one status under the Plan, the activity will be assessed by the status which imposes the higher or more rigorous threshold on that activity."

The density rules in Chapter 4, Rules 4.6.1 and 4.6.6 appear to apply to CMDD (where there is more than 4 dwellings) and the rules that refer to Comprehensive Residential Development, such as Rule 4.12.1 and 4.12.3, could also apply to CMDD due to section 4.12's heading **-Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan**, however CMDD as defined in the District Plan is only able to be located in an ODPs in the Living Z zone. This is not explicitly stated elsewhere in the District Plan and therefore there is a risk of unintended consequences.

Development of CMDD by subdivision followed by development is a non-complying activity consent under Rule 12.1.7.7, while development of CMDD buildings that is then followed by subdivision appears to be either a:

- permitted activity under Rule 4.6.1; or
- non-complying activity under Rule 4.6.6; or
- restricted discretionary activity under Rule 4.12.1; or
- discretionary activity under Rule 4.12.3.

The potential pathways to achieving CMDD provide at the worst the opportunity for perverse or unintended outcomes and at the best a confusing array of options for a developer. These pathways appear to be at odds with the explanation in Part C4 that suggests that CMDD will be a restricted discretionary activity, with the Council's discretion limited to the urban design, appearance, and amenity of the development and this may contribute to the limited delivery of CMDD.

Rules that also apply are:

- The lot size in the Living Z medium density area is determined under the Size and Shape rules (12.1.3.6 and 12.1.3.7) and the allotment size in Table C12.1.
- Rules related to building position, height and site coverage.
- Areas are zoned Living Z then within those areas there are ODP which apply. Some ODP areas include land not zoned Living Z. Within the ODPs there are medium density areas. These areas can be

developed as CMDD but could equally be implemented through small lot medium density development.

- The drafting of Rule 4.12.1 which appears to intended to apply to comprehensive development (not specifically CMDD) could also have other outcomes if applied in relation to CMDD:
 - It may discourage applications for CMDD that do not have a 6m gap but achieve other design outcomes, as the applicant cannot take advantage of the restricted discretionary activity consent process and specifically under 4.12.2 will not be guaranteed not to be notified and not require written approval.
 - It suggests that other forms of CMDD will not be assessed in terms of the criteria in 4.12.2 and will be assessed in terms of effects and the objectives and policies of the plan.

In summary:

- The current drafting of the plan provisions that relate to CMDD is not clear and there is little clear integration between policy, definitions and rules in relation to terminology which is essential given the direction in the District Plan in terms of how rules should be interpreted.
- The absence of integration and the absence of clarity and resulting confusion would require considerable effort and support from developers to deliver CMDD.
- The absence of directive requirements to deliver CMDD means that any CMDD is going to be largely market driven.
- It is often necessary to look to the explanation of policy and the reason for the rules to understand what the rule is seeking to achieve and what it applies to. This is not a good situation as the policy and rule needs to stand on their own.

The outcome is a set of inconsistent and not well integrated rules and policy that potentially hinder the delivery of comprehensive medium density development and may provide loopholes that an applicant could exploit to maximise development opportunities which are inconsistent with the intent of the provisions.

3. Review of the On-the-Ground Results of the Operative District Plan Provisions

This section assesses the effectiveness of the CMDD rules.

3.1 Outcome of District Plan Rules - CMDD

Under the rules of Part C4 in combination with the definition for Comprehensive Medium Development, all CMDD development must occur in the Living Z Zone that has an ODP, although Council has advised that CMDD has been granted in other locations under Rule 4.6.5 – Discretionary Activity.

A review of the RE004 Density and Typology work stream⁶ data shows that most ODPs are achieving the required density of households per hectare. Therefore meeting the growth targets or expectations in terms of new households is not the key issue.

A breakdown of average allotment size by Living Z Zone and townships where ODPs apply is set out in Table 3-1 below. This table has been also included in the RE004 Density and Typology report and is based on the information obtained from the Council's GIS and ratings base. It is clear from the breakdown that it is unlikely that the Comprehensive Medium Density subdivision is consistently delivering the maximum average lot size 350m² anticipated in the ODPs. It is not clear how that will impact in terms of the delivery of CMDD without further investigation of medium density subdivision and land use consents.

⁶ The RE004 Density and Typology report was also prepared by Stantec.

Table 3-1: Average Allotment Size in Living Z by Township

Township	Average Allotment Size in the District Plan ⁷	Average Allotment Size (Actual ⁸)
Rolleston	Varies 350 - 650m ²	665.34m ²
Lincoln	Varies 300 - 600m ²	738.31m ²
Prebbleton	Varies 350 - 700m ²	758.73m ²



The RE004 work stream review found that a denser form of development (smaller allotment sizes) is occurring on the periphery (towards the urban limits) of the townships, and that this is largely attributed to the 2010 and 2011 earthquakes and the uptake of development potential provided for through the LURP actions applying the Living Z zones with ODPs to areas around the townships of Rolleston, Lincoln and Prebbleton. The statistics do not however reflect some of the development that has occurred as evidenced from the photographs in Figure 3.1 and the aerial on Figure 3.2 in Rolleston.



Figure 3-1: Examples of New Medium Density Comprehensive development in Faringdon, Rolleston (April 2018)

⁷ Rule from zone or relevant ODP

⁸ From Council GIS

	 <p>22 dwellings on 20 lots that include:</p> <ul style="list-style-type: none"> • 2 lots with more than one 'unit' • One single structure comprising 4 dwellings subdivided into three lots (Lot 7 DP 475497 251m² (two units), Lot 6, 201m² one unit and Lot 5 212m² one unit) • Largest sites rear lots with right of ways 608 and 545 m2 • 7 lots fronting Rosamond Way with a single dwelling on each between 282- 320 m² <p>Ave Lot size : 360m²</p> <p>Dwellings 1: 327m²</p>
<p>Figure 3-2: Google Earth Aerial of Rolleston (2018) with block outlined in Figure 3-3 identified by star</p>	<p>Figure 3-3 Block bounded by Malby Drive, Fernham Way , Rosamond Way and Castleton Drive</p>

A review of one of the blocks in Faringdon bounded by Malby Drive, Fernham Way, Rosamond Way and Castleton Drive (Figure 3-2 and Figure 3-3) shows a built form and lot size that appears to achieve lot size that is smaller than the Rolleston average lot size of 758m² listed in Table 3-1. The analysis of this block indicates that the small lot and CMDD densities can potentially be delivered.

In terms of form, the RE004 work stream review identified three building typologies from reviewing building consents for new residential dwellings between 2013 and 2017. These housing typologies were single story detached, two story detached, and duplex housing. It noted that the predominant building typology is the detached dwelling, with 7,216 consents issued for the period 2013 – 2017 making up 98 per cent of all building consents for new dwellings. This reflects that only 2% of building consents issued for residential development were different from the stand alone, detached dwelling.


Analysis undertaken as part of the RE007 Character and Amenity work stream and from a site visit undertaken as part of the RE005 Bulk and Location work stream confirmed that the majority of dwellings in the District are single storey detached dwellings. A site visit in late April highlighted that there are some two storey dwellings and that some sites have shared (party) walls for garages (refer middle photo in Figure 3.1).

The RE004 work stream review noted that the ODP areas and Medium Density provisions have led to the development of duplex and row style housing in Rolleston, Lincoln and Leeston ⁹ and developers have commented that they would like to see further flexibility with these rules as they have been struggling with resource consent process involved for medium density housing. (It is noted that developer feedback outlined in section 3.2.1 of this report highlights some different views). The provisions of the plan could be one of the reasons for the difficulties.

The RE004 work stream review identified the following information about housing typologies (other than single detached dwellings) that fall within the CMDD definition:

⁹ It is noted that there is no Living Z land in Leeston and that the duplex development occurred under Rule 4.6.5 rather than CMDD.

Table 3-2: Housing Typology that fall within the CMDD Definition in the Selwyn District

Typology	Photo	Number of Building Consents from 2013 - 2017	Comment
Duplex and Row Housing		119	<p>This typology is uncommon in the Selwyn District.</p> <p>Typically it is either a duplex typology with two dwellings joined by garages, or medium density row housing, with detached garages and a lane way.</p> <p>This development is encouraged in Outline Development Areas and the majority of the consents were issued in Leeston (Living LXA Zone) and Rolleston (Living Z Zone).</p>

3.2 Plan Users

3.2.1 Developers

Three developers were asked for feedback on the current CMDD provisions. In order to get some background on their experience they were asked if they were land developers (subdivider) or property developers (construction). Two advised that they were involved in property development only and one was involved in both.

All were involved in projects involving delivery of single house per site development in Selwyn. One said their company was involved in some single house per site development with party walls between houses. Only one said they were involved in delivering multi dwelling housing both in Selwyn and other parts of NZ and that the company in other locations delivered dwellings on sites as small as 150-200m² sites.

In relation to a question about familiarity with the CMDD provisions in the Selwyn District Plan, two said that they were familiar and had lodged resource consent applications under the provisions but did not specify the projects. Both said that they found the design review process used by the council fairly straight forwards and find the council easy to work with. One noted that Selwyn had a more proactive approach offering more flexibility, which enabled a lot more diversity and variation in the design. It was suggested that this was probably due to the fact it has more greenfield sites. One of the participants with an architectural background noted *"that if in the design progress you rely solely on a rule based approach with regard to planning and urban design the final objective of the projects tends gets lost in the process."*

One of the respondents also commented that

"CMDD needs to have a certain level of infrastructure supporting it, I wouldn't want to see previously designated high density zones diluted or the existing developments will become isolated and not an attractive proposition for the occupiers."

Another noted that being the first developer in an ODP area where infrastructure is not in place was a hard sell, *"You need surety that the outline plan will be adhered to"*.

When asked why CMDD was not being developed in large numbers in Selwyn one noted:

"While it is not in public psyche at the moment as a desirable way of living; I think ultimately we are going to have to learn to accept densification if we want to build more affordably, as land costs and availability are always going to be the limiting factor."

He went on to note that most Cantabrians see Medium Density as the cheap option, 'slum housing'

"When it done well people love living in them, we've done clusters of them on green field sites in Orewa in Auckland – where originally there was no purchaser interest and we even had community groups set up to oppose the developments. But 5 years on, there a waiting list for purchasers to get in, they have become a desirable location, but it's not only the unit design, it's a whole range of factors, location, outlook, the parks and landscaping around it, accessibility to shops buses community schools etc.

It's just about educating the public to want to live in them and also showing the developers that there is a market for them, somehow making this type of living desirable; generally most people can't understand them until they can actually see them, that's why Auckland does the case study program.

Unfortunately it doesn't help that most of these developments here are done by speculators who are only in it for the short term gain, they don't see the benefits of that holistic approach, and because they market them under the 'affordable' banner they think they can get away with only providing the bare minimum. Compounding that when you do these lower quality type of units then they tend to be sold as investment units and not to owner occupiers, as long as the return is there, and because they're not personally involved there is little incentive to achieve that desirable factor."

In relation to a question about whether duplex/ row houses or terraced units will be in demand in the future one of the respondents noted that *"feedback from our investors would indicate that there is a market for smaller, more cost effective rentals"* while another noted *"We have tried at and failed it is not what people want in Selwyn at all."*

3.2.2 Council Officers

Feedback from Council's Senior Urban Designer was received through a telephone conversation on 23 April 2018.

The key points made were that CMDD is not being delivered by developers in the manner anticipated by the Plan. The advice was that the closest to CMDD being delivered is standalone development 'with a twist' – a duplex unit that appears as a single dwelling when viewed from the road. It was noted that there are examples where applications for 4 or more units, each on an individual site are proposed applying the CMDD rules such as site coverage and the Council has granted consent for these.

It was noted by the Senior Urban Designer that development occurring in Selwyn appears to be market driven and that the development preferred by the market appears to be almost exclusively single unit and single storey. This was confirmed by the feedback from developers. The Senior Urban Designer reported conversations with developers that had indicated reluctance to experiment with other typologies. She noted that she had spoken 6 months ago to a developer willing to try duplex development as an option but the same developer had indicated it was not offering them now as there had been no interest. This was also confirmed the feedback from developers as outlined above.

The point was made that as the land is currently relatively cheap and not scarce, the price differential between multi-unit housing and detached dwellings does not encourage a shift to multi-unit housing.

It was suggested that a form of 'group housing' being elderly person housing, with a range of housing typologies such as found in a retirement village development, may provide the community with an acceptable housing form that will potentially change perceptions.

It was also noted that Council investments such as in the proposed Rolleston health hub and redevelopment of part of Rolleston Reserve for a library, community space and commercial and retail centre, may justify more dense development in the centre of this town in future years.

Feedback from one of Council's senior planners who has worked in both consents and policy was received through a telephone conversation on 31 May 2018. The key points made were that the Council processes applications for what is considered to be 'comprehensive medium density' that are not strictly consistent with the comprehensive medium density definition as they are not:

- Attached (row houses/ terraces) and development that is semi-detached is generally related to 'attached garages' not living room to living room;
- Always in ODPs;
- Always in Living Z; and
- Not always four or more but usually are.

It was noted that most of the development being called comprehensive medium density is small lot development – i.e. standalone dwellings on lots smaller than 350m². In one instance the development was changed from the density specified in the subdivision consent / consent notice applying to the area from a series of ‘comprehensive’ lots to ‘small lot’ lots that comply with the ‘small lot’ requirements. In this instances the proposal is assessed using Rule 4.12.2 where it delivers the net density expected for the ODP across the whole ODP area.

Further it was noted that the application process followed by larger developers is generally to apply to build in ODP areas through applications for both land use and subdivision lodged at the same time, with a condition on the subdivision consent preventing the s224c certificate to be issued until pre-lining stage. It was noted that smaller developers struggle with this model (due to the cost of financing). They will apply for subdivision first and then to build. These applications are made at the same time, but instead of the pre-line condition, the applicant seeks to have the dwelling design locked in by consent notice. It was noted that there are difficulties with this approach as it has too much scope for things to go wrong particularly with the risk that design changes are not picked up during processing which can mean that the building consent is issued and the required consent notice on the site (applied though the s224 process) does not match the actual design. Such applications are non-complying activities (under Rule 12.1.7.7) and are generally fully notified. In relation to a question about community reaction to proposals it was noted that applications that have been notified do not generally attract submissions in opposition other than for issues such as reverse sensitivity in terms of existing occupiers of development looking at the proposal.

It was acknowledged that two storey dwellings are not common and those that have been consented are subject to variation applications to change to single storey because they are not selling. In the case of developments that are semi-detached they will generally only have shared access –although an example was given of a retirement village that has central clustering of rubbish bins. It was noted that there have been three retirement village applications (each with shared amenity spaces (pavilion/community room, lawn areas and the like).

Examples of comprehensive medium density have occurred in the Living 1 zone in the past. Commonly it is an existing house removed and two constructed or the original retained and a second constructed (restricted discretionary activity with resulting lot sizes usually in the region of 400 – 500m²) but there have been some examples of multiple units (full discretionary).

It was acknowledged that the plan is difficult for those not familiar with it with reference to ‘comprehensive residential development’ and ‘comprehensive medium density’ and council staff work with the developer and around the provisions it to get the outcomes.

3.3 Commentary

The rule and policy context established under PC7 and LURP Action 48 along with the market demand generated following the 2010 and 2011 earthquakes has significantly shaped the new growth and development of the areas around the outskirts of some of Selwyn’s townships.

The key conclusions are:

- ODPs are the key method identified in the policy framework for achieving the integrated, sustainable development of greenfield urban growth areas. However, in terms of this review not all ODPs apply to Living Z land
- There is expected to be medium density development delivered in some areas subject to ODPs but the delivery of medium density development and in particular CMDD is not required under the policy framework.
- Given the apparent preferred form and the rate of “single house per site” development being delivered, the supply of land in the existing ODP areas has the potential to be reduced sooner than envisaged as the growth in Selwyn to date has been largely accommodated within the planned greenfield areas. Council staff advise however that overall density targets are being met so the choice of developers not to offer CMDD is not affecting archiving densities in ODP areas in the district.
- This growth in greenfield areas has been necessary to meet the increased demand for housing because of the damage to, and loss of, homes due to the earthquakes and as there is no specific provision for CMDD in the existing residential zones (Living 1 zones and the Living WM Zone) and medium density is only possible through Rule 4.6.5 as a discretionary activity.

- The rules and policy currently enable changes to reduce the density to be delivered in an ODP area through a resource consent process. It is not clear how often resource consents are lodged to reduce density in an ODP or if these are granted.
- The ODP must only consider the location of low and medium density housing areas and as noted above, the rules enable areas earmarked for medium density to be used for lower density development. The ODPs do not identify areas where 'comprehensive medium density' should be provided.
- Given that land within the ODP areas is potentially in multiple ownerships it is not clear how medium density development will be comprehensively designed and delivered across more than one existing site in an ODP area. Therefore it seems that in the absence of a requirement for a proportion of land in an ODP area to be used for CMDD, any areas of CMDD will be driven by market demand.
- The feedback from developers and council staff is that there is no desire to deliver CMDD typologies as there is currently no market demand due in part to the cost of land but also current public perception.
- Developers do not consider the plan's provisions are an obstacle to delivering CMDD (as they don't really do any).
- Developer's engagement with the council through the design process is viewed in a positive light – perhaps because they get their applications granted.
- There appears to be little market demand for the CMDD housing typologies of semi-detached and attached dwellings and therefore not much interest by developers in providing this form of housing.
- Alternative housing forms delivered as comprehensive developments such as retirement villages are anticipated by the existing policy framework. However, without many examples in the local market there is little for the local community to view, become accustomed to and see as a viable housing option.
- As the community changes and ages, greater value may be placed on increasing density closer to facilities and transport nodes located in town centres where council is delivering (in the case of Rolleston) new facilities for the community.

It is clear that the current policy and rule framework has not delivered the range of section sizes and living options and housing typologies envisaged in the CMDD provisions even though it may be delivering the number of dwellings anticipated in the ODPs.

4. Giving Effect to Relevant Planning Documents

The proposed District Plan must give effect to the RPS and the NPS-UDC.

4.1 Canterbury Regional Policy Statement

The RPS gives an overview of the significant resource management issues facing the region and sets out objectives, policies and methods to resolve those resource management issues and to achieve the integrated management of the natural and physical resources of Canterbury. The RPS recognises that changing demographic patterns, including the aging population and smaller households, along with providing housing choice for future generations are expected to increase the desirability of higher density development. The RPS sets out that territorial authorities will adopt a comprehensive approach to the management of the location of urban and rural-residential development to ensure good urban design and amenity outcomes are achieved.

A significant direction of the LURP was the inclusion of a new Chapter 6 to the CRPS, which built upon the planning initiatives undertaken through Proposed Change 1 to implement the 2007 Greater Christchurch Urban Development Strategy (UDS) that sought to consolidate development around well-defined urban and rural town centres rather than to allow unconstrained greenfield development.

Chapter 6 of the Canterbury Regional Policy Statement, inserted by the LURP in December 2013, sets out objectives and policies specific to Greater Christchurch relating to land use and development. Chapter 6 formalised the inclusion of Map A, which supported the policy direction initially identified in the 2007 UDS and defined the current settlement pattern through 'greenfield priority areas' and Township Boundaries

(Metropolitan Urban Limit) within the GCA. These 'greenfield priority areas' are anticipated to accommodate growth through to the year 2028, which is the defined earthquake recovery period.

4.2 National Policy Statement on Urban Development Capacity 2016

The NPS-UDC directs local authorities to provide sufficient development capacity in their resource management plans, supported by infrastructure, to meet demand for housing and business space. To give effect to the NPS Selwyn District Council is required to ensure there is sufficient land available to meet future housing and business needs.

Selwyn District Council is working collaboratively with the Greater Christchurch Partnership to respond to the NPS-UDC and to integrate this work with a review of the Greater Christchurch Urban Development Strategy.

Reporting on the supply of land for housing will assist in identifying trends that will influence changes to the approach.

4.3 Commentary

Growth in the greenfield priority areas in Selwyn was necessary to meet the demand for new housing generated as a result of the 2010 and 2011 earthquakes.

- It is expected that if the land supply anticipated to accommodate growth through to the year 2028 is taken up too quickly, Council will be faced with either needing to provide for intensification or seek to have more greenfield land rezoned.
- New plan changes applying the Living Z zone and with ODPs will be required and this may trigger concern from outside Selwyn if it reduces the potential for household growth in Christchurch, particularly through urban intensification¹⁰.
- If the cost of this land is higher due to a reduction in availability there may be questions asked about the absence of direction in the Operative District Plan that would achieve a wider range of housing typologies.

5. Consistency and benchmarking with other district plans

5.1 Cross Boundary Consistency

As part of the review the approach taken in relation to CMDD by the Christchurch City and Waimakariri District Plans has been assessed to determine the extent to which cross boundary consistency with Selwyn is currently achieved, and whether consistency is necessary.

5.1.1 Waimakariri District Plan 2005

5.1.1.1 Policy Framework

The objectives and policies of the Waimakariri District Plan (refer Appendix D1) set out to provide an efficient use of land that provides a range of housing choice and ensures that any effects that result from development are addressed.

5.1.1.2 Rules Framework

Definitions

In Waimakariri **Comprehensive residential development** is defined as "*four or more dwelling houses and any accessory structures that are designed as a group and located on a physically contiguous site or sites within the Residential 1, 2 or 6 Zones*". The definition was introduced along with other provisions relating to comprehensive residential development by LURP 4 in February 2015.

Outline Development Plan is defined as "*a plan of a specified area, included in this District Plan, which identifies, in a general manner, the road layout, any stormwater facilities, reserve areas or other matters*".

¹⁰ As set out in the 2007 Greater Christchurch Urban Development Strategy

required to be provided for, or included in, any subdivision or development within the area of the Outline Development Plan".

Outline Development Plan Required Boundaries are identified on District Plan Maps.

Zone Rules

The Residential 1 Zone is the highest density living environment in the District. The zone surrounds the town centres of Rangiora and Kaiapoi. The Residential 2 Zone occupies most of the living environment in the District's towns. The Residential 6 and 6A Zones provide for the residential development at Pegasus and Ravenswood.

A resource consent application for comprehensive residential development is required to have been made prior to any resource consent application for subdivision of the dwelling houses on the site or sites. A higher building coverage for comprehensive residential development is provided in the Residential 1 zone (50%) and there are controls on the location of garages to the road, and requirements related to outdoor living space and service areas and streetscape.

Subdivision Rules

Subdivision rules provide that, within the Outline Development Plan area shown on District Plan Maps, identified as being available for Comprehensive Residential Development, and developed as Comprehensive Residential Developments. They require a minimum allotment size of 300m²; and a minimum road frontage of 10m (Rule 32.1.1.8).

5.1.2 Christchurch District Plan July 2017

5.1.2.1 Policy Framework

The Christchurch District Plan provides for new development to occur in its green field area zoned Residential New Neighbourhood Zone and for medium density in the Residential Medium Density Zone. The Medium Density zone provides for townhouses, terraced housing, apartment buildings and encourages comprehensive development of multiple adjacent sites. It also includes a range of non-residential activities in the activity lists.

The objectives and policies (refer Appendix D2) associated with the delivery of medium density seek to ensure that medium density occurs in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities or in new areas where a number of amenities are available within 800 m walkable distance. The policies provide for a range of options that include social housing and innovative outcomes while accepting some effects as a result that cannot be mitigated.

Provision is made for development in new residential zone's greenfield areas on the edge of the existing urban environment through the use of comprehensive residential development and ODPs to achieve a minimum net density of 15 households per hectare.

5.1.2.2 Rules Framework

Definitions

There is no definition of medium density or comprehensive medium density. However there is a definition for **comprehensive residential development** which states: *in relation to the Residential New Neighbourhood Zone, means a development of three or more residential units which have been, or will be, designed, consented and constructed in an integrated manner (staged development is not precluded). It may include a concurrent or subsequent subdivision component.* It is noted that the Residential New Neighbourhood Zone applies to new areas of greenfield land where large-scale residential development is planned.

The Christchurch District Plan also defines **Outline Development Plan** as meaning:

a plan (including any associated narrative description provided) which guides the form and staging, where applicable, of subdivision and development in the Residential New Neighbourhood Zone and/or Greenfield Priority Areas identified in the Canterbury Regional Policy Statement...

Zone Rules

Within Medium Density Zone there are activity status tables and a range of detailed built form standards that cover site density, landscaping, bulk (11m provided there is a maximum of 3 storeys and 50% coverage) and location in terms of the road and internal amenity related to privacy, and address servicing.

- It is a Restricted discretionary activity to:
- build a new building or alter existing buildings that result in three or more residential units; or
- one or two residential units on a site smaller than 300m² gross site area (prior to subdivision); or
- one or two residential units resulting in residential floor area greater than 500m²; or
- Over 40m² of a building used for other activities, on a site.

5.1.3 Commentary

There is consistency between the Selwyn District, Waimakariri and Christchurch Plans, as all provide for new residential development at the edge of existing urban areas. All use ODPs and comprehensive residential development.

The differences are:

- While there is no provision for 'medium density', the definition of comprehensive residential development in Waimakariri includes four or more dwelling houses that are designed as a group and located on a physically contiguous site or sites.
- Christchurch also defines comprehensive residential development as three or more residential units again developed in an integrated manner, but this definition only applies in one zone -the Residential New Neighbourhood Zone applied to new areas of greenfield land where large-scale residential development is planned.
- Unlike Selwyn, both Christchurch and Waimakariri District Plans anticipate medium density in other zones located within the town centres;
 - Waimakariri District Plan provides for comprehensive residential development to occur in the zones
 - Christchurch has medium density zones that provide for growth in existing urban areas where there is ready access to a wide range of facilities or in new areas where a number of amenities are available within 800 m walkable distance.
- The definition of comprehensive residential development in both Christchurch and Waimakariri District Plans is simpler than in Selwyn and is focused on an outcome as opposed to a process.
- Neither plan seeks to define medium density or uses the term 'comprehensive medium density'.

5.2 Other Approaches and Techniques

A review of the approaches in the Auckland Unitary Plan and the Hamilton City District Plan was undertaken, in relation to identify if there are other approaches or techniques that could deliver similar outcomes in terms of those potentially available through CMDD.

5.2.1 Hamilton City Plan October 2017

The comparable approach in the Hamilton City Plan is a Medium-Density Residential Zone which applies to greenfield areas within Structure Plan areas. The plan recognises that medium-density housing is more easily achieved when it is comprehensively planned from the start, rather than being retrofitted into an existing urban environment. A Comprehensive Development Plan (CDP) which is in general accordance with the relevant Structure Plan and Urban Design Guide must be approved prior to development. The District Plan does not define medium density or CDP. This approach is quite similar to the Selwyn District Plan but it is simpler to understand as all the information is in one place.

5.2.1.1 Policy Framework

The objectives and policies within the Plan that relate to the Medium Density Residential Zone, which applies to greenfield areas within Structure Plan areas, focus on achieving specific outcomes for specific places. There are general objectives and policies which relate to all residential zones. These focus on having a range of housing types, efficient use of land and infrastructure, the residential development producing good on-site and neighbourhood amenity, and ensuring that residential activities remain dominant.

5.2.1.2 Rule Framework

The Medium-Density Residential Zone is divided into a number of comprehensive development areas, and the rules relate to the CDP process. Development in the Medium-Density Residential Zone can only occur when resource consent for a Comprehensive Development Plan for the whole subject area has been granted by Council. The plan provides for changes to conditions of a CDP to be considered as a discretionary activity under section 127 of the RMA. For a Comprehensive Development Plan that has been granted consent, any changes in use or changes that involve materially different effects or extend the scope of the original application, will require a new Comprehensive Development Plan consent and will be assessed as the same activity status in the original application for a Comprehensive Development Plan¹¹. However, there are some permitted activities which can occur before the approval of the CDP which relate to maintenance of existing buildings, informal recreation and ancillary buildings, residential activities, temporary activities and demolition or removal of existing buildings. Generally, a CDP for each area requires resource consent as a discretionary activity.

5.2.2 Auckland Unitary Plan November 2016

The Auckland Unitary Plan is very different to the Selwyn District Plan making it difficult to directly compare the provisions, but the Auckland Unitary Plan does have specific approaches both in relation to medium density and greenfield development that may be useful.

5.2.2.1 Policy Framework

In the Auckland Unitary Plan the approach to medium density is through the application of the Residential - Mixed Housing Suburban Zone. The Residential - Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs in urban Auckland and in areas in some of Auckland's satellite towns and some greenfields areas (subdivision anticipates 400m² vacant sites). Much of the existing development in the zone is characterised by one or two storey, mainly standalone buildings, set back from site boundaries with landscaped gardens.

The Residential - Mixed Housing Suburban Zone falls within a hierarchy of zones with a lower density in the Residential - Single House Zone (one house per site, with a subdivision standard for vacant sites of 600m²) and one which has a higher density being Residential - Mixed Housing Urban Zone (with 2 dwellings per site permitted and three or more dwellings requiring restricted discretionary activity consent and a subdivision standard for vacant sites of 300m²).

One interesting approach is that an existing dwelling as at 30 Sept 2013 can be converted into two units as a permitted activity in all three zones : Residential - Single House Zone; Residential - Mixed Housing Suburban Zone; and Residential - Mixed Housing Urban Zone.

The Residential - Mixed Housing Urban Zone is applied to the area immediately abutting corridors and town centres, to increase the capacity and choice of housing within neighbourhoods as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres. The Mixed Housing Suburban Zone is applied a little further away and the Single House Zone is applied even further away or in areas constrained due to servicing or natural hazards.

The objectives and policies within the Residential - Mixed Housing Suburban Zone aim to enable a variety of housing types integrated into residential development. The policy framework (H4.3(2)) aims to achieve predominantly two storey buildings in a variety of forms by limiting the height bulk and form of development, managing the design and appearance of multiple-unit residential development, and requiring sufficient setbacks and landscape areas.

One of the drivers for applying Residential - Mixed Housing Suburban Zone and Residential - Mixed Housing Urban Zone in existing urban areas is the presence of gridded street patterns and small blocks. The road network form present in these areas means that additional development enabled through the zones could take advantage of good access to public transport networks located along the nearby arterial corridors or in some cases rail corridors. By contrast the roads in areas developed in the 1960s- 1980s meander and have a larger numbers of cul-de-sacs, making it a challenge to deliver effective walking and public transport networks and generally the Residential - Single House Zone (that reflects the existing low density) was applied to these areas.

It is noted that subdivisions in recent decades in new greenfield areas in Auckland have been required to provide shorter block lengths and where topography was a constraint have been required to ensure that

¹¹ It is noted that this rule is potentially ultra vires based on the Queenstown PC 19 appeal decision referred to earlier.

there are connections through blocks to enable more direct access to key facilities and public transport networks.

The full range of zones is applied by plan changes to greenfield areas following a structure plan process and is normally associated with a Precinct Plan that is also included in the District Plan layer in the same way an ODP is used in other plans. The principles applied in the precincts relates to providing for more dense development close to future public transport corridors and key facilities and identifying key roads 'indicative roads' to ensure the delivery of grid street patterns and / shorter blocks to enhance connectivity.

5.2.2.2 Zone Rules

The activity table lists the type of development and its activity status For example:

- Up to two dwellings per site is a permitted activity in the activity table as long as it complies with the standards related to building height (8m or 9m for sloped roof), height in relation to boundary, yards, maximum impervious areas, building coverage (40% of the site) and other requirements related to location on the site.
- Three or more dwellings are a restricted discretionary activity

5.3 Commentary

Similarities between the five plans reviewed include:

- Both Hamilton and Auckland share a similar approach to Selwyn, Waimakariri and Christchurch in using a development plan applied to greenfield areas to guide development. Hamilton's development plan is delivered through a resource consent¹².
- All the plans seem to have a permissive approach for having multiple dwellings on the same site and provide for the delivery of 'medium density development' in a comprehensive way through a restricted discretionary activity status.
- All (except Auckland) apply a specific zone to the greenfield area and rely on the comprehensive residential development definition and related provisions to deal with the integration and density.
- All have relevant design matters addressed in their assessment criteria.
- All (except Auckland) identify yields in the ODPs.

Differences are:

- Auckland uses its standard urban zones and applies them to greenfields through the plan change process.
- Auckland has zones for Medium Density development located along transport corridors or close to transport nodes and to town centres.
- Auckland allows a higher level of development as a permitted activity subject to meeting development standards.
- Auckland's use of a permitted activity for an existing house to be used for two residential units is an approach that potentially removes the 'fear' of change that is present in many in existing suburbs related to intensification.
- Auckland's development plans do not have yields specified – these are set outside the plan.

6. Conclusions and Recommendations

This report sets out to:

¹² Note earlier comment about procedural issues in other jurisdictions related to development plans outside the district plan.

- Provide conclusions on the extent to which the existing CMDD provisions in the District Plan have been effective, and if they are delivering development that provides a good level of amenity for residents, neighbours and views from public places;
- Provide recommendations on the existing CMDD provisions in the District Plan in terms of those which should be retained, amended or removed; and
- Where appropriate, recommend options for determining the location of CMDD within the district.

6.1 Are the Existing CMDD Provisions Effective and Delivering Development that provides a good level of amenity?

In relation to the question to what extent have the existing CMDD provisions in the District Plan been effective, and if they are delivering development that provides a good level of amenity for residents, neighbours and views from public places, it is noted that CMDD in the Selwyn District Plan means:

*four or more **semi-detached or attached dwellings** that are designed, clustered, and built in an integrated manner and built on a block of land identified for medium density housing on a Living Z Outline Development Plan or zoned Business 1.*

The first finding is that the development that has been delivered in Selwyn is generally not CMDD as defined in the Selwyn District Plan as it is not commonly *semi-detached or attached dwellings* and is generally single dwellings on small lots. It would therefore fall under medium density housing as defined by Ministry for the Environment (refer Section 1.2 of this report) as it is commonly standalone housing located on either single or aggregated sites. The development is generally assessed using the criteria in Rule 4.12.2.

It is noted that the Ministry for the Environment definition is very similar (apart from the reference to terraced housing or apartments in building of 4 storeys) to the definition of 'comprehensive residential development' used in Selwyn (prior to it being qualified to only apply to Prebbleton¹³), Waimakariri, Christchurch and Hamilton.

In trying to understand why the CMDD definition has not been effective it has been important to understand the drivers for the provisions. There appear to be four key drivers that have influenced the wording:

- The need to manage urban expansion into greenfields.
- The community reluctance to 'densify' in the existing townships.
- The need to respond to the 2010 and 2011 earthquakes.
- A developing paradigm shift across New Zealand to provide for a range of medium density housing typologies and to have them designed, consented and constructed in an integrated manner.

It appears that the RPS was seeking to enable expansion into greenfields in a managed way prior to the 2010 and 2011 earthquakes, and that the introduction of the Living Z zone in Rolleston and Lincoln and provision for comprehensive residential development was part of this approach of managing growth using ODPs in the Greater Christchurch area (linked to the 2007 Urban Development Strategy).

The need to respond quickly to the 2010 and 2011 earthquakes, providing for more residential growth around the existing townships, meant that the growth was located on greenfield land areas on the fringe of some of the existing townships. This land was cheaper, mostly in single ownership and able to be developed.

It is recognised that increasing pressure in some urban areas around New Zealand has meant that medium-density housing has emerged as an attractive option in both greenfield and existing areas. However there has to be the right set of conditions for it be delivered in both situations. In addition to an enabling, and sometimes a directive, planning framework so that they are designed, consented and constructed in an integrated manner, these conditions include market conditions such as the cost of land (that makes medium density viable) and an absence of affordable housing and demand for the typologies.

¹³ It was noted that most of the Living L15 zone in Prebbleton has been developed and specific provision for 'comprehensive residential development' may no longer be warranted.

From developer comments referred to earlier in the report, these market conditions may not exist in Selwyn at the present time but it would be appropriate to retain provisions in the District Plan that enable the delivery of the different typologies that are designed, consented and constructed in an integrated manner when and if these conditions apply in the future. One question arising is does this require buildings to be developed first with subdivision to follow.

In terms of the second part of the question - *whether the form of housing provides a good level of amenity for residents, neighbours and views from public places*, as the development is largely small lot medium density and not CMDD as defined in the District Plan, it has not been possible to answer this question. It is noted that the form of existing development in, for example Rolleston (refer Figures 6.1) is completely different from the new Living Z areas also in Rolleston (Figure 6. 2) and may be considered to have high visual amenity due to the predominance of largely single storey with large lots and large homes, fences and mature planting.



Figure 6-1: Examples of Existing Development from Rolleston



Figure 6-2: Examples of New Medium Density small lot from Rolleston

By comparison the development shown in Figure 6.2 (located in ODP Area 6 in Appendix 38 and in an area of medium density housing identified in the ODP) has development that falls within the urban form (mixture of densities, generally small block size and includes a grid roading pattern) expected with CMDD as discussed in Section 1.2 of this report. The streetscape could be considered by some to currently have no visual amenity as it is largely hard landscaping and the built form, but in time the young vegetation will mature as shown in Figures 6-3 and 6-4. The examples in Figures 6-3 and 6-4 are of mature development generally 10 years old that has a similar form to that shown in Figure 6.2 and the streetscape and visual amenity for residents, neighbours and views from public places will be enhanced.



Figure 6-3: Calumet Way, Addison Papakura (developed and delivered 2003 - 2008) Source Google Earth 2018

Figure 6-4: Searle Street, Stonefields, Glen Innes (Developed and delivered 2007-2010) Source Google Earth 2018

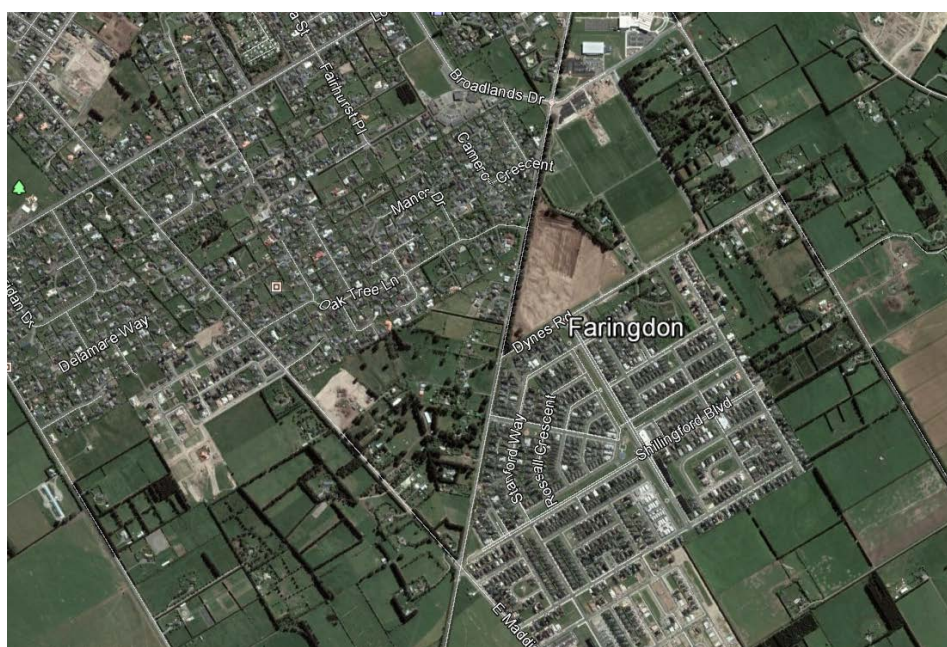


Figure 6-5: Google Earth Aerial of Rolleston (2018)

In terms of the other aspect of amenity in an urban area, as reported by one of the developers there are a range of factors involved in delivering medium density housing and this include location, outlook, the parks and landscaping around it, accessibility to shops buses, community schools.

The amenity derived from the presence of urban facilities is enhanced by good connections. Commonly the measure of a 400- 800m walk is used in relation to this type of amenity as it is a measure of access to public transport and commercial and community facilities. It is noted that given the layout of the older existing areas in the larger townships in the Selwyn District such as Rolleston as shown in Figure 6-5, these distances are likely to be exceeded for many existing residents and result in reliance on motor vehicles for most trips. This is largely due to the existing roading pattern and lot size and the way development has occurred over time. In the more recent greenfield developments, such as Faringdon (as seen in Figure 6-5), the largely flat topography and a linear roading grid has resulted in shorter and more walkable blocks sizes. This development is considered to provide greater access to urban facilities (such as parks, playgrounds, convenience shops, and child care and schools) which are within a 800m walk for many residents.

It is noted that Auckland Council has greater market demand with both an aging and growing population and higher land and development costs that have resulted in a building industry that is receptive to trying new typologies. One of the developers working in Selwyn indicated that they are working in Auckland but are not able to deliver the range of typologies in Selwyn as the market is not interested in Selwyn at this time.

It is possible that market interest may change in the future. One area that is often a driver for such change is the needs of the aging population. The current housing stock of single storey detached dwellings on large sites in the older parts of the Selwyn District may not be suited to the aging population. Evidence from other work streams indicates that elderly persons prefer to remain in their own communities but many struggle to maintain a large dwelling and property on their own. It is anticipated that as the Selwyn population ages and a larger proportion of elderly persons are looking for an alternative form of housing, forms of medium density including CMDD may be in greater demand. It is also noted that in time there may be demand from families for different housing forms.

The size of sites in the existing residential areas may enable successful CMDD to be delivered in some locations, but such infill development is ad hoc and often associated with negative reactions if there is a large level of similar development occurring. Opposition is often linked to the high level of attachment to an area associated with long term residents and a general opposition to change. In other jurisdictions it has proven difficult to achieve successful medium density development without council intervention, i.e. not just providing a framework in the district plan but also council's assisting to deliver a planned outcome by taking the community with them and educating them on the wide range of social, economic, environmental, and sustainable benefits that can be delivered through CMDD.

Duplex and terrace housing typology is already enabled in all zones (Rule 4.9.7 provides for common walls) in the form of row housing. Low level apartment buildings are also enabled where there is provision for 11m high development in some ODP's. In relation to delivering other forms of housing that fall under CMDD it is noted that the criteria in Rule 4.12.2 of the District Plan covers matters related to the position of buildings relative to the street and to adjacent sites and the issue of accessibility and connectivity. These matters are equally relevant in relation to redevelopment in existing townships as in greenfield areas such as in the Living Z zone. The council may need to specifically provide in its district plan for medium density to occur in the existing areas and ensures that they are designed, consented and constructed in an integrated manner by including specific requirements such as in 4.12.2.

Enabling a mix of dwellings including multi-unit dwellings in areas outside existing ODP areas that also have good access will address the needs of a wider range of future housing needs and meet other amenity needs. However other aspects related to amenity offered to residents from CMDD such as walkability may not be able to be delivered without consideration of retrofitting (rezoning) some areas to assist in reducing reliance on the use of cars to access (facilities such as medical centres and transport corridors, parks and schools.

One of the issues that arose through the review is the difficulty in working with the provisions in terms of the link between objectives and policies and the rules (definition, zone, and subdivision rules). Simple changes to use consistent terminology in all zones or reconsidering the use of words (such as comprehensive residential) that have a specific meaning in a definition would help to ensure better internal integration. Changes to definitions seem appropriate at this time to be clearer on what is being sought and reduce definitions reading as standards.

It is noted that the effectiveness of the CMDD provisions in the Plan currently, are not highly problematic as the market is not driving to deliver CMDD. However if for any reason the market changes the provision could be potentially problematic and result in unsatisfactory outcomes.

6.2 Recommendations in Relation to the Existing CMDD Provisions in the Operative District Plan

It is recommended that the Council consider:

1. Deleting the current definition of Medium Density
2. Amending the definition of comprehensive residential development by removing reference to Prebbleton as the L1A5 zone at Prebbleton has been fully developed, and making consequential changes to simplify the plan and reduce confusion in definitions and rules specific to that zone and remove/amend any relevant objectives and policies.

3. Creating a new definition for medium density that is more in line with the Ministry for the Environment definition for medium density housing to provide for a more comprehensive approach so that development is designed, consented and constructed in an integrated manner.
4. Revisiting all the provisions relating to comprehensive residential development and medium density and confirming those that are appropriate for the new definition and making changes to align with the definition such as streamlining the assessment provisions to remove duplication by potentially revisiting how assessment matters are currently grouped.
5. Revisiting the subdivision section of the plan to make subdivision related to comprehensive residential development (with standalone, semi-detached and attached housing typologies) clear and as simple as possible.

6.3 Recommendations for Determining the Location of CMDD within the District

1. Enabling provision for comprehensive residential development (4 or more dwellings) in areas other than Living Z by:
 - Determining an appropriate activity status for the proposal and to ensure that the council is able to decline poorly designed proposals.
 - Utilising learnings from the current design process (that has had positive feedback from developers) and use the key design issues as matters to be considered during design and subsequent assessment. This could include considering the use of the LZ comprehensive medium density provisions outside the LZ zone with additional policy guidance about where it would be appropriate to grant consent.
 - Identifying sites able to be used for comprehensive development such as requiring sufficient land (e.g. 1,200 m²) and within 400m walking distance to town centre to improve connectivity and enable an appropriate lot size while providing on site amenity and sufficient dimensions to provide for rear access.

Appendices



Appendix A Policy Framework – Objectives, Policies and other relevant provisions from the Selwyn District Plan

A.1 Relevant Objectives

Relevant Objectives	Relevant extract from explanation and reasons
<p>B4.1.1</p> <p>A range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated</p>	<p>Medium Density areas are to be identified in Outline Development Plans to provide for anticipated population growth within a consolidated urban area and provide choice and opportunity for a variety of housing types. The provision of medium density areas will result in a more urban character that is nonetheless anticipated to provide a high quality living environment, albeit with a less spacious character than the typical low density environments that currently exist.</p>
<p>Objective B4.1.2</p> <p>New residential areas are pleasant places to live and add to the character and amenity values of townships</p>	<p>To enable people and communities to provide for their well-being, the District Plan provides for a range and variety of section and house sizes in existing townships. Overall, larger section sizes than those found in Christchurch need to dominate townships, to maintain spaciousness thus reflecting something of the rural character by a sense of open space, panoramic views and rural outlook that attract residents to these townships. The market is the best determinant of the range and variety of section and house sizes that should be provided – what people choose to meet their needs. This includes alternative housing forms such as comprehensive residential development provided the spacious character and amenity values associated with adjoining and surrounding low density living environments are maintained...</p> <p>Medium Density areas are to be identified in Outline Development Plans to provide for anticipated population growth within a consolidated urban area and provide choice and opportunity for a variety of housing types. The provision of medium density areas will result in a more urban character that is nonetheless anticipated to provide a high quality living environment, albeit with a less spacious character than the typical low density environments that currently exist. Any new living zones shall be consistent with the General Policies, Town Form policies and any relevant Specific Township policies by which all plan change requests are judged. This includes alternative housing forms such as comprehensive residential development provided the spacious character and amenity values associated with adjoining and surrounding low density living</p>

Relevant Objectives	Relevant extract from explanation and reasons
	environments are maintained currently exist. Any new living zones shall be consistent with the General Policies, Town Form policies and any relevant Specific Township policies by which all plan change requests are judged. This includes alternative housing forms such as comprehensive residential development provided the spacious character and amenity values associated with adjoining and surrounding low density living environments are maintained
B4.2.4 That subdivision provides for variety and efficiency in its design, form and function	Objective 4.2.4 seeks to provide opportunity and flexibility for developers to express greater innovation, while satisfying the engineering requirements of the Plan. Such matters include roading design and layout, the shape and size of allotments, particularly to allow for low and medium density development within Living Z ODP areas, protection of views, and an open space network within the subdivision to provide good connectivity for pedestrians, cyclists and motorists. Subdivision also provides opportunities for tree planting alongside formed roads and recreation reserves.
B4.3.3 For townships within the Greater Christchurch area, new residential or business development is to be provided within existing zoned land or priority areas identified in the Regional Policy Statement and such development is to occur in general accordance with an operative Outline Development Plan.	Objective B4.3.3 seeks to ensure that sufficient land is provided within township Urban Limits (as identified within the Regional Policy Statement) to accommodate the projected growth of those townships within the Greater Christchurch area. It is anticipated that residential or business development within the Urban Limits is to occur in accordance with an Outline Development Plan that has been inserted into the District Plan. In Medium Density areas identified in Outline Development Plans, higher density development is provided for in order to accommodate anticipated population growth, whilst achieving both a compact urban form and a diversity of living environments.

A.2 Relevant Policies:

Relevant Policies	Relevant extract from explanation and reasons
B4.1.1 (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan where a higher density of development is anticipated.	Policy B4.1.1 (a) and associated rules allow for a variety of section sizes when land is subdivided to erect dwellings in Living 1 Zones, provided small sections are balanced with larger ones. This keeps residential density more spacious than in Christchurch City. However, in the Medium Density areas identified on Outline Development Plans, developments are encouraged to accommodate anticipated urban growth, retain a compact urban form, and provide for housing diversity through a higher residential density. Subdivision rules include an average section size for each Living zone. The rules allow for a smaller

Relevant Policies	Relevant extract from explanation and reasons
	average section size for flats or townhouses. The number of these allotments in each zone is controlled through the resource consent process or through an Outline Development Plan. There is no average section size in Business zones.
B4.1.6 In Living 1, X Zones and Medium Density areas identified in an Outline Development Plan in Living Z zones, allow site coverage to exceed that for permitted activities, provided any adverse effects on the overall residential density of the area are avoided, remedied or mitigated	Policy B4.1.6 allows site coverage to be exceeded on allotments within Medium Density areas identified in an Outline Development Plan in Living Z zones, to make provision for flats and large houses on small sections. The number of sections on which site coverage is exceeded and the extent is managed through the resource consent process, to avoid cumulative adverse effects on the overall residential density of the area.
B4.1.13 To ensure that development in Medium Density areas identified in an Outline Development Plan provides a high quality living environment and achieves a good level of urban design, appearance and amenity. Relevant urban design considerations include: <ul style="list-style-type: none"> – That the design of medium density developments is of a high quality, with a good balance of consistency and variety in form, alignment, materials and colour and a sufficient level of architectural detailing; – That residential units provide an open and attractive streetscene through being oriented towards the street or other adjacent public spaces, have low or no front fencing, front facades that are not dominated by garaging but instead have clearly visible pedestrian front entrances and a balanced ratio of glazing to solid walls; – That opportunities for landscaping and tree planting is provided, commensurate with a medium density living environment; – That opportunity for comprehensive developments are provided, including the ability to erect short terraces or share internal side boundary walls; – That medium density developments make provision for adequate, well located and well designed private outdoor living areas; – That internal amenity is provided for occupants through levels of privacy and access to sunlight appropriate to a medium density living environment; – That the appearance of cramped development is avoided by limiting site coverage and ensuring there is open space between houses, duplexes or blocks of terraces, particularly at first floor level. 	<p>This policy seeks to ensure that medium density housing developments in areas identified on Outline Development Plans are well designed and provide a high level of amenity for residents whilst also providing an attractive and open streetscene.</p> <p>Encouragement for good design is to be achieved through the use of both rules in the Plan and the preparation and promotion of non-regulatory methods such as medium density and subdivision design guidelines. Such guidelines can identify in broad terms, principles involved in designing compatible buildings, for the benefit of both developers and residents. Within the medium density areas, rules relating to the provision of private outdoor living space, low front fencing, the location of garages, and building and window boundary setbacks, have all been designed to facilitate good quality medium density living environments. The rules also allow comprehensive developments with small average lot sizes to also be assessed against urban design principles to ensure that a good standard of urban design, appearance and amenity is provided, whilst freedom of choice in specific architectural styles is maintained.</p> <p>The management of buildings to ensure privacy is particularly important in maintaining amenity in higher density development. Windows that look into windows (interlooking) at close distances and windows that overlook private outdoor space of neighbouring properties should be avoided.</p> <p>The plan in general manages these issues by requiring separation distances between windows and balconies above the ground floor and boundaries, with recession plane and boundary setback controls also having a role to play in providing a degree of separation.</p>

Relevant Policies	Relevant extract from explanation and reasons
<p>B4.2.2</p> <p>Ensure any allotment created by subdivision (including any balance allotment) has the services, facilities and characteristics appropriate to the proposed likely use of the land.</p>	<p>The subdivision of land and the proposed use of the resulting allotment are two separate activities. However, it does not promote sustainable management of natural and physical resources to subdivide land into allotments which are of an inappropriate size, shape or condition for the intended use or which cannot be supplied with the utilities or facilities required for any future use. Where land is being subdivided without a specific, intended use of the resulting allotment, the Plan assumes that the allotment may be used to erect a house or building, in townships.</p>
<p>B4.2.3</p> <p>Ensure any new allotment on which a building may be erected has all of the following features:</p> <ul style="list-style-type: none"> – Access to sunlight; – Adequate size and appropriate shape for a building platform; – Adequate size and shape for outdoor living space in Living zones or car parking and storage space in Business zones; and – Easy and safe access for motorists, pedestrians and cyclists. 	<p>How allotments are designed, their shape, orientation to the sun and proximity to roads, reserves and walkways, affects the final shape and form of a residential neighbourhood or a business area. It is important that residential buildings maximise the ability to receive sunlight in living areas which helps to achieve energy efficiency and maintain associated amenity values. Building density is specifically addressed in Part B, Section 4.1. Direct site access onto limited access roads or State highways is not generally possible. However, allotments that adjoin main roads within urban areas should be designed so as to gain access from those roads rather than 'turning their back' to main roads.</p>
<p>B4.3.7</p> <p>Living Z 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:</p> <ul style="list-style-type: none"> – 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. 	<p>It is important to ensure that any areas identified in the District Plan as being suitable for urban growth are developed in a coordinated manner that achieves good levels of urban design and connectivity. The inclusion of an Outline Development Plan within the District Plan is therefore a key method for guiding development and achieving good environmental outcomes. Relevant urban design and subdivision design guidelines for Selwyn District are to be considered and addressed in the creation of an Outline Development Plan. A singular plan is necessary for each ODP area to maintain good strategic outcomes</p>

A.3 Living Zone Description (Table 4.4 – Description of Township Zones)

Living Z new urban growth areas within or adjacent to the edge of existing townships. These areas are to be subject to an Outline Development Plan to ensure that good standards of urban design and connectivity with existing townships are achieved. The Living Z zone provides for a range of site sizes and living options, including provisions for lower density stand-alone housing and semi-detached or attached medium density housing types. The Living Z zones, where an ODP is not operative in the Plan, are deferred until such time as an Outline Development Plan for the area is made operative in the District Plan. Where the inclusion of an operative ODP is the only reason for the deferral, the deferral will be considered to be lifted upon an ODP becoming operative within the Plan.

Medium Density areas shown on an Outline Development Plan are subject to the Medium Density rules. The plan distinguishes between 'Small-lot' Medium Density housing and 'Comprehensive' Medium Density Housing.

Small-lot Medium Density housing provides for small houses on small lots. The anticipated typologies for small-lot Medium Density housing in the Selwyn District include detached and semi-detached. These lots can be developed individually by separate house builders using a variety of designs.

Comprehensive Medium Density development will occur where four or more dwellings are designed and developed in a comprehensive manner on one large block of land identified for medium density housing within an Outline Development Plan. The key distinction between small lot and comprehensive medium density is that comprehensive developments have all the houses developed as part of a single overall design. Comprehensive design enables more intensive developments, with a wider range of typologies such as attached and terraced units that are generally two stories in height being the anticipated built forms in comprehensive developments. Comprehensive design also facilitates purpose-built housing for a specific community sector, such as retirement villages and student accommodation.

Any Neighbourhood or Local Centres shown on an Outline Development Plan are subject to the Business 1 rules

Appendix B Rules – Selwyn District Plan

B.1 Subdivision

Subdivision rules that use the term **Comprehensive Medium Density Development** or **Comprehensive Medium Density residential development** or **Medium Density** are listed below:

Provision	Comments
Table C12.1 -Allotment sizes in relation to CMDD in the Living Z have a maximum average allotment size of 350m ² in Prebbleton, Lincoln and Rolleston and no minimum site size.	<p>The rule also includes a requirement that Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs and that overall development within an ODP area shall achieve the net density target contained in the relevant ODP.</p> <p>It is noted that Comprehensive Medium Density is the defined term not Comprehensive Medium Density residential development. The use of an undefined term in this instance could be problematic /confusing as it is not clear if the intention is to deliver CMDD.</p>
12.1.3.6 Size and Shape - Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m ² 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;	<p>This is a specific rule for CMDD not Comprehensive Medium Density residential development as used elsewhere in C12.</p> <p>The rule as drafted directs</p> <ol style="list-style-type: none"> 1. Any allotment created must contain a building area greater than 15m x 15m,however <ol style="list-style-type: none"> a. This requirement does not apply for sites greater than 400m² in area in a medium density area shown on an ODP as they can be not less than 8m x 15m b. There is no building area requirement for sites that form part of a CMDD in a medium density area shown on an ODP <p>This rule appears to provide considerable flexibility for on selling a site identified for CMDD as it means that the subdivider does not appear to need to demonstrate that a dwelling or dwellings subdivision of a comprehensive medium density residential development is a non-complying activity prior to the erection however this rule relates to CMDD not comprehensive medium density residential development.</p>
<ul style="list-style-type: none"> 12.1.7 Except as provided for in Rules 12.1.5 and 12.1.6, the following activities shall be non-complying activities: <p>12.1.7.7 In a Medium Density Area identified on an Outline Development Plan, any subdivision to create an allotment less than 400m² that is not part of a comprehensive medium density residential development shall be a noncomplying activity. Subdivision of a comprehensive medium density residential development shall be a non-complying activity prior to the erection (to the extent that the exterior is fully closed in) of</p>	<p>The rule as drafted addresses two issues:</p> <ul style="list-style-type: none"> creation of an allotment less than 400m² that is not part of comprehensive medium density residential development subdivision of comprehensive medium density residential development prior to the erection of the dwellings <p>it also brings together two related matters</p> <ul style="list-style-type: none"> comprehensive medium density residential development and the term allotment <p>An area that is to be used for comprehensive medium density residential development as noted in Table C12.1 is required to be identified through a consent notice. As the defined term “comprehensive medium density development” is a subset of Medium density in the definition it would appear to be included</p>

Provision	Comments
the dwellings that are to be subdivided.	<p>but it is subject to potential implementation or interpretation problems as it is not clear.</p> <p>The definition of site in the District Plan <i>means an area of land or volume of space:</i></p> <ul style="list-style-type: none"> • <i>Held in a single certificate of title, or</i> • <i>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</i> • <i>For which a separate certificate of title could be issued without further consent of the Council.</i> <p>The term allotment is not defined in the District Plan but is defined in s 218(2) Meaning of Subdivision of land in the RMA</p> <p><i>the term allotment means—</i></p> <p><i>(a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—</i></p> <p><i>(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</i></p> <p><i>(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</i></p> <p><i>(b) any parcel of land or building or part of a building that is shown or identified separately—</i></p> <p><i>(i) on a survey plan; or</i></p> <p><i>(ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or</i></p> <p><i>(c) any unit on a unit plan; or</i></p> <p><i>(d) any parcel of land not subject to the Land Transfer Act 1952.</i></p> <p>Both terms 'site' and 'allotment' are used in Part C12 and Part C4 sometimes in the same rule. While this may not be problematic for council plan users, for infrequent users it can be confusing. Reconsideration of the definition of site including the term allotment may be appropriate – alternatively only using "allotment" in C12 and "site" elsewhere may be appropriate as the term "site" is often used in relation to the application of rules relative to a particular area of land (site coverage etc.).</p>

Provision	comments
<p>12.1.3.59</p> <p>Comprehensive development blocks are to be a minimum of 35m deep to enable the provision of a rear service lane as part of a future comprehensive development.</p>	<p>It is not clear if this rule applies to CMDD – but it could.</p>
<ul style="list-style-type: none"> 12.1.6 The following activities shall be discretionary activities: <p>12.1.6.7 Any subdivision in a Living Z Zone that is not in general compliance with an operative Outline Development Plan.</p> <p>In the event that a medium density residential subdivision is proposed outside a Medium Density area shown on an operative Outline Development Plan, and is assessed by the Council as being acceptable, then a consent notice or similar mechanism shall be registered on the title of those lots indicating that the District Plan controls relating to those sites are to be those applying to the Living Z Medium Density areas. Conversely, in the event that lower density subdivision within an area shown on an operative Outline Development Plan as a Medium Density area is assessed as being acceptable then a consent notice or similar mechanism shall be registered on the title of those lots indicating that the District Plan controls relating to those sites are to be those lots indicating that the District Plan controls relating to those sites are to be those applying to the Living Z lower density areas.</p>	<p>This rule is not directly related to CMDD but it has potential implications as it allows the subdivider to move away from the ODP outcomes in relation to delivering Medium Density of which CMDD could be part.</p>

B.2 Building

Building rules that use the term Comprehensive Medium Density Development or **Comprehensive Medium Density residential development or Medium Density** are listed below:

Provision	Comments
<p>4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:</p>	<p>This rule could apply to CMDD</p>

Provision	Comments
<ul style="list-style-type: none"> One dwelling and one family flat up to 70m² in floor area; or One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, 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). 	
<ul style="list-style-type: none"> Rule 4.7.3.2 Where a site forms part of a comprehensive residential development the maximum site coverage shall be 55% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot. 	This rule could apply to CMDD
<p>Rule 4.7.3.3</p> <ul style="list-style-type: none"> The site is located in a Living Z Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is: <ul style="list-style-type: none"> (a) 45% - including a garage; or (b) 45% - 18m² - excluding a garage; (c) <i>part of a comprehensive residential development of four or more adjoining lots under 350m² in size, in which case the maximum site coverage shall be 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot</i> 	This rule could apply to CMDD as there is reference to Medium Density and comprehensive residential development
<p>Rule 4.7.4</p> <p><i>Under Rule 4.7.3, shall not be notified and shall not require the written approval of affected parties, and the Council shall restrict the exercise of its discretion to consideration the number of sites in the street or subdivision where the site coverage already exceeds</i></p>	This rule clearly relates to CMDD

Provision	Comments
<p>(a) 40% for Small Lot Medium Density</p> <p>(b) 50% for Comprehensive Medium Density</p>	
<p>Rule 4.12.1 <i>Within any comprehensive residential development shall be a restricted discretionary activity where there is at least one gap of a minimum of 6m between units for every 8 road-fronting residential units.</i></p>	<p>This rule could apply to CMDD given that it relates to development of 8 road- fronting residential units and refers to the Medium Density guide. It is not specific however.</p>
<p>Rule 4.12.2</p> <p><i>Any comprehensive residential development which comply with rule 4.12.1 shall not be notified and shall not require the written approval of affected parties. Under Rule 4.12.2 the Council shall restrict the exercise of its discretion to consideration of:</i></p>	<p>This rule could apply to CMDD as it is related to 4.12.1 and refers to assessment criteria that would be relevant.</p>
<p>Rule 4.12.3</p> <p><i>Any activity which does not comply with Rule 4.12.1 shall be a discretionary activity.</i></p>	<p>This rule could apply to CMDD as it is related to 4.12.1</p>
<p>Rule 4.14.1</p> <p>(a) Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m² and a minimum dimension of 4m.</p> <p>(b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.</p> <p>(c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary.</p>	<p>This rule could apply as the rule relates to Medium Density areas located within an Outline Development Plan due to the definition of Medium Density</p>

Appendix C Allotment Size by Living Z Zone and Outline Development Area Provisions

Table C-1: Lot Size by Zone and Town

Zone	Town	Minimum Lot Size (m ²)	Average Lot Size (m ²) (Not Less Than)	Other Rules
Living Z (Rolleston)			Varies	<p>Low Density: Average allotment size of 650m² with a minimum individual allotment size of 550m²</p> <p>Medium Density (Small-lot): Maximum average allotment size of 500m², with a minimum individual allotment size of 400m²</p> <p>Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.</p> <ul style="list-style-type: none"> – Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs - Appendix 38; and – Within a comprehensive Medium Density residential development, a section 224 certificate shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided. <p>Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 38 of the township volume of the District Plan.</p>

Zone	Town	Minimum Lot Size (m ²)	Average Lot Size (m ²) (Not Less Than)	Other Rules
Living Z (Lincoln)	Lincoln		Varies	<p>Low Density: Average allotment size of 600m² and a minimum individual allotment size of 500m²</p> <p>Medium Density (Small-lot): Maximum average allotment size of 500m, with a minimum individual allotment size of 400m²</p> <p>Medium Density (Comprehensive): Maximum average allotment size of 350m², with no minimum site size.</p> <ul style="list-style-type: none"> – Comprehensive Medium Density residential development will be identified by a consent notice on the subdivision consent and will be located within Medium Density areas as identified on the ODPs - Appendix 37; and – Within a comprehensive Medium Density residential development, a section 224 certificate shall only be issued following the erection (to the extent that the exterior is fully closed in) of the dwellings that are to be subdivided. <p>Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 37 of the township volume of the District Plan</p>

Zone	Town	Minimum Lot Size (m ²)	Average Lot Size (m ²) (Not Less Than)	Other Rules
Living Z (Prebbleton)			Varies	<p>Area A: 1,250m²; Area b: 1,000m² Area C: 800m²</p> <p>In all cases development shall proceed in accordance with the ODP contained in Appendix 19 and shall achieve a minimum net density of 8 households/per hectare once the entire site has been developed. 2,000m² shall apply to the balance of the zone.</p> <p>Area A: 1000m² minimum net allotment area; Area B: 600m² minimum net allotment area and 900m² maximum net allotment area; Area C: 550m² minimum average allotment area and 450m² minimum net allotment area; and</p> <p>In all cases development shall proceed in accordance with the ODP and shall achieve a minimum density of 10 lots/ha once the entire site has been developed.</p>

Appendix D Benchmarked District Plans – Zone Descriptions

The zone descriptions set out below provide an overview of methods and provisions which incentivise a range of housing typologies. Emphasis has been added to relevant methods.

Table D-1: District Plan Zone Descriptions

District Plan	Zones
Auckland Unitary Plan (operative in part)	<p>Residential - Mixed Housing Suburban Zone</p> <p>The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly standalone buildings, set back from site boundaries with landscaped gardens.</p> <p>The zone enables intensification, while retaining a suburban built character.</p> <p>Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings.</p> <p>Up to two dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.</p> <p>Resource consent is required for three or more dwellings and for other specified buildings in order to:</p> <ul style="list-style-type: none"> • achieve the planned suburban built character of the zone; • achieve attractive and safe streets and public open spaces; • manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and • achieve high quality on-site living environments. <p>The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.</p> <p>Residential - Mixed Housing Urban Zone</p> <p>The Residential – Mixed Housing Urban Zone is a reasonably high-intensity zone enabling a greater intensity of development than previously provided for. Over time, the appearance of neighbourhoods within this zone will change, with development typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing within neighbourhoods as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres.</p> <p>Up to two dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining site and the neighbourhood, as well as residents within the development site.</p> <p>Resource consent is required for three or more dwellings and for other specified buildings in order to:</p>

District Plan	Zones
	<ul style="list-style-type: none"> • achieve the planned urban built character of the zone; • achieve attractive and safe streets and public open spaces; • manage the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and • achieve high quality on-site living environments. <p>The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve quality design is important as the scale of development increases.</p> <p>Residential - Terrace Housing and Apartment Buildings Zone</p> <p>The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.</p> <p>The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.</p> <p>The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.</p> <p>Standards are applied to all buildings and resource consent is required for all dwellings and for other specified buildings and activities in order to:</p> <ul style="list-style-type: none"> • achieve the planned urban built character of the zone; • achieve attractive and safe streets and public open spaces; • manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and • achieve high quality on-site living environments. <p>The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.</p> <p>This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.</p>

District Plan	Zones
Hamilton District Plan	<p>Medium-Density Residential Zone</p> <ul style="list-style-type: none"> The Medium-Density Residential Zone applies to greenfield areas within the Rototuna, Rotokauri and Ruakura Structure Plan areas. This zone recognises that medium-density housing is more easily achieved when it is comprehensively planned from the start, rather than being retrofitted into an existing urban environment. A Comprehensive Development Plan or Land Development Consent for Ruakura must be approved before development in this zone. These plans need to be in general accordance with the relevant Structure Plan and Urban Design Guide.
Christchurch District Plan	<p>Residential New Neighbourhood Zone</p> <p>The Residential New Neighbourhood Zone generally includes new areas of greenfield land where large-scale residential development is planned. The zone will allow a wide range of residential house types and section sizes to provide for a wide spectrum of household sizes and affordable housing. People will therefore be able to remain within the neighbourhood throughout their lifetime as they move to housing types that suit their life stage. These areas are intended to achieve higher overall residential densities than traditionally achieved in suburban developments.</p>
Waimakariri District Plan	<p>The Residential 1 Zone is the highest density living environment in the District. The zone surrounds the town centres of Rangiora and Kaiapoi. The zone provides an opportunity for higher density living within walking distance of town centre facilities and reinforces the dominant community focal point role of these towns.</p> <p>The Residential 2 Zone occupies most of the living environment in the District's towns. It is characterised by the single storey detached dwelling, surrounded by lawns and gardens. The streets are open and spacious and generally carry only local traffic.</p> <p>The Residential 6 and 6A Zones provide for the residential development at Pegasus new town and Ravenswood. It is anticipated that the zones will enable a variety of housing environments of differing densities, from single storey detached dwellings on spacious sections to higher density living within close proximity to the community and commercial facilities.</p>

D.1 Objectives and Policies

Waimakariri District Plan

Relevant Objectives	Relevant Policy
<p>Objective 17.1.1</p> <p>Residential Zones that provide for residents' health, safety and wellbeing and that provide a range of living environments with distinctive characteristics</p>	<p>Policy 17.1.1.1</p> <p>Maintain and enhance the characteristics of Residential Zones that give them their particular character and quality of environment and provide for comprehensive residential development within the Residential 1, 2, and 6 Zones</p>
<p>Objective 17.1.2 Integration - Comprehensive Residential Development Comprehensive residential development that contributes to the character and identity of urban areas, providing vitality and interest through streetscape integration, landscaping, building design, orientation and materials.</p>	<p>Policy 17.1.2.1 Onsite Amenity – Comprehensive Residential Development High levels of onsite amenity will be achieved through the provision of:</p> <ul style="list-style-type: none"> a. sites and buildings that are oriented to achieve access to sunlight within dwelling houses and outdoor living areas; b. best practice urban design principles; c. outdoor living areas for each dwelling house that: <ul style="list-style-type: none"> i. are of a usable size and shape; ii. can receive direct sunlight for a reasonable time each day throughout the year; and iii. are directly accessible from a living room or kitchen within a dwelling house located at ground level, or where located above ground level, provides useable open space through balcony or shared ground level outdoor areas; d. landscaping is provided for visual interest, particularly in relation to boundaries, access ways, parking and open space; e. design that minimises direct views between the living areas of adjacent dwelling houses and outdoor living areas whilst recognising any need to provide for raised floor levels, foundation and building designs and ground preparation that mitigate the adverse effects of natural hazards; f. habitable rooms and outdoor living areas that are sufficiently quiet to avoid adverse effects on human health, including adverse effects on sleep disturbance; g. safe, clear vehicular and pedestrian access to each dwelling house. h. access ways that are designed, formed and of sufficient width to provide safe and convenient passage of vehicles, and avoid adverse effects on visual amenity from stormwater runoff;

Relevant Objectives	Relevant Policy
	<p>i. onsite car parking and manoeuvring space and use of on-street parking where sufficient parking capacity is available. Availability of on-street parking will require consideration of:</p> <ul style="list-style-type: none"> i. the demand for parking generated by the development; ii. the function and design of the road; iii. current and predicted parking use; iv. any potential conflict with walking, cycling or public transport routes; and v. the potential to create new parking facilities within the road reserve area.
	<p>Policy 17.1.2.2 Offsite Amenity – Comprehensive Residential Development Residential amenity for adjoining sites and areas will be maintained or enhanced through:</p> <p>a. ensuring the amenity and safety of adjoining sites, streets, open spaces and other areas are not adversely affected by development, in particular by:</p> <ul style="list-style-type: none"> i. excessive shading; ii. significant loss of privacy whilst recognising any need to provide for raised floor levels, foundation and building designs and ground preparation that mitigate the adverse effects of natural hazards; iii. dominant structures; v. unsympathetic design and materials; v. the positioning of blank building facades adjacent to any street and the use of extended continuous building lines or rooflines; vi. noise; vii. excessive traffic movements; and viii fencing; <p>b. the retention of mature trees that contribute to neighbourhood amenity and visual continuity;</p> <p>c. design that recognises the relationship between dwelling houses and streetscape including:</p> <ul style="list-style-type: none"> i. orientation of dwelling houses to the street; ii. a main entrance to the dwelling house being obvious and accessible; iii. the placement of windows and doors within dwelling house facades; iv. the location of habitable rooms adjacent to the street frontage;

Relevant Objectives	Relevant Policy
	<p>d. any fencing adjacent to front boundaries, walkways or cycleways being sufficiently low or permeable to promote open streetscapes and enhance pedestrian and cyclist safety;</p> <p>e. limiting car parking and hard surface treatments that dominate the development when viewed from the street; and</p> <p>f. requiring garages that are visible from the street to be designed to ensure placement and materials do not dominate or otherwise detract from residential and street amenity</p>
	<p>Policy 17.1.2.3 Residential Choice – Comprehensive Residential Development Provide for residential choice by:</p> <p>a. encouraging and enabling comprehensive residential development in the Residential 1 Zone;</p> <p>b. providing for comprehensive residential development in Residential 2 and 6 Zones where character and integration matters are addressed.</p>
	<p>Policy 17.1.2.4 Site Assembly – Comprehensive Residential Development</p> <p>Encourage efficient use of residential land through comprehensive residential development and the amalgamation of adjacent sites to provide increased opportunities for efficient layout of structures and services.</p>
	<p>Integration - Comprehensive Residential Development Policy 17.1.2.5</p> <p>Development that addresses any cumulative effects from increased residential density on the open space characteristics of the Residential 2 Zone.</p>

Christchurch City District Plan

Relevant Objectives	Relevant Policy
	<p>8.2.2.8 Policy - Urban density</p> <ol style="list-style-type: none"> Subdivision in the Residential Medium Density Zone must enable development which achieves a net density of at least 30 households per hectare. In the Residential New Neighbourhood Zone residential development areas: <ol style="list-style-type: none"> a minimum net density of 15 households per hectare shall be achieved when averaged across the whole of the residential development area within the relevant outline development plan, except:

Relevant Objectives	Relevant Policy
	<ol style="list-style-type: none"> 1. in the Residential New Neighbourhood (Prestons) Zone a minimum net density between 13 and 15 households per hectare shall be achieved; and 2. in areas shown on an outline development plan as being subject to development constraints; 2. any subdivision, use and development which results in a residential net density lower than the required density shall demonstrate, through the use of legal mechanisms as appropriate, that the residential net density required across residential development areas of the outline development plan can still be achieved; and 3. except as provided for in (ii) above, where an application is made for subdivision that would not achieve the required residential density, Council will regard all owners of greenfield (undeveloped) land within the outline development plan area as affected parties. 3. In the Residential New Neighbourhood Zone, encourage higher density housing to be located to support, and have ready access to, commercial centres, community facilities, public transport and open space, and to support well-connected walkable communities. 4. Subdivision in the Residential Central City Zone must enable development which achieves a net density of at least 50 households per hectare.
<p>14.2.1 Objective - Housing supply</p> <ol style="list-style-type: none"> 1. An increased supply of housing that will: <ol style="list-style-type: none"> 1. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7; 2. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and 3. assist in improving housing affordability. 	<p>Policy 14.2.1.1 supports this and adds that medium density should occur in and near identified commercial centres in existing urban areas where there is ready access to a wide range of facilities</p>

Relevant Objectives	Relevant Policy
	Policy 14.2.1.2 focus on the establishment of new medium density residential areas where a number of amenities are available within 800 m walkable distance, and avoiding high hazard areas, areas where the adverse environmental effects outweigh the benefits and areas that are not able to be connected to the council networks
	14.2.1.6. Medium density social housing developments throughout residential areas is enabled by policy
<p>Objective 14.2.2 Short term residential recovery needs</p> <p>Short-term residential recovery needs are met by providing opportunities for:</p> <ul style="list-style-type: none"> • an increased housing supply throughout the lower and medium density residential areas; • higher density comprehensive redevelopment of sites within suitable lower and medium density residential areas; • medium density comprehensive redevelopment of community housing environments; • new neighbourhood areas in greenfield priority area; and • temporary infringement of built form standards as earthquake repairs are undertaken. 	
<p>Objective 14.2.4 High quality residential environments</p> <p>High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.</p>	Policy 14.2.4.2 encourages innovative approaches to comprehensively designed, high quality medium density residential development.
	Policy 14.2.4.4 aims to maintain the character of medium density areas as being predominantly two or three storeys, including semi-detached and terraced housing and low rise apartments, and <u>landscaping</u> in publicly visible areas, while accepting that access to sunlight and privacy may be limited by the anticipated density of development.

Relevant Objectives	Relevant Policy
<p>14.2.5 Objective - Residential New Neighbourhood Zone</p> <p>Co-ordinated, sustainable and efficient use and development is enabled in the Residential New Neighbourhood Zone.</p>	<p>14.2.5.1 Policy - Outline development plans</p> <p>Use and development shall be in accordance with the development requirements in the relevant Outline development plan, or otherwise achieve similar or better outcomes, except as provided for in Clause b. in relation to any interim use and development.</p> <p>Interim use and development shall not compromise the timely implementation of, or outcomes sought by, the Outline development plan.</p> <p>Recognise that quarrying activities and other interim activities may be a suitable part of preparing identified greenfield priority areas for urban development, provided that their adverse effects can be adequately mitigated and they do not compromise use of the land for future urban development</p>
	<p>14.2.5.2 Policy - Comprehensive residential development</p> <p>Encourage comprehensive residential developments that are in accordance with the relevant outline development plan as a means of achieving co-ordinated, sustainable and efficient development outcomes</p>
	<p>14.2.5.3 Policy - Development density</p> <p>In residential development areas, achieve a minimum net density of 15 households per hectare, when averaged across the whole of the residential development area within the relevant outline development plan, except:</p> <ul style="list-style-type: none"> • in the Residential New Neighbourhood (Prestons) Zone where the minimum net density is between 13 and 15 households per hectare; and • in areas shown on an Outline development plan as being subject to development constraints. <p>Except as provided for in (a)(i) and (ii) above, any use and development which results in a net density lower than the required net density shall demonstrate, through the use of legal mechanisms as appropriate, that the net density required across residential development areas of the outline development plan can still be achieved.</p> <p>Except as provided for in (a) and (b) above, a proposal for use and development which results in a net density lower than the required net density will result in other owners of greenfield (undeveloped) land within the outline development plan area being identified as affected parties (where they have not given written approval).</p> <p>Encourage higher density housing to be located to support, and have ready access to, commercial centres, community facilities, public transport and open space; and to support well-connected walkable communities.</p>

Christchurch

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