
PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 8 August 2018

TOPIC NAME: Subdivision (Technical)

SCOPE DESCRIPTION: Subdivision in all zones

TOPIC LEAD: Rachael Carruthers

PREPARED BY: Rachael Carruthers

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>Existing provisions have lost coherence, particularly in Living zones Use of the term 'allotment' The provisions for the creation of access, reserve and utility lots have been unable to be used as intended Expectations about notification of applications Esplanade provisions do not give effect to higher order documents</i>
<i>Preferred Option</i>	<i>In relation to plan format, Option 1, being a single chapter for subdivision. In relation to the objectives and policies, Option 3, being a revised single set that, as far as possible, is consistent for the whole district. In relation to activity status and rules, Option 6, being an updated set of the existing provisions. In relation to the provisions relating to esplanades, Option 8, being an updated set of the existing provisions.</i>
<i>DPC Decision</i>	<i>"That the Committee endorses the Preferred Option for 'Subdivision' for further development and engagement."</i>

1.0 Introduction

1.1 Links to other work streams

The details of many objectives, policies and rules relating to subdivision will be dependent on the outcomes of work being undertaken by other work streams, such as: residential; rural; business; natural environment; natural hazards; transport; utilities and infrastructure; contaminated land; etc. As such, this report identifies issues and a preferred option only at a high level.

2.0 Summary of Issues

2.1 Subdivision

‘Subdivision’ can be a confusing term, because it has two meanings.

Legally, and as the term is used in district plans, it is the process whereby areas of land are divided into separate allotments with separate titles, which can be sold. Section 218 of the Resource Management Act 1991 (RMA) defines ‘subdivision’ (Appendix A). It includes:

- creating new allotments
- leasing of parts of allotments for more than 35 years; and
- company leases, cross leases and unit titles

More widely, in common language people refer to a ‘subdivision’ as an area of new residential development, including the survey of land into allotments; and erecting new houses and associated infrastructure.

Subdivision, as a legal process, has no physical effects on land or other resources. It simply redefines the legal boundaries of titles for separate sale. However, land is often subdivided as a primary step for new development. It has associated or consequent activities and effects.

Residential development has traditionally been managed in New Zealand, in both townships and rural areas, by controlling the subdivision of land. This has two results:

- The popular expectation that if one buys a title, one can build a house on it.
- Subdivision rules in district plans focus on subdividing land to build houses and are inflexible for subdivision for other purposes.

Some argue that district plans should not control subdivision because it does not have any effects, and that the effects of residential development should be managed at the land use stage (when houses are built). Subdivision may not have any direct physical effects on land, but it is a fundamental precursor to further development, particularly with regard to matters such as movement connectivity and permeability within and between developments, open space, and the future character of the area. Therefore, the policies and rules relating to subdivision affect development in the district.

Most houses and buildings need utilities and facilities such as roads or vehicular accessways, water supply and effluent disposal. These utilities and facilities may be shared, rather than being exclusive to each household. It is easier and more cost-effective to provide for shared utilities and facilities for a whole area, before the new titles are sold.

Installing utilities and preparing land for subdivision can also have adverse effects on the environment, such as dust from earthworks, noise and vibration, and disturbance of sites of special ecological, heritage or cultural value. These effects are managed as part of the subdivision process.

Subdivision is also the process under which the consent authority can take land for esplanade reserves and esplanade strips, in accordance with rules in the plan.

The LTP Development Contribution Policy provides a process for taking development contributions for the provision of network and community infrastructure and reserves.

2.2 Coherence of existing provisions

The two-volume development of the Operative Selwyn District Plan (SDP) means that there are a number of objectives and policies that are very similar between the townships and rural volumes, but that differ slightly, as they were drafted by different people at different times and were subject to different submissions and appeals. As a result, the level of coherence in the objectives and policies relating to subdivision across the district is not as high as it could be.

While most of the objectives and policies relating to the technical aspects of subdivision appear to be working well, two township policies that are currently within B4.2 Subdivision of Land would be better placed elsewhere in the plan. Policy B4.2.9 requires land within the Lowes Road Outline Development Plan (ODP) Area of Rolleston to be developed in accordance with that ODP, while Policy B4.2.13 seeks to manage rural residential development in accordance with outline development plans. In the current plan format, both of these policies would be a more natural fit in B4.3 Residential and Business Development, with the remainder of the policies relating to development in accordance with ODPs.

Since the introduction of the SDP there have been a number of plan changes affecting the provisions for subdivision, particularly in Living zones. Cumulatively, this has had a detrimental effect on the coherence of the rules. Duplication of provisions occurs a number of times, while standards (used to determine activity status) and matters for control or discretion (used to determine whether consent should be granted or to set conditions of consent) have become intermingled.

2.3 Use of the term ‘allotment’

The subdivision provisions of the SDP focus on the creation of each ‘allotment’, which is a term defined in s218 of the RMA (Appendix A). While it is most often the case that one title contains only one allotment, it is not uncommon for a title to contain two or more allotments. Amalgamated titles are a frequent outcome of boundary adjustments where only the area to be transferred and the balance area of that allotment are resurveyed, with the transfer area sold to

a neighbour and a single new title created containing both their original allotment and the area they have purchased.

While the use of ‘allotment’ has the most implication where land use rules use the term, it can have unintended consequences for subdivision status, for example when proposed allotments are undersized or are inadequately serviced, but when proposed amalgamations are taken into account the proposed titles would meet the required standards. This can result in the subdivision being subject to a more restrictive activity status than would apply if the subdivision was assessed on the basis of the proposed titles rather than on the proposed allotments.

Particularly in relation to boundary adjustments, the current use of ‘allotment’ can result controlled subdivisions that create undersized rural titles (because the allotments comply, even though the titles don’t, see Rule 10.12 at Appendix F) that council must approve but is then pressured to consent the erection of a dwelling on.

Conversely, the current use of ‘allotment’ to govern residential density in Living zones may be more permissive than was originally intended because there is currently no minimum lot size to allow the erection of a dwelling in these zones. A residential density of one dwelling per allotment is permitted in Living zones, so a literal reading of the rules would permit multiple dwellings on amalgamated titles.

Land use rules commonly, but not exclusively, use the term ‘site’ to refer to the area of land required to undertake an activity, which makes it clear that where there are separate allotments held together by a legal instrument, they are regarded as one site – this avoids people arguing that individual undersized allotments should be able to be built on.

Within the area subject to the Townships Volume of the Operative District Plan, ‘site’ is defined as meaning *“an area of land or volume of space:*

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

This ownership-based Townships definition allows the term ‘site’ to be used in the way described above. However, the Rural Volume definition of ‘site’ is activity-based rather than ownership-based, in that that it *“means the area of land on which a particular activity and any ancillary activities by a person or party is/are undertaken. A site may include all or part of an allotment or more than one allotment.”* Consequentially, the current Rural Rule 3.10 Buildings and rural density requires land of sufficient area to be *“held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.”* This causes issues where there is sufficient land in an amalgamated title to allow for the erection of a dwelling, but insufficient land on the individual allotment on which the dwelling is proposed.

The current proposed National Planning Standards definition of ‘site’ is a combination of both existing definitions, being:

a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or

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

c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or

d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or

e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed.

It is likely that this definition will be the subject of submissions, and so may yet be changed.

2.4 Access, reserve and utility allotments

In townships, the SDP provides for the subdivision of land to create lots used solely for access, reserve and utility lots as a controlled activity in all zones. However, the provisions do not provide for the creation of any balance lot that will not be used for one of these purposes, and so the provisions have been unable to be used as intended.

In the rural area, the SDP as currently written only provides for subdivisions creating utility lots as a controlled activity, as any other lot fails to meet standard 10.1.1.8. In practice, standard 10.1.1.8 has been applied by applicants and consent planners as it was meant (that this standard only applies where utility lots are being created), rather than how it is written.

2.5 Notification options

The Resource Legislation Amendment Act 2017 changed the notification test for subdivision applications. Neither public nor limited notification is possible for controlled subdivision applications (consistent with the current SDP provisions). Although limited notification is possible, ss95A(4) and 95A(5) RMA now preclude public notification of subdivision applications that have a restricted discretionary or discretionary status. Public notification is therefore now only possible for subdivisions that have a non complying activity status, in contrast to current SDP provisions that were prepared in anticipation of public notification of restricted discretionary and discretionary applications in some instances.

2.6 Esplanades

Esplanade reserves, esplanade strips and access strips, collectively referred to as 'esplanades' in this report, are statutory mechanisms to protect riparian and coastal margins. Riparian margins are strips of land identified along the edges of natural watercourses including streams, lakes and

wetlands. The protection of these margins helps to conserve environmental values and provides opportunities for public access and recreational use, as provided for in s6(d) RMA (Appendix A).

An esplanade has one or more of the following purposes (s229 RMA, Appendix A):

- contributing to the protection of conservation values
- mitigating natural hazards
- enabling public access to or along any sea, river, or lake
- enabling public recreational use of the esplanade and adjacent sea, river, or lake, where the use is compatible with conservation values.

Historically, there has been a public expectation of access to and along water margins, which is derived from the concept of the Queen's Chain. In reality this expectation is more of an ideal, as full access rights to land along all rivers, lakes and the coast have never been established in law.

The reservation of land along the margins of waterways had its origins in early legislation governing subdivision and settlement of Crown land in New Zealand. Queen Victoria sent instructions to Governor Hobson on 5 December 1840 to reserve land along water bodies and not to allow these reserved areas to be occupied for private purposes. Instructions issued by the Surveyor-General under Regulations pursuant to the Land Act 1877 required reserves of 100 links (i.e., 1 chain, approximately 20m) along navigable rivers. By 1886 these provisions had been extended to settlement surveys of Crown land in coastal areas. Section 110 of the Land Act 1892 required a 66-foot (i.e., 1 chain) wide strip of land to be reserved along the coast, lakes over 50 acres, rivers over 33 feet (approximately 10m) wide, and rivers under 33 feet wide at the discretion of the Commissioner of Crown Lands. These early statutory requirements relating to survey and subdivision of Crown land gave rise to the term 'the Queen's Chain' - which is still used today to refer generally to reserved land along the margins of waterways and the coast.

Requirements relating to the subdivision of private land, including esplanade reserves, were consolidated in 1979 into a new Part of the Local Government Act 1974 (LGA) and subsequently replaced by the RMA. Although the RMA introduced provisions regarding the creation of esplanade reserves at the time of subdivision, many of the features of the LGA were retained, including:

- the 20-metre reserve width
- the 8-hectare and 3-metre average width minimum criteria for taking reserves along lakes and rivers, respectively.

The principal changes introduced by the RMA included the ability for territorial authorities to modify the requirements for esplanade reserves through district plans - territorial authority decisions on waivers and reductions previously had to be approved by the Minister of Conservation.

The 1993 RMA amendments substantially amended the esplanade provisions to address the impact of the original provisions on land owners. The amendments included the introduction of esplanade strips and access strips.

The primary differences between esplanade reserves and esplanade strips relate to ownership and the positions of boundaries in relation to moving waterbodies. Esplanade reserves vest in council or the Crown, and the boundary between the reserve and the adjoining land is fixed – if the river changes course or the coastline moves, the reserve increases or decreases in size accordingly, and in some instances may disappear entirely. Esplanade strips remain in the ownership of the adjoining landowner and move with the waterbody – if the waterbody moves, so does the strip.

Access strips can be used to enable public access to or along water bodies or public land. They can be established at subdivision or at any other time by agreement between the land owner and the council. Access strips are surveyed and fixed, but their ownership remains with the land owner.

Section 230 RMA makes esplanade reserves mandatory only on sites less than 4ha in area (unless the district plan reduces or waives them). For site 4ha or over, strips or reserves can only be required if the district plan rules require it – and if a reserve or strip is taken on sites over 4ha, the council is required to pay compensation.

A strip is able to be subject to agreements that limit the rights and obligations of the landowner (eg fencing, access, etc).

3.0 Statement of Operative District Plan approach

3.1 Subdivision

Objectives and policies relating to the outcomes sought when subdividing are scattered throughout the SDP. Of relevance to the technical aspects of subdivision, the objectives and policies are set out in B4.2 Subdivision of land (Townships Volume) (Appendix B) and B4.1 Residential density and subdivision in the rural area (Rural Volume) (Appendix C).

From there, the plan contains three subdivision chapters, one each for Living Zones (Appendix D), Business Zones (Appendix E) and the Rural Zone (Appendix F).

Subdivision is not a permitted activity anywhere in Selwyn. Where a proposed subdivision complies with all the relevant standards (lot size, provision of access and utilities etc), subdivision is a restricted discretionary activity in Living and Business zones and a controlled activity in the Rural zone.

In townships, the restricted discretionary status provides a balance that allows the SDP to be flexible on matters such as allotment size and supplying utilities, to recognise different purposes for subdividing land. In exchange for this flexibility, the council retains its discretion to decline an inappropriate subdivision application. The rules include criteria for approving and declining applications (the matters over which discretion is restricted).

At the time the current provisions were drafted, restricted discretionary activities were subject to potential notification, whereas controlled activities were not. In order to provide certainty of process (not outcome) to applicants and therefore enable them to obtain development funding,

subdivision applications in townships that comply with the relevant standards are processed on a non-notified basis and do not require the written approval of affected parties (Rule 12.1.2, Appendix D, and Rule 24.1.2, Appendix E).

In townships, where a proposed subdivision does not comply with one or more relevant standards, then the activity status may remain restricted discretionary, with additional matters for discretion, or may become discretionary or non-complying, depending on which standard is not met. There are no prohibited subdivisions.

In the Rural zone, subdivision applications that comply with the relevant standards are processed on a non-notified basis and do not require the written approval of affected parties. Where a proposed subdivision does not comply with one or more relevant standards, then the activity status becomes restricted discretionary, discretionary or non-complying, depending on which standard is not met. There are no prohibited subdivisions.

3.2 Notification options

Subdivisions with controlled activity status are not currently subject to public or limited notification.

Although restricted discretionary subdivisions in townships are currently described in the SDP as not being subject to public or limited notification, discretionary subdivisions were anticipated to be potentially subject to either limited or public notification, in order to allow wider community participation in the consideration of applications that differ from the expected outcomes for an area.

In the Rural area, restricted discretionary and discretionary subdivisions were anticipated to be potentially subject to both limited and public notification.

3.3 Esplanades

Each volume of the SDP contains an appendix (Appendix G) identifying those waterbodies where an esplanade reserve or strip is required, noting the nature and width of the provision and the subdivisions where esplanade provisions are to be provided.

In the Rural zone, any subdivision that is required by Appendix 17 to provide an esplanade provision that does so in accordance with Appendix 17 remains a controlled activity.

The majority of listed waterbodies require a 10m esplanade strip when a lot less than 4ha is created. Three named waterways near Taumutu are listed as requiring 10m wide esplanade strips for any sized subdivision, with access restricted to the local Runanga. Lake Coleridge, Te Waihora/Lake Ellesmere and the Selwyn River/Waikirikiri (from Chamberlains Ford to Selwyn Lake Road) require 20m esplanade reserves where a subdivision creates lots less than 4ha.

Where the esplanade provisions are proposed to be varied, or where the site adjoins any other river with a bed with an average width of 3 metres or more or lake with an area of 8 hectares or more other than those listed in Appendix 17, the application becomes a restricted discretionary activity, so that the following matters may be considered:

- Whether a reserve or strip of lesser width than that set out in Appendix 17 is sufficient to protect the silent file areas or to protect conservation values, to enable public access, or to enable public recreational use.
- Whether the non-provision of public access to or along an esplanade reserve or strip adjoining a waterbody listed in Appendix 17 is necessary in order to ensure compatibility with conservation values, or whether the non-provision of an access strip to an esplanade reserve or strip can be justified because of the availability of alternative access to the esplanade reserve or strip.
- Whether an esplanade strip is necessary to protect the natural character or silent file areas of land adjoining any river or lake other than those listed in Appendix 17. In such cases, there shall be no public access.
- The extent to which the “Criteria for Taking Land instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTP will meet the needs of present and future generations.

There is not currently any provision to require or consider the provision of esplanades along the coast.

Within townships, the provision or otherwise of esplanades does not affect the activity status of a subdivision. Rather, the provision and type of provision of esplanades, guided by Appendix 12, is a matter for discretion for all subdivisions.

4.0 Summary of relevant statutory and/or policy context and other background information

4.1 Resource Management Act 1991

Subdivision

Section 11 RMA prevents subdivision except in particular circumstances. As they relate to district plans, these circumstances are that the subdivision either: is expressly allowed by a resource consent; or does not contravene a national environmental standard, a rule in a district plan, or a rule in a proposed district plan for the same district (if there is one) (ie is a permitted activity in terms of all of these documents).

Section 31 sets out the functions of territorial authorities under the RMA, with s31(2) specifying that the methods used to carry out these functions may include the control of subdivision.

Section 218 provides definitions of ‘subdivision of land’ and ‘allotment’, thereby defining the scope of the activities that may be covered by subdivision rules. Sections 106, 108, 108A and 220 set out the sorts of conditions that may be imposed on subdivision consents, and so the standards and rules of the proposed plan need to reflect these matters.

Esplanades

Sections 77 and 229 – 237H and Schedule 10 of the RMA set out the provisions relating to esplanade reserves and strips and access strips. Although the requirements can be altered by way of a rule in a plan or by the conditions of a resource consent, the assumption made by the RMA is that, whenever a subdivision occurs adjoining the sea or a qualifying lake or river that creates lots smaller than 4ha in area, a 20m wide esplanade reserve or strip will be created along the coast, river or lake boundary.

Unless a rule in a district plan provides otherwise, s345 of the LGA (Appendix H) requires that, where a road to be stopped is in a position where an esplanade reserve or strip would normally be required, then the stopped road is to become esplanade reserve.

4.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991 ('the Act'). The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

As recommended by the Coastal Environment – Planning Assessment, the subdivision provisions of the proposed plan will need to give effect to the NZCPS. The objectives and policies of the NZCPS relevant to the technical aspects of subdivision (including the provision of esplanades) are attached as Appendix I.

4.3 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity 2016 is about recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change; and
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

While the identification of growth areas and intended residential density throughout the district is a matter for other work streams, the intended outcomes are given effect to, in part, through objectives, policies and rules relating to subdivision.

4.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The only current National Environmental Standard relevant to the technical aspects of subdivision is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS). On land subject to the NES-CS, subdivision is a permitted activity (subdivision consent under the district plan is still required) where a preliminary site investigation has been undertaken and concluded that it is highly unlikely that there will be a risk to human health if the subdivision (and associated change of use of the land) is undertaken. Where the preliminary site investigation has not been undertaken, or where the investigation is unable to reach that conclusion, resource consent is required under the NES-CS

before the subdivision can proceed. These applications are processed in conjunction with the application under the SDP.

The relevant clauses of the NES-CS are attached as Appendix J.

4.5 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) gives an overview of the significant resource management issues facing the region, including issues of resource management significance to Ngāi Tahu. The purpose of the CRPS is to set 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.

Even where subdivision is not explicitly mentioned in objectives and policies, most chapters of the CRPS describe subdivision as a method that local authorities will or should use when giving effect to the CRPS. These issues are explored more fully by other work streams, with their outcomes to be incorporated into the provisions for subdivision in due course.

The relevant objectives and policies of the CRPS are attached as Appendix K.

4.6 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan (IMP) provides a policy framework for the “protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū”.

The Mahaanui Iwi Management Plan provides statements of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect toanga. The plan is divided into eight policy sections addressing:

- Kaitiakitanga
- Wai Māori (freshwater)
- Ngā Tūtohu Whenua (cultural landscapes)
- Ranginui (sky)
- Papatūānuku (land)
- Tāne Mahuta (mahinga kai and biodiversity)
- Tangaroa (oceans)
- Tāwhirimātea (climate change).

Section 5.3 Wai Māori recognises the significant cultural resource that is water, and this is explored more fully in that work stream. The provision of esplanade reserves and strips as part of the subdivision process can assist in achieving the outcomes sought by the IMP, including improving access to mahinga kai resources.

Section 5.4 Papatūānuku addresses issues of significance in the takiwa relating to land. Issue P3 Urban and Township Planning seeks Ngāi Tahu participation in urban and township planning development. Policies responding to this issue focus on the involvement of Papatipu Rūnanga in

the development and implementation of broader development plans and strategies. Issue P4 Subdivision and Development acknowledges that development can have significant effects on tāngata whenua values but can also present opportunities to enhance those values. Policies encourage engagement with Papatipu Rūnanga by local authorities and developers and refer to subdivision and development guidelines which state (in part) that new developments should incorporate design guidelines to reduce the development footprint on existing infrastructure and the environment. These wider outcomes are explored more fully by other work streams, but in many cases it is the technical provisions relating to subdivision that will form the response.

Section 5.5 Tane Mahuta addresses issues of significance pertaining to indigenous biodiversity and mahinga kai. Again, the technical provisions relating to subdivision will respond to the matters raised by other work streams in this respect.

4.7 Draft National Planning Standards

The draft National Planning Standards require a single chapter for subdivision, including objectives and policies.

5.0 Summary of alternative management responses – Other Districts

5.1 Ashburton District

The Ashburton District Plan contains a single Chapter 9 that addresses subdivision. In addition to the objectives and policies set out in this chapter, the reader is directed to the zone-specific objectives and policies for guidance on the existing and intended character and amenity values for each zone. District-wide rules are also cross-referenced.

Subdivision in the Open Space zones, Business zones or for utilities are a controlled activity, provided that a water supply for firefighting is provided. Earthworks up to 5000m³ per annum are also a controlled activity.

Subdivision in the Residential zones, Rural zones and the Aquatic Park zone are restricted discretionary activities, provided that the General Standards are complied with. Subdivision in the Open Space zones, Business zones or for utilities is a restricted discretionary activity where a water supply is not provided, as are earthworks in excess of 5000m³ per annum.

Standards for subdivision are split into General Standards and Critical Standards. In general, failure to comply with a General Standard moves a subdivision from controlled or restricted discretionary to discretionary status, while failure to comply with a Critical Standard moves a subdivision from controlled or restricted discretionary to non-complying status.

General standards relate to:

- Esplanade provisions
- Property numbering and street naming

- Allotment dimensions
- Sewer
- Earthworks
- Development in accordance with specified outline development plans

Critical standards relate to:

- Allotment size
- Standards for boundary adjustments
- Flood risk
- Reticulated water supply
- Sewer (in areas with reticulation)
- Indicative site development layout (in areas without reticulated water and or sewer)
- Electricity and telecommunications
- Transmission lines
- Vesting of roads
- Street trees
- Reserve contributions
- Development in accordance with specified outline development plans

Assessment matters relate to:

- Allotment size and shape
- Esplanades
- Earthworks
- Compliance with an outline development plan
- Vegetation protection
- Natural hazards
- Water sewer, including trade waste, and stormwater
- Electricity and telecommunications
- Open space and recreation
- Easements
- Building location, including ground suitability, size and shape of allotments with respect to the sun and minimum floor heights.

Page 9-30 of the plan includes a note that the council *“has adopted parts of New Zealand Standard 4404:2004 Land Development and Subdivision Engineering, with some variations, (referred to as the Code of Practice). This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan but may form condition of consent.”*

Esplanades

Ashburton District requires esplanade reserves (rather than strips) on all subdivisions creating allotments of 4ha or less adjoining the coast or specified rivers or lakes. A narrower reserve is

listed for two rivers within Ashburton township, and in rural zones esplanade reserves are only required on rivers listed in the relevant general standard.

5.2 Christchurch City

The Christchurch District Plan contains a single Chapter 8 that addresses subdivision, development and earthworks. As well as managing subdivision, the objectives, policies and rules of this chapter also manage earthworks, which are necessary to facilitate subdivision, development, the provision of utilities, hazard mitigation and the repair of land damaged by the earthquakes.

In addition to the objectives and policies set out in this chapter, the reader is directed to the objectives and policies set out in Chapter 9 Natural and Cultural Heritage. The Administration section of Chapter 8 also provides links to six other chapters that also apply to subdivision and earthworks activities.

8.3.2 Subdivision Guidance Documents notes that there *“are a number of guidance documents that assist developers when preparing applications for subdivision consent and understanding the required level of service for matters relating to their development and whether these are acceptable to the Council. Where conditions are placed on subdivision consents within the matters of control or discretion specified in this chapter, such conditions may reference documents, ... as a means of achieving the matter of control or discretion”*. These documents are listed as including design standards and management plans. An advice notes specifies that these documents are not incorporated by reference into the plan.

In general, subdivision, including for boundary adjustment, that complies with the relevant activity standards is a controlled activity.

Where the activity standards are not met, the status changes to restricted discretionary, discretionary or non-complying, depending on the standard breached. There are no prohibited subdivisions.

Activity standards relate to:

- Minimum net site area and dimension
- Allotments with existing or proposed buildings
- Access, roads, service lanes, cycle ways and pedestrian access ways
- Esplanades
- Water, wastewater and stormwater
- Additional standards for specific zones

Separate matters for control are set out for each of: boundary adjustments; the conversion of tenure and alteration for cross leases, company leases and unit titles; and allotments for access, utilities, roads and reserves.

General matters for control relate to:

- Subdivision design
- Natural hazards and contaminated land
- Servicing and infrastructure
- Transport networks

- Open space, reserves and recreation (including esplanades)
- Natural and cultural values
- Consent notices

Additional matters of control are provided for each of the following:

- Industrial zones (development in accordance with outline development plans)
- Rural zones (open space provisions, reverse sensitivity, maintenance of rural character)
- Coastal environment and Ngā Wai – Te Tai o Mahaanui (coastal hazards, drainage and stormwater management, suitability for buildings, effects on ecosystems, natural character, landscape and visual effects, historic heritage and sites of cultural significance)
- Character areas (maintenance of the special characteristics of the area)
- Development Plan areas (development in accordance with the outline development plan)

Where a subdivision is to be assessed as a restricted discretionary activity because it is unable to comply with the relevant activity standards, the matters for control become matters for discretion and specific additional matters for discretion are listed for the standard(s) not met. For example, if the property access standard is not met, then the subdivision becomes a restricted discretionary activity, subject to the matters for control listed above and an additional four matters relating to the provision of access.

Esplanades

Christchurch provides for a mix of esplanade reserves and strips, with provision required to comply with the standards. Waterways, instruments and required widths are listed in an appendix to the subdivision chapter.

5.3 Hurunui District

The Hurunui District Plan contains a single chapter addressing subdivision. In general, subdivision starts as a controlled activity, subject to compliance with standards relating to:

- Allotment shape and frontage
- Effluent disposal
- Water supply
- Lot size
- Access and roading
- Esplanade reserves and strips
- Stormwater disposal
- Location-specific standards

Control is reserved over the following:

- Ability to erect a dwelling or principal building as a permitted activity
- Provision of water, sewage and stormwater

- Telecommunications
- Roading and access
- Amenity and character
- Construction effects
- Land contamination
- Natural hazards
- Esplanade and public access provisions
- Listed location-specific matters

Subdivision creating three or more lots is generally a restricted discretionary activity. In addition to the subjects listed in the matters for control, discretion is exercised over:

- Effects on landscape, natural features and heritage features
- Subdivision layout, including the eventual built form
- Access and linkages
- Community amenities and facilities
- Staging

Other than in residential zones in Amberley, subdivision creating lots up to 10% smaller than the standard for the zone is a discretionary activity. Discretionary status is also applied to subdivisions:

- Within outstanding landscape areas
- Within natural hazard areas
- Involving contaminated land
- Certain listed variations from outline development plans
- Where a reduced esplanade provision is proposed
- Where an existing building would no longer comply with the standards for permitted activities or existing use rights
- Involving a heritage item
- In urban areas without reticulated sewer

Subdivision that is not a controlled, restricted discretionary or discretionary activity is listed as non complying activity, except that subdivision in the Buxton Valley Management Area that does not comply with certain standards is a prohibited activity.

Esplanades

A separate chapter includes the provisions relating to esplanades, with the waterbodies where an esplanade is required listed in a separate appendix. Where an esplanade reserve or esplanade strip is required of any subdivision, the reserve or strip is required in relation to all the titles being subdivided, regardless of the size of the lots created. An esplanade is required in regard to any subdivision of land along the coast or bordering a waterbody listed in the appendix, and becomes a matter for discretion in relation to other waterbodies.

The plan starts with a width of 20m, with discretion to increase or decrease the width, based on listed assessment matters. Esplanade provisions can also be considered as part of a land use consent application.

5.4 Waimakariri District

In general, the Waimakariri District Plan splits the provisions relating to subdivision across four chapters. Chapter 18 sets out the objectives and policies relating to Constraints on Development and Subdivision. Chapter 32 contains the rules relating to subdivision, while Chapter 33 addresses esplanades and Chapter 34 contains the provisions for financial contributions. In addition, however, there are rules relating to subdivision in each of Chapters 24 (Outstanding Landscapes), 25 (Indigenous Vegetation), 27 (Natural Hazards) and 28 (Heritage).

Outside the special provisions in Chapters 24 – 27, subdivision is a controlled activity in all zones, subject to compliance with standards relating to:

- Allotment area and dimension
- Compliance with a relevant outline development plan
- Roads and access, including street tree planting
- Corner splays
- Water supply, sewage disposal, stormwater and water races
- Electricity and telecommunications
- Archaeological sites, wahi taonga, wahi tapu and urupa
- Ground levels and filling
- Liquefaction potential
- Esplanades and reserves
- Screening and landscaping

Control is reserved over the following matters:

- Financial contributions
- Allotment area and dimensions
- Subdivision design (layout)
- Property access
- Esplanades
- Hazards (land stability, flooding, unconsolidated fill, defensible space for fire safety, soil contamination)
- Contaminated sites
- Water supply, stormwater, sewage and wastewater disposal
- Electricity and telecommunications
- Special features of the site
- Easements
- Location of future structures
- Cultural effects and archaeological sites
- Airport and aircraft noise

- Intensive farming and liquid effluent spreading
- Fill

Subdivisions that do not comply with the standards are a mix of restricted discretionary, discretionary or non-complying, depending on the standard breached.

Subdivision involving any localized flooding area or site containing a listed heritage resource is a restricted discretionary activity.

In general, subdivisions in outstanding landscape areas or where a listed vegetation and habitat site is divided into separate allotments are discretionary activities, with matters to which regard is to be had listed.

Other than certain exemptions, any residential or business subdivision or area subject to an outline development plan that does not provide adequate stormwater disposal is a prohibited activity.

Esplanades

A separate chapter includes the provisions relating to esplanades. Where a subdivision adjoins the coastal marine area boundary or adjoins or is crossed by a listed river, then an esplanade reserve or strip is required regardless of the size of the lots to be created. The instrument to be used is at the discretion of the council. For other subdivisions, an esplanade is required where a proposal creates lots less than 4ha and the allotment borders any other river with an average width of 3m or more or along the mean high water springs of the sea.

5.5 Summary of approaches in other districts

Subdivision is not a permitted activity in any of the adjoining districts within Canterbury, with a starting point of either controlled or restricted discretionary status.

Although there is a range of district-specific provisions, the common standards for a 'complying' subdivision relate to:

- Esplanades
- Allotment size and shape
- The provision of services (waters, electricity and telecommunications)
- Roads and access
- Compliance with site-specific standards such as outline development plans.

The matters for consideration listed in each plan contain some common themes:

- Esplanades
- Allotment size and shape
- The provision of services (waters, electricity and telecommunications)
- Roads and access
- Compliance with site-specific standards such as outline development plans
- Construction effects

- Natural hazards
- Subdivision layout, including roads and reserves

Although there is variation in how the requirements are presented within the various plans, each plan has provisions requiring the creation of esplanade reserves and strips, together with the ability to alter their width in particular circumstances. None of the other plans considered anticipate the creation of esplanades where access is restricted to a particular group.

6.0 Summary of Options to address Issues

Plan Format

OPTION 1 – A single chapter for subdivision

Option 1 would see the provisions for subdivision, including objectives and policies, be contained within a single chapter.

Effectiveness in Addressing Issue

The draft National Planning Standard requires that the provisions for subdivision, including objectives and policies, be contained within a single chapter.

References to relevant objectives and policies in other chapters can still be made to guide the assessment of applications.

Risks

There is a potential for the draft National Planning Standard to evolve through that submission process, such that the plan format differs from that currently proposed.

Budget or Time Implications:

There would be time and cost associated with the transfer of the existing provisions into the new format.

Stakeholder and community interests

Including all provisions relating to the technical aspects of subdivision in a single chapter would provide a 'one stop shop' approach. While provision for zone-specific or issue-specific variations would be possible, this approach would enable an increased degree of consistency in approach across the district.

Recommendation

Option 1 is the recommended approach for the format of the district plan in relation to the provisions for subdivision.

Objectives and policies

OPTION 2 – Status quo

Option 2 relates to the objectives and policies of the district plan, and would see them ‘roll over’ into the proposed plan, with no changes.

Effectiveness in Addressing Issue:

This option is the ‘known quantity’, but would not improve the coherence of the provisions or provide for a consistent approach across the district.

Risks

Having similar but different objectives and policies relating to the technical aspects of subdivision for different parts of the district reduces the certainty of outcome for both developers and the wider community. Where there are reasons for differences (for example, the provision of reticulated services in townships versus rural areas), these should be deliberately provided for, but the underlying objectives should be consistent.

Budget or Time Implications:

There would be limited time and cost associated with the transfer of the existing provisions into the new format.

Stakeholder and community interests

As noted above, similar but different objectives and policies relating to the technical aspects of subdivision for different parts of the district reduces the certainty of outcome for both developers and the wider community.

Recommendation

Option 2 does not form part of the recommended approach.

OPTION 3 – Revised objectives and policies

This option would revise the objectives and policies relating to the technical aspects of subdivision to ensure consistency across the district where this is possible, and clarity where consistency is not appropriate. For example, the existing objectives (grouped by theme) are:

<i>Township objectives</i>		<i>Rural objectives</i>	
B4.2.1	Subdivision of land for various purposes is recognised and provided for.		
B4.2.2	New allotments created have appropriate characteristics and facilities for their intended or likely uses.	B4.1.3	Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.
B4.2.3	The maintenance and enhancement of amenities of the existing natural	B4.1.2	Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on

Township objectives		Rural objectives	
	and built environment through subdivision design and layout.		natural and physical resources or reverse sensitivity effects.
B4.2.4	That subdivision provides for variety and efficiency in its design, form and function.	B4.1.1	The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Revised objectives could be along the lines of:

1. Subdivision of land for various purposes is recognised and provided for.
2. Every Title created has the appropriate characteristics and level of utilities and other services for its intended or likely use.
3. That subdivision provides for variety and efficiency in its design, form and function, while achieving a residential density appropriate to the zone.
4. In townships, the maintenance and enhancement of amenities of the existing natural and built environment through subdivision design and layout.

Objectives and policies relating to zone-specific matters such as density and lot size would sit in the relevant zone chapter. Similarly, the objectives and policies relating to issue-specific matters such as historic heritage and natural hazards would sit in those chapters. In both instances, all objectives and policies relevant to a consent application would be considered as part of any application assessment.

Effectiveness in Addressing Issue:

Reviewing the existing objectives and policies to ensure they are still fit for purpose as a coherent set that is relevant to the whole district would address the unnecessary level of differences between existing objectives and policies, while making provision for where variation is required to reflect zone-specific or issue-specific differences.

Risks:

Objectives and policies that attempt to be all things to all parts of the district risk failing to recognise differing local circumstances that require different outcomes, such as the availability or otherwise of reticulated water or sewer. Care would therefore need to be taken to ensure that, where local differences need to be recognised in objectives and policies, this occurs.

Budget or Time Implications:

There would be time and cost associated with the transfer of the existing provisions into the new format.

Stakeholder and Community Interests:

While provision for zone-specific or issue-specific variations would be possible, this approach would enable an increased degree of consistency in approach across the district.

Recommendation:

Option 3 is the recommended approach in relation to the objectives and policies for the technical aspects of subdivision.

Status of activities

OPTION 4 – Make subdivision a permitted activity in some instances

Since the Resource Legislation Amendment Act 2017 came into effect on 18 October 2017, subdivision is a permitted activity under s11(1A)(a)(ii) of the RMA, unless a rule in the district plan or a national environmental standard restricts it. This differs from the previous approach, where all subdivision required resource consent unless expressly made a permitted activity. This means that subdivisions could occur without the input of council, beyond any setting of permitted activity standards.

Where a subdivision is undertaken as a permitted activity, the s223 approval of the survey plan cannot occur unless a certificate of compliance has been obtained in respect to the subdivision, and that certificate has not lapsed. The certificate is then treated as a resource consent, with any permitted activity standards specified in the district plan treated as the conditions.

Effectiveness in Addressing Issue:

Option 1 might be useful for some situations such as minor boundary adjustments where no new services are required, or for the creation of unserviced utility lots.

However, the cost to developers of obtaining a certificate of compliance would be similar to those associated with obtaining resource consent for a controlled subdivision, because the information standards for the certificate of compliance and the level of acceptable workmanship for any infrastructure installation would be the same.

In addition to a permitted activity status requiring the same amount of information and assessment as a controlled activity, such a status would muddy the water in relation to the activity status. Permitted status generally means ‘doesn’t require council approval’, but in relation to subdivision would instead mean ‘needs a different sort of council approval’.

Where an application is made for a certificate of compliance that is unable to be issued (because a permitted standard is not met), then a new application for a resource consent is required, resulting in additional time and expense to the applicant. In contrast, if resource consent is sought for a controlled activity but the application in fact has a higher status, then processing of the initial application can continue, subject to the additional assessment required by the higher status.

I therefore consider that permitted activity status has more ‘sound bite’ appeal than actual use and would be an ineffective method of ensuring that subdivision achieves the community outcomes sought.

Risks:

Rules and permitted activity standards can be extremely well written, but still not be able to take into account site-specific factors that can only emerge at the subdivision design stage. If a standard is written sufficiently broadly to capture all such eventualities, then it is likely too broad to be a standard.

A standard must be certain, without scope for differences in interpretation. For example, 'each lot has complying legal access to a formed legal road' could be a standard (either complying access is provided or it isn't), but 'the subdivision is in general accordance with the outline development plan for the area' is open to interpretation – how much variation can occur before it is no longer 'in general accordance'? As such, the degree of compliance with the ODP could be a matter for control or discretion, but not a standard upon which permitted activity status rests.

A permitted activity status would prevent council from having any influence over final subdivision designs, which may result in adverse outcomes for communities. For example, in areas subject to natural hazards, there would be no ability for council to use s106 RMA decline consent or to impose conditions to avoid, remedy or mitigate the effects of these hazards.

Budget or Time Implications:

There would be time and cost associated with establishing appropriate standards and thresholds that would allow subdivision to occur without further input from council. This would be an additional set of provisions with no significantly greater certainty of outcome for applicants than a controlled activity (which must be approved) and no reduction in council or other development costs.

Stakeholder and Community Interests:

A permitted activity status would provide certainty to developers that the subdivision will be approved, but this could also be achieved through controlled activity status, where consent must be granted. There would be no change to the amount or nature of work involved in preparing applications and completing works, or increased certainty of outcome.

The ability of council to influence the design of permitted subdivisions in order to achieve a better community outcome would be restricted to the development of standards that, by their nature of being standards rather than matters for consideration, are unable to take site-specific matters into account.

Other:

No adjoining territorial authority has made subdivision a permitted activity.

As a permitted activity, there is no opportunity for public participation, even if special circumstances existed that meant that council would otherwise notify the application.

Recommendation:

Option 4 does not form part of the recommended approach for subdivision.

OPTION 5 – Make ‘controlled’ the default status for all subdivisions

Option 5 would be similar to the existing provisions in the rural area, in that all subdivisions that complied with the relevant standards would have controlled activity status.

Subdivisions that did not comply with the relevant standards would move out of this category into either another controlled status (for example, with additional matters for control) or a higher activity status, depending on the standard breached and the likelihood that the proposed subdivision would achieve the relevant plan objectives and policies.

In order to comply with the National Planning Standards plan structure, provisions would be contained within a single chapter for subdivision.

Effectiveness in Addressing Issue:

Controlled status applications must be granted. Although council can impose conditions on such consents, they must not be of a nature that prevents the consent from being given effect to – they cannot make significant changes to the subdivision layout, or be so onerous that it becomes impractical to comply with them.

While this is generally an appropriate level of control in the rural area on sites without additional constraints (natural hazards, landscape protection, cultural considerations etc) where relatively large Titles are created and the matters over which council wishes to exercise control can be clearly defined, in townships it limits council’s ability to influence subdivision design to result in a better community outcome in line with the objectives and policies of the plan.

As such, it is an effective mechanism in the rural zones, but ineffective in townships.

Risks:

Controlled status applications must be granted. Although council can impose conditions on such consents, they must not be of a nature that prevents the consent from being given effect to – they cannot make significant changes to the subdivision layout, or be so onerous that it becomes impractical to comply with them.

Budget or Time Implications:

There would be time and cost associated with establishing appropriate standards and thresholds that would allow subdivision in townships to occur with only limited further input from council. For subdivisions in the rural area, the existing provisions would need to be reviewed and refined where required to fit within the National Planning Standard template.

Stakeholder and Community Interests:

A controlled activity status would provide certainty to developers that the subdivision will be approved.

The ability of council to influence the design of the subdivision in order to achieve a better community outcome would be restricted to the matters over which control is reserved. Because

the granting of consent is certain, there is less incentive for developers to improve their proposed design once a consent application has been lodged.

Other:

Controlled activity status is the starting point for most subdivisions in the adjoining Canterbury districts. However, restricted discretionary status as the starting point in townships does not appear to have hindered development in Selwyn since 2000, and the ability to decline applications has been used to influence improved design outcomes from initial applications.

Recommendation:

Option 5 is not the recommended approach

OPTION 6 – Status quo with updated provisions

Option 6 would retain the current status for subdivisions (starting with controlled activity status for rural zones and restricted discretionary status elsewhere), but update objectives, policies and rules to better reflect intended community outcomes and current best practice as indicated by the findings of other relevant work streams. To the extent possible, given the differences in existing and intended environments, provisions would be consistent throughout the district.

Moving away from the use of the term ‘allotment’ to ‘site’ or ‘Title’ (depending on the final definitions prescribed by the National Planning Standard) to describe the areas created by subdivision would allow consideration to be given to the actual areas of land created, rather than the emphasis being placed on the individual land parcels that make up each such area.

Standards for controlled (rural)/restricted discretionary (township) subdivisions could relate to:

- Access
- Availability of Council utilities appropriate to each location (eg water, wastewater, refuse collection)
- Lot size and shape
- Compliance with any relevant Outline Development Plan
- Earthworks
- Not containing identified natural hazard areas
- Not containing Visual Amenity Landscapes or Outstanding Natural Landscapes
- Not containing any historic heritage site
- Not containing any protected tree
- Reverse sensitivity buffers (eg intensive livestock production, electricity transmission lines)
- Provision of esplanades

Matters for control or discretion for these subdivisions could relate to:

- Access and transport networks
- Servicing and infrastructure
- Lot size and shape to create useable lots

- Subdivision design
- Management of construction effects (noise and dust etc)
- Open space, reserves and recreation
- Nature of esplanade provisions
- Location-specific matters (compliance with outline development plans, effects on protected landscapes, areas and sites, natural hazards etc)

The subdivision of land subject to potential soil contamination is addressed through the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and so additional district plan provisions are not required in relation to this topic.

Where proposals do not meet the standards for a controlled or restricted discretionary status, then a higher status could continue to be imposed, with the exact status based on the nature of the non-compliance and the direction of the relevant associated objectives and policies. For example, where additional matters to be considered are known (such as hazard areas), it may be appropriate to retain a restricted discretionary status, with additional matters for discretion to address the risk. However, where an objective or policy seeks to avoid an outcome, then the resultant activity status should be non-complying or, possibly, prohibited.

The Resource Legislation Amendment Act 2017 changed the notification test for subdivision applications. If wider public participation is anticipated in particular subdivision applications (for example creating undersized lots), consideration needs to be given to the status of activities so that this public participation can occur.

Consistent with the existing approach, a smaller set of standards would apply for controlled/restricted discretionary boundary adjustments.

The provisions intended only to create access, reserve or utility allotments would be amended to provide for their balance lots, so that they can be used as anticipated by the drafters of the plan.

Although not a significant pattern of land ownership within the district, the conversion of tenure and alteration for cross leases, company leases and unit titles has little or no 'on the ground' effect, and so would be more explicitly provided for.

Effectiveness in Addressing Issue:

Option 6 would retain the 'known entity' of the existing provisions, while updating provisions to better achieve the intended outcomes from subdivision and streamlining provisions to remove ambiguity and duplication.

Risks:

Rules that attempt to be all things to all parts of the district risk failing to recognise differing local circumstances that require different outcomes, such as the availability or otherwise of reticulated water or sewer. Care would therefore need to be taken to ensure that, where local differences need to be recognised in standards and assessment matters, or activity status, this occurs.

Budget or Time Implications:

There would be time and cost associated with the review and revision of the existing provisions and their transfer into the new format.

Stakeholder and Community Interests:

Option 6 would preserve for developers the current level of certainty about the likelihood of development being approved, while clarifying the matters that need to be considered when undertaking subdivision design.

Recommendation:

Option 6 is the recommended approach in relation to rules.

Esplanade provisions

OPTION 7 – Status quo

Option 7 would see the existing provisions for esplanade reserves transferred to the new plan format, subject only to the required reformatting.

Effectiveness in Addressing Issue:

The provisions for esplanade reserves are subject to review largely through the Water topic. That baseline report has found that, while the existing requirements make adequate provision for access (s229(b) RMA) to lakes and rivers, they do not do as well at making provision for conservation values (s229(a) RMA) or recreation where this is consistent with conservation values (s229(c) RMA).

In townships, subdivision is required to consider esplanades to protect natural character, but the Appendix 12 stated purpose of the esplanades is to provide for public access.

Similarly in the rural area, access is the only reason listed in Appendix 17 for the creation of esplanades. There are three waterways near Taumutu where that that access is to be restricted to members of the local rūnanga.

Schedule 10 RMA sets out that access to esplanade strips can only be restricted to specific persons where the strip has been created for conservation purposes. Where strips are created for access or recreation purposes, then access is either provided to all members of the public at all times, or the strip is closed for a specified period. Schedule 10 does not provide for restrictions of access to particular persons for these types of strip.

In addition, there is not currently any provision to require or consider the provision of esplanades along the coast. As noted in the Coastal Environments preferred option report, the subdivision chapter of the proposed plan will need to give effect to the NZCPS, and where relevant the CRPS, and reflect the intent of the coastal environment policy framework.

Given that the preservation and protection of the coastal environment, wetlands and lakes and rivers and their margins is a s6 RMA matter of national importance, the current provisions are ineffective.

Risks:

Retaining the current provisions would not address the issues described above, and so the risk is that the purpose of the RMA would not be achieved.

Budget or Time Implications:

The only initial work associated with rolling over the existing provisions would be their conversion into the new plan format. However, the provisions would likely be subject to submissions, and so additional work would be required at that time.

Stakeholder and Community Interests:

The matters to be considered when subdivision includes esplanade provisions do not match the reasons for their creation listed in the relevant appendices. This results in a lack of clarity for both developers and the wider community about expected outcomes.

Recommendation:

Option 7 is not the recommended approach

OPTION 8 – Revised provisions

Option 8 would extend the potential purposes of esplanades to include conservation and recreation purposes as identified in the Water workstream, and extend the reach of esplanades to include the coast.

Options to preserve runanga access to the waterways near Taumutu will need to be explored to identify an option that will achieve the desired outcome of balancing the provision of access for runanga with limiting access for other parties.

Effectiveness in Addressing Issue:

Extending the potential reasons for esplanades listed in the relevant appendix to match the matters to be considered as listed in the rules would remove the potential for confusion about what is intended. Together with extending the provisions to allow consideration of the creation of esplanades along the coast, this would address the preservation and protection of the coastal environment, wetlands and lakes and rivers and their margins.

Risks:

Not amending the provisions risks not achieving the purpose of the RMA, as a matter of national importance is not currently being provided for.

Budget or Time Implications:

If specificity of purpose is sought, work will be required to identify which areas should be subject to which types of protection. Alternatively, this could be left open at the level of the district plan, with site-specific assessments undertaken at the time a subdivision is proposed.

Stakeholder and Community Interests:

Option 8 would provide for the consideration of esplanades for the whole range of potential reasons that they can be created, in all the places they can be created. This would provide for community interests in both providing access and in providing for conservation, as appropriate to the circumstances.

Recommendation:

Option 8 is therefore the recommended approach in relation to the provisions for esplanades.

7.0 Summary of stakeholder engagement

Input into this topic has been sought from members of Council's resource consents team and from the Asset Engineer. In general, they consider that the existing provisions are working well, but that the provisions would benefit from a review to ensure consistency of activity status where standards are not met and to remove duplication.

The existing levels of development in the district are considered to be an indicator that the existing activity status levels for subdivision are not hindering development. Rather, the ability for council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required – a significant proportion of consented residential subdivisions differ in some respect from the application initially lodged. This need to provide for changes during the consenting process means that a balance must be achieved in the level of engineering detail provided with applications. Where a full engineering design has been completed before an application is lodged, there is certainty of servicing requirements but little willingness on the part of applicants to change their layout to achieve a better outcome. Conversely, where no engineering design has been undertaken before an application is lodged, applicants are generally willing to alter their layout to better achieve the intended outcome, but may find that servicing is more difficult because engineering constraints have not been identified and accounted for.

Environment Canterbury staff have reviewed this report and support the development of the preferred options and would welcome the opportunity for further engagement on this topic. Environment Canterbury is happy to assist with the alignment of draft provisions with the direction in the CRPS.

Environment Canterbury acknowledge that this review topic could be significantly impacted on by the National Planning Standards and as such might not have that clarity until the Standards are finalised. Environment Canterbury also acknowledge that there is ongoing work being undertaken by the Greater Christchurch Partnership on the Settlement Pattern Review and that

the potential outcomes from that review are not yet known. Environment Canterbury is happy to provide more feedback as more information becomes available or as any higher order legislation is finalised.

An initial high-level discussion has been had with Mahaanui Kurataiao Ltd in relation to esplanades and the continued provision of access at Taumutu, and they have been provided with a copy of the draft of this report for their consideration and comment. At this stage, no response has been received.

8.0 Conclusion

In general, the existing technical provisions for subdivision are achieving the intended outcomes of providing for development in a way that ensures that lots are created with the characteristics and services that enables them to be used as intended.

However, the existing provisions, particularly in Living zones, have been subject to a number of plan changes such that they have become cumbersome to use and would benefit from refining and removal of duplication.

The National Planning Standards will also likely require a single plan chapter for subdivision, and so a re-write of the provisions to fit the new structure will be required.

The Resource Legislation Amendment Act 2017 changed the notification test for subdivision applications. If public participation is anticipated in particular subdivision applications, therefore, consideration needs to be given to the status of activities so that this can occur.

The use of the term 'allotment' has resulted in unintended outcomes, particularly around boundary adjustments that have led to the creation of undersized Titles in the rural area, where council is then pressured to allow a dwelling to be erected.

Likewise, the provisions intended to simplify the creation of access, reserve and utility lots have not been able to be used as intended, and so require review.

The existing provisions in relation to esplanades are not achieving the purpose of the RMA, and so need to be widened in terms of scope (allowing for the creation of esplanades for purposes other than access) and applicability (allowing for the creation of esplanades along the coast).

9.0 Preferred Options for further engagement

The Project Team recommends that the following options be adopted for further engagement:

- In relation to plan format, Option 1, being a single chapter for subdivision.
- In relation to the objectives and policies, Option 3, being a revised single set that, as far as possible, is consistent for the whole district.
- In relation to activity status and rules, Option 6, being an updated set of the existing provisions.

- In relation to the provisions relating to esplanades, Option 8, being an updated set of the existing provisions.

Appendix A Resource Management Act 1991

11 Restrictions on subdivision of land

- (1) No person may subdivide land, within the meaning of section 218, unless the subdivision is—
- (a) a subdivision permitted by subsection (1A); or
 - (b) effected by the acquisition, taking, transfer, or disposal of part of an allotment under the Public Works Act 1981 (except that, in the case of the disposition of land under the Public Works Act 1981, each existing separate parcel of land shall, unless otherwise provided by that Act, be disposed of without further division of that parcel of land); or
 - (c) effected by the establishment, change, or cancellation of a reserve under section 338 of Te Ture Whenua Maori Act 1993; or
 - (ca) effected by a transfer under section 23 of the State-Owned Enterprises Act 1986 or a resumption under section 27D of that Act; or
 - (cb) effected by any vesting in or transfer or gift of any land to the Crown or any local authority or administering body (as defined in section 2 of the Reserves Act 1977) for the purposes (other than administrative purposes) of the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; or
 - (cc) effected by transfer or gift of any land to Heritage New Zealand Pouhere Taonga or the Queen Elizabeth the Second National Trust for the purposes of the Heritage New Zealand Pouhere Taonga Act 2014 or the Queen Elizabeth the Second National Trust Act 1977; or
 - (d) effected by any transfer, exchange, or other disposition of land made by an order under subpart 3 of Part 6 of the Property Law Act 2007 (which relates to the granting of access to landlocked land).
- (1A) A person may subdivide land under subsection (1)(a) if—
- (a) either—
 - (i) the subdivision is expressly allowed by a resource consent; or
 - (ii) the subdivision does not contravene a national environmental standard, a rule in a district plan, or a rule in a proposed district plan for the same district (if there is one); and
 - (b) the subdivision is shown on a survey plan that is—
 - (i) deposited under Part 10 by the Registrar-General of Land, in the case of a survey plan described in paragraph (a)(i) or (b) of the definition of survey plan in section 2(1); or
 - (ii) approved as described in section 228 by the Chief Surveyor, in the case of a survey plan described in paragraph (a)(ii) of the definition of survey plan in section 2(1).

- (2) Subsection (1) does not apply in respect of Maori land within the meaning of Te Ture Whenua Maori Act 1993 unless that Act otherwise provides.

31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards; and
 - (ii) [Repealed]
 - (ia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
 - (iii) the maintenance of indigenous biological diversity:
 - (c) [Repealed]
 - (d) the control of the emission of noise and the mitigation of the effects of noise:
 - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) any other functions specified in this Act.
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.

77 Rules about esplanade reserves on subdivision and road stopping

- (1) Subject to Part 2 and having regard to section 229 (purposes of esplanade reserves), a territorial authority may include a rule in its district plan which provides, in respect of any allotment of less than 4 hectares created when land is subdivided,—
- (a) that an esplanade reserve which is required to be set aside shall be of a width greater or less than 20 metres:
 - (b) that section 230 shall not apply:

- (c) that instead of an esplanade reserve, an esplanade strip of the width specified in the rule may be created under section 232.
- (2) A territorial authority may include a rule in its district plan which provides that in respect of any allotment of 4 hectares or more created when land is subdivided, esplanade reserves or esplanade strips, of the width specified in the rule, shall be set aside or created, as the case may be, under section 230(5).
- (3) A territorial authority may include in its district plan a rule which provides—
 - (a) that esplanade reserves, required to be set aside under section 345(3) of the Local Government Act 1974, shall be of a width greater or less than 20 metres:
 - (b) that section 345(3) of the Local Government Act 1974 shall not apply.
- (4) Rules made under this section shall make provision for such matters as are appropriate in the circumstances of the district, and may apply—
 - (a) generally; or
 - (b) in a particular locality; or
 - (c) in particular circumstances.

106 Consent authority may refuse subdivision consent in certain circumstances

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
 - (a) there is a significant risk from natural hazards; or
 - (b) [Repealed]
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—
 - (a) the likelihood of natural hazards occurring (whether individually or in combination); and
 - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
 - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).
- (2) Conditions under subsection (1) must be—
 - (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

- (b) of a type that could be imposed under section 108.

108 Conditions of resource consents

- (1) Except as expressly provided in this section and subject to section 108AA and any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).
- (2) A resource consent may include any 1 or more of the following conditions:
 - (a) subject to subsection (10), a condition requiring that a financial contribution be made:
 - (b) a condition requiring provision of a bond (and describing the terms of that bond) in accordance with section 108A:
 - (c) a condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource, be provided:
 - (d) in respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates):
 - (e) subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or section 15B, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source:
 - (f) in respect of a subdivision consent, any condition described in section 220 (notwithstanding any limitation on the imposition of conditions provided for by section 87A(2)(b) or (3)(a)):
 - (g) in respect of any resource consent for reclamation granted by the relevant consent authority, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under Part 10:
 - (h) in respect of any coastal permit to occupy any part of the common marine and coastal area, a condition—
 - (i) detailing the extent of the exclusion of other persons:
 - (ii) specifying any coastal occupation charge.
- (3) A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.

- (4) Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do 1 or more of the following:
- (a) to make and record measurements:
 - (b) to take and supply samples:
 - (c) to carry out analyses, surveys, investigations, inspections, or other specified tests:
 - (d) to carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
 - (e) to provide information to the consent authority at a specified time or times:
 - (f) to provide information to the consent authority in a specified manner:
 - (g) to comply with the condition at the holder of the resource consent's expense.
- (5) Any conditions of a kind referred to in subsection (3) that were made before the commencement of this subsection, and any action taken or decision made as a result of such a condition, are hereby declared to be, and to have always been, as valid as they would have been if subsections (3) and (4) had been included in this Act when the conditions were made, or the action was taken, or the decision was made.
- (6) [Repealed]
- (7) Any condition under subsection (2)(d) may, among other things, provide that the covenant may be varied or cancelled or renewed at any time by agreement between the consent holder and the consent authority.
- (8) Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—
- (a) the nature of the discharge and the receiving environment; and
 - (b) other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—

the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.

- (9) In this section, financial contribution means a contribution of—
- (a) money; or
 - (b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993 unless that Act provides otherwise; or
 - (c) a combination of money and land.

- (10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—
- (a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and
 - (b) the level of contribution is determined in the manner described in the plan or proposed plan.

108AA Requirements for conditions of resource consents

- (1) A consent authority must not include a condition in a resource consent for an activity unless—
- (a) the applicant for the resource consent agrees to the condition; or
 - (b) the condition is directly connected to 1 or both of the following:
 - (i) an adverse effect of the activity on the environment;
 - (ii) an applicable district or regional rule, or a national environmental standard; or
 - (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.
- (2) Subsection (1) does not limit this Act or regulations made under it.
- (3) This section does not limit section 77A (power to make rules to apply to classes of activities and specify conditions), 106 (consent authority may refuse subdivision consent in certain circumstances), or 220 (condition of subdivision consents).
- (4) For the purpose of this section, a district or regional rule or a national environmental standard is applicable if the application of that rule or standard to the activity is the reason, or one of the reasons, that a resource consent is required for the activity.
- (5) Nothing in this section affects section 108(2)(a) (which enables a resource consent to include a condition requiring a financial contribution).

218 Meaning of subdivision of land

- (1) In this Act, the term **subdivision of land** means—
- (a) the division of an allotment—
 - (i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
 - (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or

- (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
- (v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,—

and the term **subdivide land** has a corresponding meaning.

(2) In this Act, the term **allotment** means—

- (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) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- (b) any parcel of land or building or part of a building that is shown or identified separately—
 - (i) on a survey plan; or
 - (ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- (c) any unit on a unit plan; or
- (d) any parcel of land not subject to the Land Transfer Act 1952.

(3) For the purposes of subsection (2), an allotment that is—

- (a) subject to the Land Transfer Act 1952 and is comprised in 1 certificate of title or for which 1 certificate of title could be issued under that Act; or
- (b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

139 Consent authorities and Environmental Protection Authority to issue certificates of compliance

- (1) This section applies if an activity could be done lawfully in a particular location without a resource consent.
- (2) A person may request the consent authority to issue a certificate of compliance.
- (3) A certificate states that the activity can be done lawfully in a particular location without a resource consent.
- (4) The authority may require the person to provide further information if the authority considers that the information is necessary for the purpose of applying subsection (5).
- (5) The authority must issue the certificate if—
 - (a) the activity can be done lawfully in the particular location without a resource consent; and
 - (b) the person pays the appropriate administrative charge.
- (6) The authority must issue the certificate within 20 working days of the later of the following:
 - (a) the date on which it received the request:
 - (b) the date on which it received the further information under subsection (4).
- (7) The certificate issued to the person must—
 - (a) describe the activity and the location; and
 - (b) state that the activity can be done lawfully in the particular location without a resource consent as at the date on which the authority received the request.
- (8) The authority must not issue a certificate if—
 - (a) the request for a certificate is made after a proposed plan is notified; and
 - (b) the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.
- (8A) The authority must not issue a certificate if a notice for the activity is in force under section 87BA(1)(c) or 87BB(1)(d).
- (9) Sections 357A, 357AB, and 357C to 358 apply to a request for a certificate.
- (10) A certificate is treated as if it were an appropriate resource consent that—
 - (a) contains the conditions specified in an applicable national environmental standard; and
 - (b) contains the conditions specified in an applicable plan.
- (11) A certificate treated as a resource consent is subject to sections 10, 10A, and 20A(2).

- (12) A certificate treated as a resource consent is subject to this Act as if it were a resource consent, except that the only sections in this Part that apply to it are sections 120(1) or (2), 121, 122, 125, 134, 135, 136, and 137.
- (13) If an activity relates to a matter that is or is part of a proposal of national significance for which a direction has been made under section 142(2) or 147(1)(a) or (b), a person may request a certificate from the Environmental Protection Authority and this section applies with the following modifications:
- (a) a reference to a consent authority is to be treated as a reference to the EPA; and
 - (b) subsection (5)(b) does not apply; and
 - (c) the EPA may recover its actual and reasonable costs of dealing with the request from the person making the request; and
 - (d) if the EPA requires a person to pay costs recoverable under paragraph (c), the costs are a debt due to the Crown that is recoverable in any court of competent jurisdiction.
- (14) In this section, activity includes a particular proposal.

220 Condition of subdivision consents

- (1) Without limiting section 108 or any provision in this Part, the conditions on which a subdivision consent may be granted may include any 1 or more of the following:
- (a) where an esplanade strip is required under section 230, a condition specifying the provisions to be included in the instrument creating the esplanade strip under section 232:
 - (aa) a condition requiring an esplanade reserve to be set aside in accordance with section 236:
 - (ab) a condition requiring the vesting of ownership of land in the coastal marine area or the bed of a lake or river in accordance with section 237A:
 - (ac) a condition waiving the requirement for, or reducing the width of, an esplanade reserve or esplanade strip in accordance with section 230 or section 405A:
 - (b) subject to subsection (2), a condition that any specified part or parts of the land being subdivided or any other adjoining land of the subdividing owner be—
 - (i) transferred to the owner of any other adjoining land and amalgamated with that land or any part thereof; or
 - (ii) amalgamated, where the specified parts are adjoining; or
 - (iii) amalgamated, whether the specified parts are adjoining or not, for any purpose specified in a district plan or necessary to comply with any requirement of the district plan; or

- (iv) held in the same ownership, or by tenancy-in-common in the same ownership, for the purpose of providing legal access or part of the legal access to any proposed allotment or allotments in the subdivision:
 - (c) a condition that any allotment be subject to a requirement as to the bulk, height, location, foundations, or height of floor levels of any structure on the allotments:
 - (d) a condition that provision be made to the satisfaction of the territorial authority for the protection of the land or any part thereof, or of any land not forming part of the subdivision, against natural hazards from any source (being, in the case of land not forming part of the subdivision, natural hazards arising or likely to arise as a result of the subdividing of the land the subject of the subdivision consent):
 - (e) a condition that filling and compaction of the land and earthworks be carried out to the satisfaction of the territorial authority:
 - (f) a condition requiring that any easements be duly granted or reserved:
 - (g) a condition requiring that any existing easements in respect of which the land is the dominant tenement and which the territorial authority considers to be redundant, be extinguished, or be extinguished in relation to any specified allotment or allotments.
- (2) For the purposes of subsection (1)(b)—
- (a) where any condition requires land to be amalgamated, the territorial authority shall, subject to subsection (3), specify (as part of that condition) that such land be held in 1 certificate of title or be subject to a covenant entered into between the owner of the land and the territorial authority that any specified part or parts of the land shall not, without the consent of the territorial authority, be transferred, leased, or otherwise disposed of except in conjunction with other land; and
 - (b) land shall be regarded as adjoining other land notwithstanding that it is separated from the other land only by a road, railway, drain, water race, river, or stream.
- (3) Before deciding to grant a subdivision consent on a condition described in subsection (1)(b), the territorial authority shall consult with the Registrar-General of Land as to the practicality of that condition. If the Registrar-General of Land advises the territorial authority that it is not practical to impose a particular condition, the territorial authority shall not grant a subdivision consent subject to that condition, but may if it thinks fit grant a subdivision consent subject to such other conditions under subsection (1)(b) which the Registrar-General of Land advises are practical in the circumstances.

229 Purposes of esplanade reserves and esplanade strips

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

- (a) to contribute to the protection of conservation values by, in particular,—
 - (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or

- (ii) maintaining or enhancing water quality; or
- (iii) maintaining or enhancing aquatic habitats; or
- (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or
- (v) mitigating natural hazards; or
- (b) to enable public access to or along any sea, river, or lake; or
- (c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

230 Requirement for esplanade reserves or esplanade strips

- (1) For the purposes of sections 77, 229 to 237H, and 405A, the size of any allotment shall be determined before any esplanade reserve or esplanade strip is set aside or created, as the case may be.
- (2) The provisions of sections 229 to 237H shall only apply where section 11(1)(a) applies to the subdivision.
- (3) Except as provided by any rule in a district plan made under section 77(1), or a resource consent which waives, or reduces the width of, the esplanade reserve, where any allotment of less than 4 hectares is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake, as the case may be, and shall vest in accordance with section 231.
- (4) For the purposes of subsection (3), a **river** means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment; and a **lake** means a lake whose bed has an area of 8 hectares or more.
- (5) If any rule made under section 77(2) so requires, but subject to any resource consent which waives, or reduces the width of, the esplanade reserve or esplanade strip, where any allotment of 4 hectares or more is created when land is subdivided, an esplanade reserve or esplanade strip shall be set aside or created from that allotment along the mark of mean high water springs of the sea and along the bank of any river and along the margin of any lake, and shall vest in accordance with section 231 or be created in accordance with section 232, as the case may be.

231 Esplanade reserves to vest on subdivision

- (1) An esplanade reserve required under section 230 or section 236—
 - (a) shall be set aside as a local purpose reserve for esplanade purposes under the Reserves Act 1977; and
 - (b) shall vest in and be administered by the territorial authority.
- (2) Nothing in this Part shall prevent the change of classification or purpose of an esplanade reserve in accordance with the Reserves Act 1977 or the exercise of any other power under that Act.

- (3) Every survey plan submitted to the territorial authority under section 223 shall show the area of land to be so set aside.

232 Creation of esplanade strips

- (1) An esplanade strip of the width specified in a rule in a district plan made under section 77 may be created for any purpose specified in section 229 by the registration of an instrument between the territorial authority, and the subdividing owner, prepared in accordance with this section.
- (2) Every such instrument shall—
- (a) be in accordance with Schedule 10; and
 - (b) be in the prescribed form; and
 - (c) be created in favour of the territorial authority; and
 - (d) create an interest in land, and may be registered under the Land Transfer Act 1952; and
 - (e) when registered with the Registrar-General of Land, run with and bind the land that is subject to the instrument; and
 - (f) bind every mortgagee or other person having an interest in the land, without that person's consent.
- (3) Where an esplanade strip is created, that strip may be closed to public entry under section 237C.
- (4) When deciding under section 220(1)(a) which matters shall be provided for in the instrument, the territorial authority shall consider—
- (a) which provisions in clauses 2, 3, and 7 of Schedule 10 (if any) to modify (including the imposition of conditions) or to exclude from the instrument; and
 - (b) any other matters that the territorial authority considers appropriate to include in the instrument.
- (5) When deciding under subsection (4) which provisions (if any) to modify or exclude or what other matters to include, the territorial authority shall consider—
- (a) any relevant rules in the district plan; and
 - (b) the provisions and other matters included in any existing instrument for an esplanade strip, or easement for an access strip, in the vicinity; and
 - (c) the purpose or purposes of the strip, including the needs of potential users of the strip; and
 - (d) the use of the strip and adjoining land by the owner and occupier; and
 - (e) the use of the river, lake, or coastal marine area within or adjacent to the strip; and
 - (f) the management of any reserve in the vicinity.

233 Effect of change to boundary of esplanade strip

- (1) Where, for any reason, the mark of any mean high water springs or the bank of any river or the margin of any lake alters, and the alteration affects an existing esplanade strip within an allotment, a new esplanade strip coinciding with such alteration shall be deemed to have been created simultaneously with each and every such alteration within the allotment.
- (2) Any instrument creating any existing esplanade strip shall continue in existence and shall apply to a new esplanade strip created under subsection (1) without alteration, except as to location of the strip.
- (3) Every esplanade strip created by subsection (1) shall be of such dimensions and be situated and subject to the same conditions as if it had been created by an instrument continued under subsection (2) and shall extinguish in whole or in part, as the case may require, the existing esplanade strip which would have continued but for the alterations referred to in subsection (1).
- (4) Subject to this section, the provisions of this Act shall apply to every esplanade strip created by subsection (1).
- (5) Any person having an interest in land affected by the new esplanade strip created under subsection (1) shall be bound by the instrument applying to that strip.

235 Creation of esplanade strips by agreement

- (1) An esplanade strip may at any time be created for any of the purposes specified in section 229 by agreement between the registered proprietor of any land and the local authority, and the provisions of sections 229, 232, 233, 234, 237(2), and 237C shall apply, with all necessary modifications.
- (2) No instrument for an esplanade strip by agreement may be registered with the Registrar-General of Land unless every person having a registered interest in the land has endorsed his or her consent on the instrument.

236 Where land previously set aside or reserved

Where—

- (a) land along the mean high water mark or the mark of mean high water springs of the sea, or along the bank of any river, or along the margin of any lake, has—
 - (i) been set aside as an esplanade reserve under this Part, or has been reserved for the purpose specified in section 289 of the Local Government Act 1974, or for public purposes pursuant to section 29(1) of the Counties Amendment Act 1961 or section 11 of the Land Subdivision in Counties Act 1946; or
 - (ii) been set aside or reserved for public recreation purposes pursuant to any other enactment (whether passed before or after the commencement of this Act and whether or not in force at the commencement of this Act); or

- (iii) been reserved from sale or other disposition pursuant to section 24 of the Conservation Act 1987, or section 58 of the Land Act 1948, or the corresponding provisions of any former Act; and
- (b) a survey plan of land adjoining that land previously set aside or reserved is submitted to the territorial authority under section 223—

then, notwithstanding that any land of the kind referred to in paragraph (a) has been previously reserved or set aside but subject to any rule in a district plan or any resource consent, there may, as a condition of consent under section 220(1)(aa), be set aside on the survey plan an esplanade reserve adjoining the land previously set aside or reserved, which shall—

- (c) be of a width that is the difference between the width of the land previously set aside or reserved and—
 - (i) the width required by a rule in a district plan under section 77 for an esplanade reserve, if any, where any allotment 4 hectares or more is created when land is subdivided; or
 - (ii) the width required by a rule in a district plan under section 77 for an esplanade reserve, if any, where any allotment less than 4 hectares is created when land is subdivided; or
 - (iii) where any allotment less than 4 hectares is created when land is subdivided, and there is no rule in a district plan under section 77, then 20 metres as required under section 230.

237 Approval of survey plans where esplanade reserve or esplanade strips required

- (1) Subject to subsection (3), the territorial authority shall not approve a survey plan unless any esplanade reserve or esplanade strip required under this Part is shown on the survey plan.
- (2) Notwithstanding anything in the Land Transfer Act 1952, an esplanade strip shall not be required to be surveyed, but where an esplanade strip is shown on the survey plan, it shall be clearly identified in such manner as the Chief Surveyor considers appropriate.
- (3) Where—
 - (a) an esplanade reserve or esplanade strip is required under this Part in respect of a subdivision which is to be effected by the grant of a cross lease or company lease or by the deposit of a unit plan; and
 - (b) it is not practical to show the esplanade reserve or esplanade strip on the survey plan submitted for approval under section 223 (in this section referred to as the **primary survey plan**)—

the territorial authority, after consultation with the Registrar-General of Land, shall not approve the primary survey plan until a separate survey plan showing the esplanade reserve or esplanade strip has been prepared and submitted to the territorial authority for approval under this section.

- (4) Where the territorial authority approves a separate survey plan under subsection (3)—

- (a) a memorandum to that effect shall be endorsed on the primary survey plan and the separate survey plan; and
 - (b) the Registrar-General of Land shall not deposit the primary survey plan and (in respect of a subdivision by the Crown) the Registrar-General of Land shall not issue a certificate of title for any separate allotment on the primary survey plan approved by the Chief Surveyor for the purposes of section 228, unless the separate survey plan on which the esplanade reserve or esplanade strip is shown is deposited prior to, or at the same time as, the primary survey plan.
- (5) Subject to this section, nothing in section 11 or this Part applies to a separate survey plan approved by a territorial authority under this section.

237A Vesting of land in common marine and coastal area or bed of lake or river

- (1) Where a survey plan is submitted to a territorial authority in accordance with section 223, and any part of the allotment being subdivided is the bed of a river or lake or is within the coastal marine area, the survey plan shall—
- (a) show as vesting in the territorial authority—
 - (i) such part of the allotment as forms part of the bed of a river or lake and adjoins an esplanade reserve shown as vesting in the territorial authority; or
 - (ii) such part of the allotment as forms part of the bed of a river or lake and is required to be so vested as a condition of a resource consent:
 - (b) show any part of the allotment that is in the coastal marine area as part of the common marine and coastal area.
- (2) Any requirement to vest the bed under subsection (1)(a)(i) shall be subject to any rule in a district plan or any resource consent which provides otherwise.

237B Access strips

- (1) A local authority may agree with the registered proprietor of any land to acquire an easement over the land, and may agree upon the conditions upon which such an easement may be enjoyed.
- (2) Any such easement shall—
- (a) be executed by the local authority and the registered proprietor; and
 - (b) be in the prescribed form; and
 - (c) contain the relevant provisions in accordance with Schedule 10.
- (3) When deciding which matters shall be provided for in the easement, the parties shall consider—

- (a) which provisions in clauses 2, 3, and 7 of Schedule 10 (if any) to modify (including by the imposition of conditions) or to exclude from the easement; and
 - (b) any other matters that the local authority and registered proprietor consider appropriate to include in the easement.
- (4) When deciding under subsection (3) which provisions (if any) to modify or exclude or what other matters to include, the parties shall consider—
 - (a) any relevant rules in the district plan; and
 - (b) the provisions and other matters included in any existing instrument for an esplanade strip, or easement for an access strip, in the vicinity; and
 - (c) the purpose of the strip, including the needs of potential users of the strip; and
 - (d) the use of the strip and adjoining land by the owner and occupier; and
 - (e) where appropriate, the use of the river, lake, or coastal marine area within or adjacent to the access strip; and
 - (f) the management of any reserve in the vicinity.
- (5) Any such easement shall take effect when registered at the office of the Registrar-General of Land.
- (6) An access strip may be closed to public entry under section 237C.
- (7) No easement for an access strip may be registered with the Registrar-General of Land unless every person having a registered interest in the land has endorsed his or her consent on the easement.
- (8) The registered proprietor and the local authority may, by agreement, vary or cancel the easement if the matters in subsection (4) and any change in circumstances have been taken into account; and in any such case the provisions of section 234(7) and (8) shall apply, with all necessary modifications.

237C Closure of strips to public

- (1) An esplanade strip or access strip may be closed to the public for the times and periods specified in the instrument or easement under Schedule 10, or by the local authority during periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property.
- (2) The local authority shall ensure, where practicable, that any closure specified in the instrument or easement, or any closure for safety or emergency reasons, is adequately notified (including notification that it is an offence to enter the strip during the period of closure) to the public by signs erected at all entry points to the strip, unless the instrument or easement provides that another person is responsible for such notification.

237E Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares

- (1) Where an allotment of less than 4 hectares is created when land is subdivided, no compensation for esplanade reserves or esplanade strips shall be payable for any area of land within 20 metres from the mark of mean high water springs of the sea or from the bank of any river or from the margin of any lake, as the case may be.
- (2) Where an esplanade reserve or esplanade strip of a width greater than 20 metres is required to be set aside on an allotment of less than 4 hectares created when land is subdivided, the territorial authority shall pay compensation for the area of the esplanade reserve or esplanade strip above 20 metres, to the registered proprietor of that allotment, unless the registered proprietor agrees otherwise.

237F Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more

Where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the territorial authority shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise.

237G Compensation

- (1) This section applies if—
 - (a) the bed of a river or lake—
 - (i) is vested in the Crown in accordance with section 237A(1)(a); and
 - (ii) adjoins, or would adjoin if it were not for an esplanade reserve, any allotment of 4 hectares or more when land is subdivided; or
 - (b) land that is within the coastal marine area—
 - (i) becomes part of the common marine and coastal area in accordance with section 237A(1)(b); and
 - (ii) adjoins, or would adjoin if it were not for an esplanade reserve, any allotment of 4 hectares or more created when land is subdivided.
- (2) In the case of land referred to in subsection (1)(a), the Crown or territorial authority, as the case may be, must pay compensation to the registered proprietor of that land, unless the registered proprietor agrees otherwise.
- (3) In the case of land referred to in subsection (1)(b), the Crown must pay compensation to the registered proprietor of that land, unless the registered proprietor agrees otherwise.

237H Valuation

- (1) If the territorial authority or Crown, as the case may be, and the registered proprietor cannot agree as to the amount of compensation, including any additional survey costs, payable under section 237E, section 237F, or section 237G, the amount shall be determined by a registered valuer agreed on by the parties (or, failing agreement, nominated by the President of the New Zealand Institute of Valuers), who shall provide a copy of the determination to all parties.
- (2) The territorial authority or Crown, as the case may be, or the registered proprietor who is dissatisfied with the determination under subsection (1) may, within 20 working days after service of the determination, object to the determination to the registered valuer in writing, stating the grounds of objection.
- (3) Sections 34, 35, 36, and 38 of the Rating Valuations Act 1998 (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if—
 - (a) the registered valuer had been appointed by a territorial authority to review the objection; and
 - (b) the review had been made under section 34 of that Act; and
 - (c) the references to a territorial authority in sections 34(4), 35, and 36 of that Act were references to the registered valuer.
- (4) For the purposes of this section and of sections 237E to 237G, the amount of compensation shall be equal to—
 - (a) in the case of an esplanade reserve, the value of the land set aside:
 - (b) in the case of an esplanade strip, the value of the interest in land created—

and any additional survey costs incurred by reason of the esplanade reserve or esplanade strip, as the case may be, as at the date of the deposit of the survey plan.

Schedule 10 Requirements for instruments creating esplanade strips and access strips

1 Prohibitions to be included in instruments

- (1) Every instrument creating an esplanade strip and every easement for an access strip shall specify that the following acts are prohibited on land over which the esplanade strip or access strip has been created:
 - (a) wilfully endangering, disturbing, or annoying any lawful user (including the land owner or occupier) of the strip:
 - (b) wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice:

- (c) wilfully interfering with or disturbing any livestock lawfully permitted on the strip.
- (2) Notwithstanding subclause (1), the prohibitions in paragraphs (b) and (c) shall not apply to the owner or occupier.
- (3) For the purposes of this schedule, **owner** and **occupier** includes any employees or agents authorised by the owner or occupier.

2 Other prohibitions

Subject to sections 232(4) and 237B(3), every instrument creating an esplanade strip and every easement for an access strip shall specify that the following acts are prohibited on the land over which the esplanade strip or access strip has been created:

- (a) lighting any fire:
- (b) carrying any firearm:
- (c) discharging or shooting any firearm:
- (d) camping:
- (e) taking any animal on to, or having charge of any animal on, the land:
- (f) taking any vehicle on to, or driving or having charge or control of any vehicle on, the land (whether the vehicle is motorised or non-motorised):
- (g) wilfully damaging or removing any plant (unless acting in accordance with the Biosecurity Act 1993):
- (h) laying any poison or setting any snare or trap (unless acting in accordance with the Biosecurity Act 1993).

3 Fencing

The instrument or easement may include any fencing requirements, including gates, stiles, and the repositioning or removal of any fence.

4 Access on esplanade strips for conservation purposes

- (1) Where an esplanade strip is created for the protection of conservation values only, the instrument creating the strip may specify that—
 - (a) no person shall enter or remain on the strip; or
 - (b) only specified persons shall enter or remain on the strip—
 subject to any other provisions of the instrument.
- (2) Subclause (1) does not apply to the owner or occupier of the land over which the strip is created.

5 Access on strips for access purposes

Where an easement for an access strip or an esplanade strip for access purposes is created, the easement or instrument creating the strip shall specify that any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of the easement or instrument.

6 Access on strips created for recreational purposes

Where an esplanade strip is created for public recreational use, the instrument creating the strip shall specify that any person shall have the right, at any time, to enter upon the land over which the esplanade strip has been created and remain on that land for any period of time for the purpose of recreation, subject to any other provisions of the instrument.

7 Closure

- (1) Any instrument creating an esplanade strip or any easement for an access strip may specify that the strip may be closed for any specified period, including particular times and dates.
- (2) Any instrument or easement may specify who is responsible for notifying the public by signs erected at all entry points to the strip, and any other means agreed, that a strip or easement is closed as a result of closure periods specified in the instrument or easement.

Appendix B Objectives and policies (Townships Volume)

B4.2 Subdivision of land

Objective B4.2.1

Subdivision of land for various purposes is recognised and provided for.

Objective B4.2.2

New allotments created have appropriate characteristics and facilities for their intended or likely uses.

Objective B4.2.3

The maintenance and enhancement of amenities of the existing natural and built environment through subdivision design and layout.

Objective B4.2.4

That subdivision provides for variety and efficiency in its design, form and function.

Policy B4.2.1

Provide for the subdivision of land for uses other than new residential development, in townships.

Policy B4.2.2

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.

Policy B4.2.3

Ensure any new allotment on which a building may be erected has all of the following features:

- 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.

Policy B4.2.4

Encourage the retention of natural, cultural, historic and other features within a subdivision and for allotment boundaries to follow natural or physical features, where it maintains the amenity of an area.

Policy B4.2.5

Ensure any temporary, adverse effects from the preparation of land for subdivision or installing utilities, are avoided, remedied or mitigated.

Policy B4.2.6

Require some form of notification to alert potential buyers if an allotment is created which will not comply with the District Plan rules for erecting a house, as a permitted activity.

Policy B4.2.7

Provide for the consideration of the form of land to be taken under the LTP Development Contribution Policy, when land is subdivided.

Policy B4.2.8

In limited circumstances and at the Council's discretion, to apply the concept of "environmental compensation" where:

- land of high landscape or natural value is protected or made available for public use; or
- significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values.

Policy B4.2.9

To ensure development in the Rolleston Lowes Road Outline Development Plan area is in accordance with the Outline Development Plan Appendix 34 so that development proceeds in a logical and coherent manner that provides for internal and through connections and a high standard of public amenity by:

- a) Providing for pedestrian, cycle and vehicle movement within and through the area in accordance with the outline development plan map Appendix 34, with such land to be vested in Council at the time of subdivision.
- b) Providing reserves and public amenity within the zone as identified in Appendix 34.
- c) Ensuring coherent, safe and attractive public areas by implementing an appropriate development pattern and density of development.
- d) Protecting the special character of Waterbridge Way and Fairhurst Place by ensuring: the retention of a lower density of development; the avoidance of obtrusively positioned buildings; the preservation of existing special features.

Policy B4.2.10

Ensure that new residential blocks are small in scale, easily navigable and convenient to public transport services and community infrastructure such as schools, shops, sports fields and medical facilities, particularly for pedestrians and cyclists.

Policy B4.2.11

Encourage subdivision designs within Outline Development Plan areas to provide for a variety of section sizes that are designed to cater for different housing types.

Policy B4.2.12

Ensure that subdivision designs encourage strong, positive connections between allotments and the street and other features, whilst avoiding rear allotments where practical.

Policy B4.2.13

To manage rural residential development in the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement through the Living 3 Zone and the adopted Selwyn District Council Rural Residential Strategy, whilst ensuring:

- Development is in accordance with an Outline Development Plan included in the District Plan;
- Areas can be efficiently serviced with network infrastructure;
- Efficient and effective linkages are provided to the adjoining township;
- Where areas are sufficiently large such that lots do not directly adjoin a rural area, the subdivision plan is to have an appropriate mix of section sizes, orientation, and internal road layout to maintain a sense of openness and visual connection to rural areas;
- The lot layout is consistent with the residential density required by Chapter 6 to the Canterbury Regional Policy Statement;
- Any risks of natural hazards or soil contamination are effectively managed;
- That there will be no adverse effects on ancestral land, water and the Wāhi tapu and WWāhi taonga of Te Taumutu Rūnunga. This includes the need to protect and enhance rivers, streams, groundwater, wetlands and springs within the catchment of Te Waihora/Lake Ellesmere and any associated mahinga kai sites;
- That there will no significant adverse effects on the quality of ecosystems and indigenous biodiversity;
- That where located in an urban growth path identified in an adopted township structure plan, the lot and road layout and infrastructure servicing is to be designed to readily facilitate intensification of the area to urban densities.

Appendix C Objectives and policies (Rural Volume)

B4.1 Residential density and subdivision in the rural area

Objective B4.1.1

The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Objective B4.1.3

Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.

Policy B4.1.9

Ensure any allotment created is of sufficient size and shape for its intended use, including the avoidance of reverse sensitivity effects on existing lawful uses and has provision for a complying access to an adjacent road.

Policy B4.1.10(a)

Ensure any allotment created has connections to the reticulated utility services it requires, available at the boundary of the allotment when it is created; or

Policy B4.1.10(b)

If utility connections are not needed when the allotment is created, a notation is placed on the Certificate of Title to alert people that utility connections are not available at the boundary of the allotment.

Policy B4.1.11

Ensure any allotment created which may be used to erect a dwelling has an adequate building square and access to sunlight.

Policy B4.1.12

Ensure subdivisions do not create separately saleable allotments which due to their size, shape, location or legal restrictions on the Certificate of Title, cannot be used to erect a dwelling as a permitted activity, unless that allotment shall be used as a utility lot or for some other specified purpose; and that purpose is unlikely to result in the need to erect a dwelling at some stage.

Policy B4.1.13

Encourage allotment boundaries to follow natural or physical features on the land, wherever practical.

Policy B4.1.14

In limited circumstances and at the Council's discretion, to apply the concept of "environmental compensation" where:

- (a) Land of high landscape or natural value is protected or made available for public use; or

- (b) Significant public benefit will be gained from hazard mitigation measures which would substantially enhance amenity values.

Policy B4.1.15

Any subdivision or development within deferred Living Z zones that are subject to the Rural (Inner Plains) rule package shall proceed in a manner that does not compromise:

- (a) the future minimum net densities required by an ODP policy for the area; and
- (b) the ability to achieve future co-ordinated urban development in the area.

Appendix D Rule 12 Subdivision – Living Zones

PART C

12 LIVING ZONE RULES - SUBDIVISION

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading "Matters over which the Council has restricted the exercise of its discretion".
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under Sections 104, 104B and 104D of the Act.
4. Rule 12 applies to the subdivision of land, within the meaning of Section 218 of the Act.
5. The design of any road, vehicle accessway, right of way or vehicle crossing must comply with Rule 5: Roding.
6. Any earthworks associated with subdivision of land must comply with Rule 2: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 4: Buildings or Rule 6: Utilities.
8. Attention is drawn to the provisions of any other relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those rules, then application for consent will also need to be made in respect to those rules.
9. Underlined words are defined in Part D of the Plan.
10. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from New Zealand Transport Agency. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
11. Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.
12. The Selwyn District Council "Design Guide for Residential Subdivisions in the Urban Living Zones" and "Engineering Code of Practice" should be consulted when preparing subdivision applications.
13. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Sites. In addition, any Earthworks affecting any of these sites may require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
14. Earthworks affecting any archaeological site, including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require the consent of the New Zealand Historic Places Trust Pouhere Taonga.
15. Refer to Appendix 6 "Protocols on Accidental Discovery of Archaeological Sites" when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area

12.1 SUBDIVISION — GENERAL

Restricted Discretionary Activities — Subdivision – General

- 12.1.1 A subdivision of land, which is not a subdivision under Rules 12.2 or 12.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 12.1.3.
- 12.1.2 Any subdivision subject to Rule 12.1.1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in Rule 12.1.4 following Table C12.1.
- 12.1.3 Standards and Terms
- Access**
- 12.1.3.1 Any allotment created, including a balance allotment, has legal access to a legal, formed road; and
- Corner Splays**
- 12.1.3.2 The corner of any allotment at any road intersection shall be splayed with a rounded minimum radius of 3 metres
- Water**
- 12.1.3.3 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, West Melton or is within a Living 3 Zone is supplied with reticulated water; and
- Effluent Disposal**
- 12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone is supplied with reticulated effluent treatment and disposal facilities; and
- Solid Waste Disposal**
- 12.1.3.5 Any allotment created is supplied with a facility or service to dispose of solid waste off the site; and
- Size and Shape**
- 12.1.3.6 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m² in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1; and
- Coalgate**
- 12.1.3.8 In the Living zones at Coalgate, no allotment has vehicular access directly on to Homebush Road.
- Darfield**
- 12.1.3.9 No subdivision of land in any of the areas labelled “Areas 1, 2, 4 and 5” as shown in Appendix 25, shall take place until:
- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
- (b) An Outline Development Plan addressing those matters identified in the explanation and reasons to Policy B4.3.23, Darfield Specific Policies has been incorporated into the District Plan for the area as identified in Appendix 25 within which the subdivision is proposed.
- 12.1.3.10 Where a potable water supply is available which is capable of serving the lots within the subdivision, and there is an Outline Development Plan which has been incorporated into the District Plan for the area identified in Appendix 25 within which the subdivision is proposed, the subdivision complies with the layout and contents of the Outline Development Plan for that area.

- 12.3.1.11 The subdivision of land shown in Appendix 27 (east of Clintons Road) is in accordance with the plan shown in that Appendix
- 12.1.3.12 Subdivision of land to which Appendix 41 Darfield Outline Development Plan applies shall be in general accordance with the layout (and other details) shown for that area
- 12.1.3.13 For the subdivision of Living 1 and Living 2A zoned land shown in Appendix 41 Darfield Outline Development Plan, any subdivision plans submitted to the Council shall be accompanied by a landscape plan and planting plan detailing plantings to be undertaken and reserve areas to be established. Landscaping and planting of reserve areas shall be established generally in accordance with the Landscape Concept Plans in Appendix 41.
- 12.1.3.14 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 2.2m high acoustic fence shall be constructed along the southern boundary of 1 – 15 Cardale Street, with a 3m wide landscaping strip immediately to the south of the fence (to visually screen the acoustic fence). A cul-de-sac shall run adjacent to the landscaping strip.
- 12.1.3.15 Prior to the development of land for Living 1 purposes along the boundary with the Cardale Street Business 2 zone a 3m high acoustic fence along the eastern boundary of Darfield Collision Repair and Lovelady Racing Ltd with a 3m wide landscaping strip immediately to the east of the fence (to visually screen the acoustic fence)
- 12.1.3.16 Any subdivision of land within the area shown in Appendix 47 - Living 2A Darfield - Bangor Road Outline Development Plan, and within the area shown in Appendix 41A - Living 2 Darfield - Creyke Road Outline Development Plan, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.
- Dunsandel**
- 12.1.3.17 In the deferred Living Zone (Area A) at Dunsandel, no subdivision of land shall take place until
- (a) An acceptable effluent disposal system has been identified and/or established; and
 - (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
 - (c) A potable water supply is available which is capable of serving the potential lots within the subdivision; and
 - (d) Investigations are undertaken into any reverse sensitivity issues with the adjoining Business 2 Zone; and
 - (e) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Business 2 Zone should any reverse sensitivity issues be identified as a result of (d) above, and indicative road layout and pedestrian access between the Living 2 Zone and the domain.
- 12.1.3.18 In the deferred Living Zone (Area B) at Dunsandel, no subdivision of land shall take place until:
- (a) An acceptable effluent disposal system has been identified and/or established; and
 - (b) An appropriate level of density has been identified and a subsequent living zone incorporated into the Plan; and
 - (c) The impact of the subdivision on the intersection of the Browns Road extension with State Highway 1 has been assessed and considered to be acceptable; and
 - (d) A potable water supply is available which is capable of serving the potential lots within the subdivision; and
 - (e) Investigations are undertaken into any reverse sensitivity issues with the adjoining Rural zone; and
 - (f) An Outline Development Plan has been incorporated into the District Plan identifying; a buffer strip or some other form of mitigation between the new zone and the Rural zone should any reverse sensitivity issues be identified as a result of (e) above and an indicative road and pedestrian access layout.
- 12.1.3.19 Upon uplifting of the deferral of Area A or B any subdivision complies with the layout and contents of the Outline Development Plan for that area.

Kirwee

-
- 12.1.3.20 In the Living 2A zone at Kirwee, no more than 3 allotments have vehicular access to Dawn Place.
- Lincoln**
- 12.1.3.21 In relation to the Living 1A Zone at Lincoln:
- (a) a road of at least 20 metres in width is provided to the following points:
- The western boundary of the zone, 180 metres from the southern boundary of Lot 13 DP 73009
 - The eastern boundary of the zone, within 50 metres of the southern boundary of the zone; and
- (b) The intersection between Kildare Terrace, South Belt and the South Belt road entrance to the zone is in accordance with the drawing attached as Appendix 18; and
- 12.1.3.22 In the Living 1A Zone at Lincoln, any subdivision plan submitted to the Council is accompanied by a landscape plan detailing plantings to be undertaken and reserve areas to be established generally in accordance with the Concept Plan, C1, C2 and C3, in Appendix 18. The plan is to include a reserve area that extends to the western boundary of the zone below Lot 13 DP 73008. It is to be certified by a Council officer as to its design, layout and location and the extent of reserves, and types of plantings proposed; and
- 12.1.3.23 In relation to the Living 1A1 Zone at Lincoln, any new road intersection onto Edward Street is in accordance with the drawing attached as Appendix 16; and
- 12.1.3.24 In relation to the Living 1A2 Zone at Lincoln, any new road intersection onto North Belt is in accordance with the drawing attached as Appendix 17; and
- 12.1.3.25 In relation to the Living 1A, 1A1 and 1A2 zones at Lincoln, any subdivision plan submitted to the Council for consent provides for a minimum of 31 lots; and
- 12.1.3.26 The subdivision of land shown in Appendix 35 shall be in accordance with the Outline Development Plan as shown that appendix.
- In the Living 1 Zone at Lincoln, as shown in Appendix 35; any subdivision plans submitted to the Council shall be accompanied by a landscape plan and planting plan detailing plantings to be undertaken and reserve areas to be established. Landscaping and planting of reserve areas shall be established generally in accordance with the Landscape Concept Plans in Appendix 36 except for: the provision of a Ha-Ha fence identified on Sheet 3 of the Landscape Concept Plans; and that area of landscaping denoted as '3' on Sheet 3 of the Landscape Concept Plans shall be designed and establish to retain elements of visual outlook and connectivity to LII River.
- 12.1.3.27 The subdivision of the Living 1 Zone at Lincoln, as shown in Appendix 35 shall demonstrate the ability to achieve a minimum density of 10.5 lots/households per hectare over the whole of the Outline Development Plan area as shown in that appendix. Any subdivision not able to achieve that density shall be a non-complying activity.
- 12.1.3.28 In that part of the Living Z Zone located in Lincoln as depicted within the Outline Development Plan for ODP Area 5, Appendix 37, no subdivision shall occur within 50m of the Landscape Buffer located at the northern end of the Business 2B zone until appropriate noise attenuation measures, as determined by a suitably qualified acoustic expert and designed to achieve the noise standards contained in Rule 22.4.1.6, have been constructed.
- Prebbleton**
- 12.1.3.29 In the Living 1A, 1A1, 1A2, 1A3, 1A6, LX, 2A and 3 zones in Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19; and
- 12.1.3.30 In the Living 1A3, 1A4 and 2A zones at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:
- (a) A road or indicative road identified on an Outline Development Plan in Appendix 19; or
- (b) Any allotments(s) that are wholly contained within the Banham & Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road; and
-

- 12.1.3.31 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a restricted discretionary activity where a land use consent for a comprehensive residential development has been obtained.
- 12.1.3.32 In the Living 1A6 Zone, any subdivision plan submitted to the Council shall be accompanied by a landscape plan detailing plantings to be undertaken:
- (a) Along the common boundary with the Kingcraft Drive Existing Development Area, in accordance with the ODP contained in Appendix 19. At least 65% of the species identified on the landscape plan shall be from the list of species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres. Native shrubs shall provide under planting to this tree row and shall be spaced at no more than 3m centres and that this area is to be fenced along all boundaries. The native shrubs shall form a continuous screening and obtain a mature height of approximately 2.5-3m.
 - (b) Along the common boundary with Lot 1 DP 46168 (Meadow Mushrooms), in accordance with the ODP, contained in Appendix 19. At least 65% of the species from the landscape plan shall be from the list of deciduous tree species identified in Appendix 19. The deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
 - (c) Within any reserve adjacent to a residential allotment, in accordance with the ODP, in Appendix 19. At least 65% of the species from the required plan shall be from the list of species identified in Appendix 19. the deciduous tree species shall be a minimum of 1.5m in height at the time of planting and shall be at 10m centres.
 - (d) And any subdivision of land within the area shown in Appendix 19 shall be in accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive covenant in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council requiring:
 - (i) The ongoing maintenance and retention of the landscape mitigation in accordance with the approved landscape plan; and
 - (ii) The restriction of buildings within the landscape buffer identified in the Appendix 19 ODP
- 12.1.3.33 In the Living 1A6 Zone, any fencing proposed along the common boundary of the Kingcraft Drive Existing Development Area and fronting onto Blakes Road shall be limited to post and wire fencing.
- 12.1.3.34 In the Living 1A6 Zone, any fencing along a boundary adjoining a reserve or pedestrian accessway shall be limited to a height no greater than 1.2m.
- 12.1.3.35 In the Living 2A Zone at Prebbleton, the maximum number of allotments is 32, and the maximum number of lots on the south side of Trices Road is 8; and
- 12.1.3.36 In relation to the Living 2A (Blakes Road) Zone at Prebbleton, Lots 56, 57, 59 and 60 shall have no vehicular access directly on to Blakes Road; and
- 12.1.3.37 In the Living 2A (Blakes Road) Zone at Prebbleton, the roads and walkways are laid out and formed in substantial accordance with the development plan in Appendix 19. No kerb and channel is constructed over the site beyond the entrance to the site and areas identified in the development plan as requiring footpaths. A footpath between the Living 2A (Blakes Road) Zone and connecting into the existing Prebbleton footpath of Blakes Road is laid and formed.
- 12.1.3.38 For the Living 2A Zone at Prebbleton, prior to the issue of any completion certificate under section 224 of the Act for subdivision of Certificate of Title CB41C/255 (comprising part of the land shown on the Outline Development Plan for the Shaw Block in Appendix 19) a restrictive covenant over the remaining Rural (Inner Plains) zoned land in the form of an appropriate legal instrument acceptable to the Council shall be registered in favour of the Council, the Canterbury Regional Council and the Christchurch City Council to prevent subdivision of the remaining Rural (Inner Plains) zoned land below 4 hectares.
- 12.1.3.39 In the Living 2A (Blakes Road) Zone, any subdivision of land within the area shown in Appendix 19 shall be in substantial accordance with the development plan shown in that Appendix. Prior to the issue of any completion certificate under section 224 of the Act, a restrictive covenant in the form of an appropriate legal instrument in a form acceptable to the Council shall be registered in favour of the Council and the Canterbury Regional Council and the Christchurch City Council to prevent the further subdivision of Lots 1-7 on the development plan in Appendix 19.

- 12.1.3.40 Any subdivision of land within the Living 3 Zone (Hamptons Road) at Prebbleton is in general accordance with the density of allotments, subdivision layout and access layout of the Outline Development Plan shown in Appendix 19. (PC36)
- 12.1.3.41 Within the Living 3 Zone (Hamptons Road) at Prebbleton, all publicly accessible areas (including the access/local road, stormwater swales and public walkway reserve) are to provide plantings of native species. A landscaping plan is to be submitted with any subdivision consent application showing compliance with this rule. (PC36)
- 12.1.3.42 Any allotment created within the Living 3 Zone (Hamptons Road) at Prebbleton is supplied with reticulated effluent treatment and disposal facilities
- 12.1.3.43 Within the Living 3 Zone (Hamptons Road) at Prebbleton, the right of way / local road shown on the Outline Development Plan in Appendix 19 shall be constructed in general accordance with Appendix 43. (PC36)
- 12.1.3.44 Any subdivision of land in the area shown in Appendix 45, at High Street Southbridge, shall be designed in general accordance with the Outline Development Plan Shown in Appendix 45
- 12.1.3.45 An acoustic bund and/or fence of 3m high shall be constructed at the time of subdivision in the reverse sensitivity buffer as shown in Appendix 45, at High Street, Southbridge.
- 12.1.3.46 The design of the acoustic bund and/or fence and other mitigation measures (if any) are to be supported by a report from an acoustic engineer confirming that the design will achieve its intended purpose (as set out in assessment matter 12.1.4.104).
- 12.1.3.47 Within the Living 3 Zone (Hamptons Road) at Prebbleton, the right of way/local road shown on the Outline Development Plan in Appendix 19 shall be constructed in general accordance with Figure C12.1.

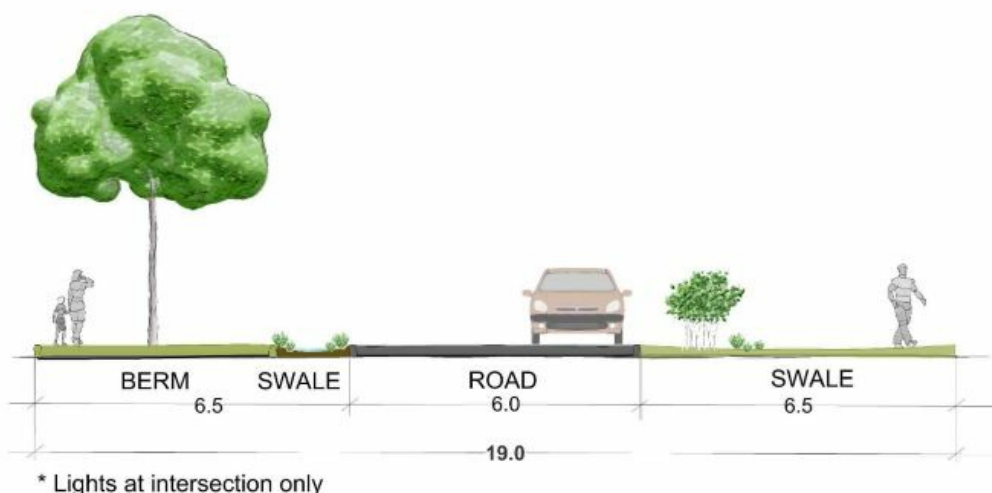


Figure C12.1. Right of way / local road standards for the Hamptons Road ODP Area.

- 12.1.3.48 Any subdivision in the Living 3 Zones on Trents Road or Shands Road, Prebbleton shall be in general accordance with the Outline Development Plans, Trents Road and Shands Road, Prebbleton in Appendix 19.

Rolleston

- 12.1.3.49 Any subdivision of land within the area shown in Appendix 39 and 40 (Living 3 Zone at Rolleston) complies with:
- the Countryside Area layout of the Outline Development Plan at Appendix 39 and 40;
 - the location of the Lower Density Area as shown on the Outline Development Plan at Appendix 39 and 40;
 - the establishment of shelterbelt planting comprising three rows of Leyland Cypress along the common boundary with Lot 3 DP 20007 in accordance with the Outline Development Plan at Appendix 40
 - the roading layout of the Outline Development Plan at Appendix 39 and 40;

-
- (e) where any conflict occurs with Rule E13.3.1 the cross sections in Appendix 39 and 40 shall take precedence; and
- (f) full public access is maintained to internal roads so that the area shown on the Outline Development Plan in Appendix 39 and 40 does not become a gated community.
- 12.1.3.50 (a) In respect of the land identified at Appendix 39 (Holmes Block), no more than 97 rural residential allotments may be created;
- (b) In respect of the land identified at Appendix 40 (Skellerup Block), no more than 51 rural residential allotments may be created and no subdivision shall take place to densities less than what are provided for under the Rural (Outer Plains) Zone until:
- (i) a publicly owned sewerage reticulation system has been extended to the site.
- 12.1.3.51 Any subdivision application within the Living 3 Zone west of Dunns Crossing Road that includes any part of the Countryside Areas as identified on the Outline Development Plan included at Appendix 39 and 40 shall be accompanied by a Countryside Area Management Plan which addresses the following matters:
- (a) The ownership and management structure for the Countryside Area(s);
- (b) Mechanisms to ensure that the management plan applies to and binds future owners;
- (c) The objectives of the proposed rural use of the Countryside Area(s);
- (d) Identification of the rural activity or activities proposed for the Countryside Area(s), which meet the above objectives
- (e) Measures to maintain and manage open space and/or rural character;
- (f) Measures to manage plant pests and risk of fire hazard;
- (g) Measures to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential allotments;
- (h) Measures to provide for public access within the Countryside Area(s) along Dunns Crossing Road; and
- (i) Whether there is sufficient irrigation water available to provide surety of crop within the Countryside Area(s).
- 12.1.52 Any subdivision of land within the area shown in Appendix 46 (Living 3 Zone at East Rolleston) complies with:
- (a) the establishment of discontinuous framework tree planting following some private lot boundaries and planting within the State Highway 1 Landscape Reserve , where the trees shall be comprised of the following species; existing species, or Tulip tree (*Liriodendron tulipifera*), Chinese poplar (*Populus yunnanensis*), Aspen poplar (*P. Tremula*), Plane tree (*Platanus orientalis*), Algerian oak (*Quercus canariensis*), Turkey oak (*Q. Cerris*), Pin oak (*Q. Palustris*), Sessile oak (*Q. Petraea*), Large-leafed lime (*Tilia plataphyllos*), Weeping silver lime (*T. Petiolaris*), Wych elm (*Ulmus glabra*) or similar species. A planting plan showing the detail of proposed framework planting shall be supplied and approved at the time of subdivision and the planting shall be undertaken by the developer. Planting shall be maintained at all times. Any dead, damaged or diseased trees shall be removed and replaced. The purpose of the framework planting is to provide shelter and amenity for private lots; maintain and/or create rural character elements; reduce the overall apparent scale of the development; and provide screening of glare and vehicle movement from the proposed southern motorway extension to the east. The planting will not be continuous and will retain vistas through the planting to the surrounding rural landscape.
- (b) The roading layout of the Outline Development Plan at Appendix 46;
- (c) where any conflict occurs with Rule E13.3.1 the cross sections in Appendix 46 shall take precedence;
- (d) No more than 36 lots shall be created.
- Springston**
- 12.1.3.53 In relation to the Living 1A Zone at Springston:
- (a) only one access point is provided to Ellesmere Junction Road
- (b) when the single access point is created, the following formation aspects are developed on Ellesmere
-

Junction Road:

- Southern side: a 2.5 metre wide deceleration lane consisting of two 50 metre long taper lengths and a 50 metre straight
- Northern side: a 2.5 metre wide deceleration lane consisting of two 50 metre long taper lengths and a 30 metre straight; and

West Melton

- 12.1.3.54 Any subdivision of land within the area shown in Appendix 20 (Living 1, Living 1B, Living 2, Living 2A or Rural Zones) or Appendix 20A (Living WM Zone) at West Melton complies with the layout and contents of the Outline Development Plan shown in Appendix 20 and Appendix 20A respectively; and
- 12.1.3.55 Any subdivision of land within the area shown in Appendix 20 and 20A shall:
- provide a bund for mitigation of traffic noise along the frontage of State Highway 73 to a height of not less than 2 m and a width of not less than 8.5 m, which shall be landscaped by retention of existing hedges or new planting of sufficient height to visually screen dwellings from the highway;
 - if it is within the area shown in Appendix 20, provide a pedestrian/cycle underpass beneath State Highway 73 between the Living 1 and Living 2 Zones, prior to titles being issued for more than 30 dwellings in the Living 2 Zone.
 - if it is within the area shown in Appendix 20A, be subject to an Accidental Discovery Protocol where in the event of any discovery of suspected cultural/archaeological remains (e.g. concentrations of shell, charcoal or charcoal-stained soil, fire-fractured stone, bottles, pieces of glass or ceramics, bones etc) during the undertaking of earthworks and/or the installation of services, the following protocol shall be followed by the consent holder, or his/her representative:
 - Cease all earthworks immediately; and
 - Contact the local Rūnanga being Te Taumutu Rūnanga; and
 - Contact the Regional Archaeologist at the Christchurch office of the New Zealand Historic Places Trust (03 365 2897); and
 - Do not commence earthworks until approval in writing has been given by the Regional Archaeologist of the New Zealand Historic Places Trust, as required under the Historic Places Act 1993.
- 12.1.3.56 In the Living 2A Zone at West Melton, the maximum number of allotments is 10.
- 12.1.3.57 No subdivision of land in the Living WM Zone shall take place until:
- A reticulated community potable water supply is available which is capable of serving the entire lots within the subdivision; and
 - A reticulated community sewage effluent treatment and disposal system is available which is capable of serving the entire lots within the subdivision; and
 - An Outline Development Plan has been incorporated into the District Plan for the development of all land zoned Living WM west of Weedons Ross Road.
 - An archaeological assessment has been undertaken by a suitably qualified expert and the results reported to the Council, the Regional Archaeologist at the New Zealand Historic Places Trust, and the iwi organisations Te Ngai Tuahuriri and Te Taumutu Rūnanga. In carrying out the assessment, the expert is to consult with the iwi organisations

Outline Development Plans

- 12.1.3.58 Any subdivision within a Living Z or 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.
- 12.1.3.59 For Medium Density areas shown on an Outline Development Plan, subdivisions consented after 30th June 2014 shall be designed to provide rear service lane access to small lot medium density sites. 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.

Table C12.1 – Allotment Sizes

Township	Zone	Average Allotment Size Not Less Than
Arthur's Pass	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Castle Hill	Living 1A	500m ² , and a minimum allotment size of 350m ²
Coalgate	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 2	1 ha
Darfield	Living 1	650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	Refer to Subdivision - General Rules. 5,000m ² if criteria met.
	Living 2A (Deferred)	Refer to Subdivision - General Rules. 1 ha if criteria met.
	Living 2A1	2ha
	Living X (Deferred)	Refer to Subdivision - General Rules. What the subdivider nominates, but not less than the average for the Living 1 Zone in the township (650m ²) if criteria met.
Doyleston	Living 1	650m ²
Dunsandel	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 2	1 ha
	Living (Area A) (Deferred)	Refer to Subdivision - General Rules. Final density still to be determined.
	Living (Area B) (Deferred)	Refer to Subdivision - General Rules. Final density still to be determined.
Glenntunnel	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Hororata	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Kirwee	Living 1	800m ²
	Living 2	1 ha
	Living 2A	1 ha 2 ha for lots along the northern and eastern boundaries of the zone that abuts a Rural Zone.
Lake Coleridge Village	Living 1	800m ²
Leeston	Living 1	650m ²
	Living 1 (Deferred)	4 ha until deferral lifted, then 650m ²
	Living 2	5,000m ²
	Living 2 (Deferred)	4 ha until deferment lifted, then 5,000m ²

Township	Zone	Average Allotment Size Not Less Than
Lincoln	Living 2A	5,000m ²
	Living XA	What the subdivider nominates, but not less than the average for the Living 1 Zone in the township (650m ²)
	Living 1	650m ²
	Living 1A	850m ² Minimum of 31 lots for any subdivision plan
	Living 1A1	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A2	650m ² Minimum of 31 lots for any subdivision plan
	Living 1A3	500m ²
	Living 1A4	1,500m ²
	Living 2	3,000m ²
	Living 3 Living X	As shown on ODP Area 8 in Appendix 37, where the maximum number of allotments shall be 110. 2,000m ²
	Living Z	Low Density: Average allotment size of 600m ² and a minimum individual allotment size of 500m ² Medium Density (Small-lot): Maximum average allotment size of 500m ² , with a minimum individual allotment size of 400m ² Medium Density (Comprehensive): Maximum average allotment size of 350m ² , with no minimum site size. – Comprehensive <i>Medium Density</i> 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 <i>Medium Density</i> 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. 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.
Prebbleton	Living 1	800m ²
	Living 1A	Area A: 1,250m ² ; Area b: 1,000m ² Area C: 800m ² 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. 2,000m ² shall apply to the balance of the zone.
	Living 1A1	800m ²
	Living 1A2	800m ² and no more than 10 % at less than 700m ²

Township	Zone	Average Allotment Size Not Less Than
	Living 1A3	800m ² and no more than 10 % at less than 700m ²
	Living 1A4	800m ² and no more than 10 % at less than 700m ²
	Living 1A5	800m ² and no more than 10 % at less than 700m ² . For comprehensive residential development, the minimum average area shall be 350m ² .
	Living 1A6	- Area A: 1000m ² minimum net allotment area; - Area B: 600m ² minimum net allotment area and 900m ² maximum net allotment area; - Area C: 550m ² minimum average allotment area and 450m ² minimum net allotment area; and - 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.
	Living 2	5,000m ²
	Living 2A	5,000m ² Maximum number of allotments is 32, and on the south side of Trices Road the maximum number of allotments is 8
	Living 2A (Blakes Road)	5,000m ² Subdivision shall proceed in substantial accordance with the development plan in Appendix 19
	Living 2A (The Paddocks)	1.5 ha minimum allotment size
	Living X Living 3 (Hamptons Road) Living 3 (Trents Road)	What the subdivider nominates, but not less than the average for the Living 1 Zone in the township (800m ²) 5,000m ² minimum average allotment size (calculated across all allotments in the ODP area) and 4,000 m ² minimum allotment size The number of allotments shall be in accordance with the maximums per sub area shown on the ODP (Appendix 19) Between 5000m ² and 1ha
	Living Z	Low Density: Average allotment size of 700m ² with a minimum individual allotment size of 550m ² Medium Density (Small-lot): Maximum average allotment size of 500m ² , with a minimum individual allotment size of 400m ² Medium Density (Comprehensive): Maximum average allotment size of 350m ² , 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 - Appendix 42; 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.

Township	Zone	Average Allotment Size Not Less Than
		Overall development within an ODP area shall achieve the net density target contained in the relevant ODP shown on Appendix 42 of the township volume of the District Plan.
Rakaia Huts	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Rolleston	Living 1	750m ²
	Living 1A	Minimum lot area of 300m ²
	Living 1B	1,200m ² with a minimum lot area 750m ²
	Living 1C	2,000m ² with a minimum lot area of 1,000m ²
	Living 2	5,000m ²
	Living 2A	1 ha
	Living 3 (Appendix 39 & 40)	At least 20ha of the land within the area defined by the Outline Development Plan at Appendix 39 and 40 shall be developed as a Lower Density Area in the location shown on the Outline Development Plan with a minimum and an average allotment size of no less than 4ha. The balance of the land on the Outline Development Plans at Appendix 39 and 40 outside the above area shall be developed with an average allotment size of no less than 5000m ² with a minimum allotment size of 4000m ² . The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 39 shall be 97. The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 40 shall be 51.
	Living Z	Low Density: Average allotment size of 650m ² with a minimum individual allotment size of 550m ² Medium Density (Small-lot): Maximum average allotment size of 500m ² , with a minimum individual allotment size of 400m ² Medium Density (Comprehensive): Maximum average allotment size of 350m ² , 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 - 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. 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.
Sheffield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
	Living 1A	The size needed for on-site effluent disposal

Township	Zone	Average Allotment Size Not Less Than
		but not less than 800m ²
Southbridge	Living 1	650m ²
Springfield	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
Springston	Living 1	800m ²
	Living 1A	800m ²
Tai Tapu	Living 1A	800m ²
	Living 2A	5,000m ²
	Living 3 (Appendix 48)	The land contained within the Outline Development Plan at Appendix 47 shall be developed with an average allotment size of no less than 5000m ² with a minimum allotment size of 2,750m ² The maximum number of allotments within the area defined by the Outline Development Plan at Appendix 48 shall be 16
Waddington	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
West Melton	Living 1	1,000m ²
	Living 1B	2,800m ²
	Living 2	5,000m ²
	Living 2A	Maximum number of allotments is 10, and a minimum allotment size of 1 ha.
	Living WM Medium Density	Minimum lot area of 500m ² and maximum lot area of 3000m ² (Appendix 20A)
	Living WM Low Density	Minimum lot area of 3000m ² and maximum lot area of 5000m ² (Appendix 20A)
	So that a total of 292 allotments must be achieved across the whole Living WM Zone	
Whitecliffs	Living 1	The size needed for on-site effluent disposal but not less than 800m ²
All Townships	Heritage Buildings listed in Appendix 3	The building, curtilage and any other area needed to: - mitigate adverse effects; or - maintain the heritage values of the site
	Community Reserves, Community Facilities and Point Strips	No minimum area
All Living Zones	Calculating Allotment Sizes	
	<p>The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments).</p> <p>The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation.</p> <p>Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone - 10 m²; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.</p>	
All Townships	<p>Allotment sizes for Flats/Townhouses - Living 1</p> <p>In any Living 1 Zone, where two or more dwellings have been erected on an allotment the average allotment size per dwelling shall be 0.5 x the average allotment size listed in this table for the Living 1 Zone in that township.</p>	

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

Access

12.1.4.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7:

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

12.1.4.2(a) If access by a private accessway is proposed, whether the land the accessway serves has capacity for any intensification of density under District Plan averages for the zone and, if so, whether provision of a formed and vested legal road instead of a private accessway is appropriate.

12.1.4.2(b) For Medium Density areas shown on an Outline Development Plan the ability to provide vehicle access to lots via a rear service lane to provide increased flexibility for future residential unit design and to minimise the visual impact for garaging on the street scene.

12.1.4.2(c) For medium density areas, whether these areas are small pockets where the provision of a rear service lane is not practical or will result in significant design constraints on the layout of the balance area.

Water

12.1.4.3 The provision of water for firefighting; and

12.1.4.1 In relation to any new bore to provide a potable water supply:

- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
- (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
- (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Solid Waste Disposal

12.1.4.5 The appropriateness of the proposed facilities for solid waste collection or disposal, considering:

- (a) The number of allotments; and
- (b) The type of accommodation (permanent or holiday); and
- (c) The distance to a public solid waste collection service or disposal facility.

Utility Cables

12.1.4.6 Whether any utility cables shall be laid underground.

- (a) For the Living WM zone, whether street lighting options will assist with mitigating any adverse effects on the operation of West Melton observatory whilst not compromising the safe and efficient operation of the road network.

Telephone and Power

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

Stormwater Disposal

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

12.1.4.9 Any adverse effects of stormwater disposal on any land drainage scheme which is administered by Selwyn District Council; and

12.1.4.10 The quantity and rate of stormwater disposed into any land drainage scheme which is administered by

Selwyn District Council.

On-Site Effluent Disposal

12.1.4.11 In the Living zones at Arthur's Pass, Coalgate, Darfield, Dunsandel, Glentunnel, Hororata, Kirwee, Rakaia Huts, Sheffield and Waddington, Springfield and Whitecliffs:

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

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

Geotechnical Assessment

12.1.4.12 The outcome of a comprehensive geotechnical investigation and assessment to assess the risk of liquefaction and lateral spread undertaken in accordance with the most recent NZ Geotechnical Society Guidelines or New Zealand Standard; or an equivalent guideline/standard adopted by the District Council or the New Zealand Government. Where such a hazard is identified, the development shall be designed and constructed to ensure that the magnitude of any liquefaction ground damage and/or lateral spread is reduced to below acceptable levels for both SLS(serviceability limit state) and ULS (ultimate limit state) seismic events. This shall take into consideration potential impacts on land, properties, utility services, roading, buildings and houses.

12.1.4.13 The method(s) by which prospective purchasers of allotments are to be informed of any fiscal obligations or geotechnical constraints arising from the geotechnical assessment

Roads, Reserves and Walkways/Cycleways

12.1.4.14 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and

12.1.4.15 The design and layout of any new road shall ensure the desired design speed is achieved with to respect to the classification of road (including the subsets of local roads) and surrounding environment.

12.1.4.16 The avoidance of areas which could create unsafe situations e.g. dark corridors, a lack of natural surveillance or clear sightlines across pedestrian and cyclist routes, or where a safe and secure environment may be compromised; and

12.1.4.17 Whether the design and layout of roading, footpath patterns, and layout of allotments complements the natural characteristics of the site and the design and layout of any adjoining urban areas; and

12.1.4.18 The length of cul-de-sacs and whether a pedestrian connection is appropriate from the end of the cul-de-sac through to another road; and

12.1.4.19 The access to cul-de-sacs being from a through road rather than another cul-de-sac; and

12.1.4.20 The balance of benefits of enclosing a subdivision i.e. gated subdivisions against potential longer term issues for residents, such as maintenance costs of facilities, and costs to the wider community including lack of connectivity or viability of public transport; and

12.1.4.21 The provision, location, co-ordination, layout and formation of any land required for reserves, which is to comply with the 'Criteria for Taking Land Instead of Cash' clause of the 'Reserves Specific Issues regarding Development Contributions Assessment' in the Development Contribution Policy; and

12.1.4.22 The provision of footpaths, lighting and street furniture; and

12.1.4.23 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways; and

12.1.4.24 Whether roads and reserves have a coherent and logical layout to facilitate connectivity, legibility and permeability e.g. desire lines are provided to cater for cyclists and pedestrian users.

Note: *The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rules 12.1.4.14 to Rules 12.1.4.24.*

Point Strips

- 12.1.4.25 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the point strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Note: Point Strips may also be required to prevent access to any road. See Rule 12.3.2.8.

Special Sites

- 12.1.4.26 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 12.1.4.27 If the land to be subdivided contains any ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

Size and Shape

- 12.1.4.28 The size and shape of allotments in accordance with Rules 12.1.3.5 and Rules 12.1.3.6; and
- 12.1.4.29 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3; and.
- 12.1.4.30 The shape and alignment of allotments with respect to the potential that dwellings erected on them will have to gain orientation to the sun; and
- 12.1.4.31 If any allotment is to be created which is too small to enable a dwelling to be erected on it as a permitted activity under the district plan rules.
- 12.1.4.32 The mechanism(s) used to alert any prospective buyer(s) of the allotment.
- 12.1.4.33 Whether residential blocks achieve an average perimeter of 800m and maximum perimeter of 1000m, unless precluded by an existing pattern of development. NOTE: Section 4.6 of the "Design Guide for Residential Subdivision in the Urban Living Zones" can be referred to for other examples of how residential blocks can be measured.

Note: The consent authority shall consider a dwelling as being a minimum of 150m² in gross floor area (except in the Medium Density areas located within an Outline Development Plan where the minimum gross floor area shall be 80m²), when using its discretion under Rules 12.1.4.28 to Rule 12.1.4.33 for compliance with District Plan rules.

Residential Allotments

- 12.1.4.34 Whether the creation of rear allotments occurs only where it is necessary to reach awkward parts of a site and there is no practical alternative to develop the site; and
- 12.1.4.35 The design of accessways serving four or more allotments with respect to the creation of an open street environment and whether sites have sufficient frontage to such accessways; and
- 12.1.4.36 Whether the total number of allotments with no frontage to an adopted road exceeds 20% of the lots in

any one Greenfield subdivision and the total number of rear allotments (served by an accessway serving less than four allotments) exceeds half of the 20% allowance. The potential adverse effects of which are related to the lack of an open street environment and/or concentrating small sections as rear allotments; and

- 12.1.4.37 A variety in sections sizes whilst maximising orientation to the sun.

Context

- 12.1.4.38 The extent to which the subdivision relates well to its surroundings, cultural features, and makes use of existing features and amenities, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area; and

- 12.1.4.39 The convenience to community infrastructure such as schools, shops, sports fields and medical facilities; and

- 12.1.4.40 The location of water races in prominent locations such as along the front of lots rather than along rear boundaries.

- 12.1.4.41 The retention of existing mature trees within public spaces, but also within residential areas where it is practical to do so e.g. the tree species does not have a tendency to drop debris and sufficient space can be practically retained around the tree to prevent it dying.

- 12.1.4.42 The retention of shelter belts where they serve to maintain rural character but do not cause excessive shading or maintenance issues on residential properties.

- 12.1.4.43 The extent to which stormwater treatment contributes to an attractive public realm or provides ecological value.

Utilities and Facilities

- 12.1.4.44 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:

- (a) Vest in Selwyn District Council as owner or manager; or
- (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and

- 12.1.4.45 For other utilities and facilities:

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

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rule 12.1.4.45.

Construction of any Works

- 12.1.4.46 Any measures to mitigate potential adverse effects on people or other parts of the environment from all engineering works associated with preparing land, creating allotments, and installing associated utilities

Fencing

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

Easements

- 12.1.4.48 Any easements or other mechanism(s) needed to obtain or maintain legal access to land or utilities.

High Voltage Transmission Lines

- 12.1.4.49 Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves

- 12.1.4.50 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 12.1.4.51 Whether any esplanade strip will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Prebbleton

- 12.1.4.52 In the Living 1A2, 1A3, 1A4 and 2A zones at Prebbleton, the retention of existing trees that are considered "significant" in terms of the Prebbleton Townscape Plan; and
- 12.1.4.53 In the Living 1A2 Zone at Prebbleton, the retention of the existing stream; and
- 12.1.4.54 In the Living 1A2 Zone at Prebbleton, the achievement of a graduated density of allotment sizes such that average lot size generally increases in a southward direction; and
- 12.1.4.55 In the Living 1A2 Zone at Prebbleton, without compromising Rule 12.1.4.53, the location of larger sized lots along the north west and north boundaries of the zone; and
- 12.1.4.56 In the Living 1A3 Zone at Prebbleton, the necessity for larger allotments along the boundary of the zone adjoining Meadow Mushrooms, so as to mitigate minor odour and noise effects; and
- 12.1.4.57 In the Living 1A4 Zone at Prebbleton, the necessity for the Ministry of Education to acquire part of the zone to accommodate the future needs of Prebbleton Primary School.
- 12.1.4.58 In the Living 1A6 Zone in Prebbleton, the extent to which the extension of Cairnbrae Drive is compatible with the existing road network in terms of carriageway width, footpaths, lighting, street furniture and landscaping.
- 12.1.4.59 In the Living 1A6 Zone in Prebbleton, the extent to which the subdivision layout and design provides for a natural surveillance for the purpose of minimising the potential for criminal behaviour to occur.
- 12.1.4.60 In the Living 1A6 Zone in Prebbleton, any measures to reduce reverse sensitivity on established adjoining land uses.
- 12.1.4.61 In the Living 1A6 Zone in Prebbleton, any measures introduced to ensure subdivisions are able to factor in water demand managements and other household sustainability ideas.
- 12.1.4.62 In the Living 2A Zone at Prebbleton, the need for an interim walkway/cycleway linkage to Springs Road via the north west corner of the zone until such time as a linkage on the land between the Living 1A2 and Living 2A zones is able to be achieved.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rule 12.1.4.62.

Rolleston

- 12.1.4.63 The extent to which failure to provide a pedestrian linkage identified in Appendix 23 will result in increased use of private motor vehicles within Rolleston;
- 12.1.4.64 The degree to which pedestrian and cycle access throughout Rolleston may be enhanced from an efficiency and amenity perspective through the provision of cycleways and walkways;
- 12.1.4.65 The need to provide linkages (road, cycle, walkways) to schools, business areas, community facilities and reserves to ensure that the town develops in an integrated manner;
- 12.1.4.66 The need to provide for pedestrian and cycle movement within the road reserve;
- 12.1.4.67 The extent to which failure to provide walkways/cycleways may result in a loss of opportunity to enable non-vehicular access by children to and between residential areas, schools and community facilities;
- 12.1.4.68 The need for local reserves;
- 12.1.4.69 The extent to which failure to provide walkways/ cycleways may result in a loss of pedestrian safety and amenity;
- 12.1.4.70 The design guidelines contained in Appendix 23;

-
- 12.1.4.71 The extent to which a failure to conform with the roading pattern identified in Appendix 23 will adversely affect:
- (a) ease of access within and an efficient road network throughout Rolleston; and
 - (b) bus routes; and
 - (c) the ability of nearby landowners also to conform with the indicative roading layout and the degree to which access (actual or potential) to nearby properties may be changed or compromised.
- 12.1.4.72 The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and community facilities
- 12.1.4.73 In the Living 1A and 1B zones every allotment shall be served with underground electric power and telephone services in accordance with the standards specified by the relevant network utility operator.
- 12.1.4.74 Except as provided by Rule 12.1.4.75, for allotments within or adjacent to the Lowes Road Outline Development Plan area, that the proposed layout is in general accordance with the Outline Development Plan map in Appendix 34.
- (a) In assessing whether the layout is in general accordance with the structure plan map the following will be considered:
 - (b) that the ability for Council to obtain the indicated linkages is not compromised.
 - (c) that the ability for Council to obtain the indicated reserves is not compromised.
 - (d) that the layout will result in a logical pattern of development for the area as a whole.
 - (e) That the ability of adjoining landowners to develop their land whilst providing for the indicated reserves and linkages is not unduly compromised.
 - (f) That the proposal will result in public space of equal or better quality than the Outline Development Plan
 - (g) That the proposal will not involve excessive additional costs for Council in the construction of roads or paths funded by development contributions.
- 12.1.4.75 For Lot 32 DP 76956 BLK III Leeston SD (35 Fairhurst Place), any subdivision need not provide connections shown on the Outline Development Plan provided that the average lot size is above 4000m² and the layout plan demonstrates that the connections can be provided in a logical fashion by future re-subdivision. This exception shall not apply to the connection to the adjacent school site (along the southern boundary of 35 Fairhurst Place) and shall not apply to any subsequent re-subdivision of the lots created.
- 12.1.4.76 In relation to the Living 3 Zone (Holmes and Skellerup) at Rolleston as shown in Appendix 39 and 40:
- (a) Whether the pattern of development and subdivision is consistent with the Outline Development Plan in Appendix 39 and 40;
 - (b) Whether local roading, and trees and planting on roads and lots, are proposed in general accordance with the Outline Development Plan, road cross section(s) and associated planting schedules and requirements shown in Appendix 39 and 40;
 - (c) Whether the roading and lot pattern follow a rectilinear pattern with orientations generally established by the surrounding road network, consistent with the typical subdivision patterns of the Rolleston rural area;
 - (d) Whether the roading pattern and proposed hard and soft landscape treatments in the road reserve will create a rural character to the development and distinguish it from conventional suburban development;
 - (e) Whether suburban road patterns and details such as cul de sac, arbitrary curves, and kerb and channels are avoided;
 - (f) The extent to which the maximum of 97 lots (Holmes) and 51 lots (Skellerup) within the area defined by the Outline Development Plan in Appendices 39 and 40, respectively, is met;
 - (g) Whether the creation of open space in rural production areas is consistent with the Countryside Areas identified on the Outline Development Plan in Appendix 39 and 40;
 - (h) Whether the provision of public walkways is consistent with the public walkways identified on the Outline
-

Development Plan in Appendix 39;

- (i) Whether there is a need for the western public walkway taking into account the ability to connect to future public walkways to the west (Holmes Block, Appendix 39);
- (j) Whether at least 20ha of land is developed as a Lower Density Area with larger allotments (4ha or more) in general accordance with the location identified on the Outline Development Plan in Appendices 39 (Holmes) and 40 (Skellerup);
- (k) In the event that it is developed first, whether the development of a Lower Density Area in advance of other development avoids frustrating the intentions of the Outline Development Plan or the ability to achieve integrated development over the Outline Development Plan area;
- (l) Whether shelterbelt planting will achieve screening of activities occurring on Lot 3 DP 20007 (Skellerup Block, Appendix 40).

12.1.4.77 In relation to the Countryside Area Management Plan required for the Living 3 Zone west of Dunns Crossing Road, Rolleston as shown in Appendix 39 and 40:

- (a) The adequacy of the management plan to achieve open space and/or rural character across the Countryside Area(s) in a manner that is compatible with the surrounding rural residential environment;
- (b) The adequacy of proposed mechanisms to maintain and manage the Countryside Area(s) long term in a consistent manner;
- (c) Whether rural landscape, visual and amenity value characteristics of the Countryside Area(s) are able to be maintained;
- (d) The extent to which potential adverse nuisance effects on occupiers of adjacent rural residential allotments will be internalised within the Countryside Area(s);
- (e) The extent to which adverse effects of plant pests and fire hazard risks will be avoided or remedied; and
- (f) The suitability of proposed access within the Countryside Area(s) along Dunns Crossing Road.

Rolleston Special Character Low Density Areas (Living 1C zoning)

12.1.4.78 In the Living 1C zoned area adjacent to Waterbridge Way, that the subdivision would not require the piping of a water-race or its relocation away from the path shown in the Lowes Road Outline Development Plan unless:

- (a) an alternative path of equal prominence is provided;
- (b) the water-race is landscape to a standard equivalent to surrounding landholdings.

Except that the above shall not apply to any part of the water race which is greater than 12m from the legal road boundary.

In the assessment of this matter, consideration should be given to the likely size, shape and location of any dwellings to be built on the new lots.

12.1.4.79 In the Living 1C zoned area adjacent to Waterbridge Way, that the subdivision design minimizes the need for additional crossings of the water races by sharing accessways where possible.

Where new crossings are required, the assessment shall take into account:

- (a) The extent to which the crossing would be of similar design, materials and colour to the existing bridges on Waterbridge Way.
- (b) The visibility within the streetscene of the crossing.
- (c) The extent to which the design would complement the special character of its surroundings.

12.1.4.80 In Living 1C zoned areas in Fairhurst Place, that the subdivision would not require the removal of street trees in order to provide access.

Tai Tapu

12.1.4.81 If the land to be subdivided is located in an area which is identified on the planning maps as being in the Living 1A, Living 2A or Living 3 zones at Tai Tapu:

- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential

risk to people or damage to property; and

(b) Any measures proposed to mitigate the effects of a potential natural hazard, including:

- Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage (to be established at the time of building consent in the case of the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 48); and
- The filling (with inert hardfill) of any low lying area: and
- For the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 48, proposed methods and locations for flood offset areas

(c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

Darfield

12.1.4.82 Notwithstanding any other provisions in this Plan, subdivision of the Living 1 land within the Darfield Outline Development Plan (Appendix 41 in excess of 186 lots shall be a restricted discretionary activity if:

- (a) the observed average delay for vehicles turning right out of Mathias Street onto State Highway 73 in the morning peak hour is more than 35 seconds per vehicle, or subdivision is expected to result in the average delay for vehicles turning right out of Mathias Street onto State Highway 73 in the morning peak hour becoming more than 35 seconds per vehicle; and
- (b) there is no sealed road link formed between the site and Creyke Road; and
- (c) Creyke Road is unsealed between the road link to the site and the State Highway 73/Creyke Road intersection

With Council's discretion restricted to considering the effects of traffic on the efficiency and safety of the State Highway 73 / Mathias Street intersection.

The "observed average delay" shall be determined through recording the amount of time that elapses for each right-turning vehicle between it either joining a queue of vehicles at the intersection or stopping at the intersection (whichever happens soonest) and it progressing beyond the limit line of the intersection. Measurements shall be made by a qualified traffic engineer over three consecutive days between 8am and 9am, and the average of all observations shall be taken

12.1.4.83 Any residential development of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall commence with Stage 1. Stage 1 shall commence with the development of not more than 100 lots (the first release). The balance of Stage 1 shall not commence until 80% of the first release has been developed and sold.

12.1.4.84 Development of Stage 2 of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall only occur at such time that 80% of the residential allotments within the Stage 1 area have been developed and sold. Development of the land shown within Stage 3 of the Living 1 zone within the Darfield Outline Development Plan (Appendix 41) shall only occur at such time that 80% of the residential allotments within the Stage 2 area has been developed and sold.

Hamptons Road, Prebbleton ODP Area (Living 3 Zoning)

12.1.4.85 The extent to which native plant species are used within the street environment (right of way or local road), stormwater swales and public walkway reserve.

Rural Residential Areas (Living 3 Zoning)

12.1.4.86 The extent to which features that contribute to rural character, including open space and plantings, have been retained & enhanced

12.1.4.87 Whether fencing, roading (including cross sections and typologies) and utilities reflect the semi-rural nature and level of service appropriate for rural-residential areas.

12.1.4.88 The extent to which any identified natural hazards and/or constraints, including flood and liquefaction

hazard areas have been addressed.

- 12.1.4.89 Whether overall densities based on the level of development and open space anticipated for rural residential living environments have been achieved
- 12.1.4.90 Whether provision is made for safe connections and linkages between the subdivision and adjoining Townships to enable access to public transport and community and commercial facilities.
- 12.1.4.91 Ensure connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater.
- 12.1.4.92 The extent to which native species are used as street tree plantings and within vegetated stormwater swales.
- 12.1.4.93 Whether street trees are proposed with regard to the cross-section shown in Appendix 44.
- 12.1.4.94 Whether an appropriate net density of households has been achieved that is consistent with the densities specified in Chapter 6 to the Canterbury Regional Policy Statement and delivers the anticipated rural residential character, form and function. In particular, whether the subdivision plan covers the entire Outline Development Plan area so that new densities across the entire area encompassed within the Outline Development Plan can be calculated.
- 12.1.4.95 The extent to which any identified ground contamination and natural hazards, including flood and liquefaction areas have been addressed.
- 12.1.4.96 Ensure that connections to reticulated water and wastewater services are available at all property boundaries and appropriate measures are available to effectively treat and dispose of stormwater. Where a reticulated water supply cannot provide adequate quantities and pressure for firefighting as set out in SNZ PAS 4509:2008, an on-site firefighting water supply shall be provided in accordance with SNZ PAS 4509:2008.
- 12.1.4.97 Principal through roads, connections and integration with the surrounding road network and adjoining Townships are provided, including the extent to which the proposal accords with the cross sections and typologies provided within Appendix 44 and reflect the semi-rural nature and level of service appropriate for rural residential areas.
- 12.1.4.98 Whether fencing achieves a high level of transparency, with a preference for designs that express rural vernacular, accord with the typologies outlined in Appendix 44, and formulating mechanisms to ensure fencing remains on an ongoing basis (such as consent notices).
- 12.1.4.99 The extent to which site analysis using a comprehensive design process and rationale has been undertaken to recognise, and where appropriate, protect, maintain or enhance the following
- Existing water courses, water bodies, wetlands, groundwater and springs;
 - Existing vegetation, such as shelter belts, hedgerows and habitats for indigenous fauna and flora;
 - Heritage values and any sites of archaeological significance;
 - Ancestral land, rivers, wetlands, groundwater, springs, Te Waihora/Lake Ellesmere and mahinga kai sites and the Wāhi Tapu and Wāhi Taonga of Te Rununga o Ngāi Tahu and Te Taumutu Rununga;
 - View shafts to the Port Hills
 - Provision of green linkages, ecological corridors and interface treatments on boundaries with rural or urban forms of development where appropriate;
 - Indicate how the form and layout of the subdivision fits into the wider setting and is able to be integrated into these

surrounds, including in particular the provision of measures to retain rural landscape elements, including views to rural and landscape reference points;

- Avoids urban elements, such as street lights (except at intersections), formed kerb and channel, sealed footpaths, or prominent entrance features;
- Maintains rural residential character through the retention of a low ratio of built form to open space;
- Reduces any potentially adverse visual effects with adjoining land use activities, in particular strategic infrastructure and education and research facilities.

12.1.4.100 For areas located within an urban growth path identified in an adopted Township Structure Plan, whether the lot and road layout, and functional and efficient infrastructure servicing is designed to readily enable intensification of the area to urban densities to occur in the future

12.1.4.101 In relation to the Living 3 (East Rolleston) Zones as shown on Appendix 46:

- Whether the pattern of development and subdivision is consistent with the Outline Development Plan 46;
- Whether local road, and trees and planting on roads and lots are proposed in general accordance with the Outline Development Plan, road cross sections and associated planting schedules and requirements shown in Appendix 46;
- Whether the roading pattern and proposed hard and soft landscape treatments in the road reserve and on private lots will create a semi rural character to the development and distinguish it from conventional suburban development;
- Whether suburban road patterns and details such as cul de sacs, arbitrary curves and kerb and channels are avoided;
- Whether the provision of public walkways is consistent with the public walkways identified on the Outline Development Plans in Appendix 46:
- Whether the proposed framework planting meets the purpose of the planting as specified in Rule 12.1.3.51

12.1.4.101A In relation to the Living 3 Zone at Tai Tapu as shown on the Outline Development Plan at Appendix 48, appropriate legal mechanisms proposed to ensure the ongoing maintenance and upkeep of private sewer plant required on individual lots (as required by Rule 4.5.1A).

Southbridge - High Street, Southbridge Outline Development Plan (Appendix E45)

12.1.4.102 The extent to which any amendments to the roading pattern will provide for connectivity and avoid piecemeal and uncoordinated subdivision patterns

12.1.4.103 The extent to which any amendments to the layout of development will still enable efficient and coordinated provision of services, and provide adequately for reserve, pedestrian or cycle linkages.

12.1.4.104 The extent to which the proposed noise attenuation works and dwelling design and construction are required to achieve reasonable noise levels inside and outside the dwelling, in the context of existing ambient noise climate and with regard to current guidelines of acceptability and avoidance of sleep disturbance.

12.1.4.105 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects

and public safety from the blasting explosives storage area located on the adjoining site to the north (McMillan Drilling Ltd site).

Note: The consent authority shall consider any relevant provisions in the District Plan and Engineering Code of Practice appropriate, in using its discretion under Rule 12.1.4

Restricted Discretionary Activities — Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

12.1.5.1 Any subdivision subject to Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.

12.1.5.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.37

Corner Splays

12.1.5.3 Any application arising from Rule 12.1.5.1 shall be non-notified and will not require the written approval of any persons. The exercise of the Council's discretion shall be restricted to the matters listed in 12.1.5.4 and 12.1.5.5 below.

12.1.5.4 Effects on the efficient functioning of any road, and the safety of road users;

12.1.5.5 The effect on the amenity of surrounding allotments.

West Melton

12.1.5.6 The exercise of discretion in relation to Rule 12.1.5.2 shall be restricted to the matters listed in 12.1.5.7 to 12.1.5.10 below.

12.1.5.7 Whether any amendments to the roading pattern will retain connectivity and avoid piecemeal and uncoordinated subdivision patterns;

12.1.5.8 Whether any amendments to the subdivision would still enable efficient and coordinated provision of services;

12.1.5.9 Whether any amendments to the subdivision layout will provide adequately for reserves, pedestrian or cycle linkages;

12.1.5.10 Whether any amendments to the subdivision will ensure that there are not an excessive number of lots reliant on a single access point to an adjoining road.

Discretionary Activities — Subdivision – General

12.1.6 The following activities shall be discretionary activities

12.1.6.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rules 12.1.3.9 or Rule 12.1.3.10

12.1.6.2 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.13

12.1.6.3 Any subdivision in the Living 2 Zone at Coalgate or Dunsandel with an average allotment size of less than 1 hectare.

12.1.6.4 Any subdivision in a Living 2 zone other than at Kirwee, Coalgate or Dunsandel with an average allotment size of less than 5000m².

12.1.6.5 Any subdivision in a Living 1C zone with an average lot size between 1,200m² – 2,000m².

12.1.6.6 Any subdivision in the Living 2 zone at Lincoln with an average allotment size of less than 3,000m².

12.1.6.7 Any subdivision in a Living Z Zone that is not in general compliance with an operative Outline Development Plan.

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 applying to the Living Z lower density areas.

- 12.1.6.8 Any subdivision subject to 12.1.1 which does not comply with Rule 12.1.3.44 to 12.1.3.46.

Non-Complying Activities — Subdivision – General

- 12.1.7 Except as provided for in Rules 12.1.5 and Rules 12.1.6, the following activities shall be non-complying activities:
- 12.1.7.1 Any subdivision subject to Rule 12.1.1 which does not comply with Rule 12.1.3.
- 12.1.7.2 Upon deposit of a Plan of subdivision, any further subdivision (other than by way of boundary adjustment) of any allotment within that Plan of subdivision (other than a balance lot) in the Living 1A Zone at Lincoln.
- 12.1.7.3 In the Living 1A5 Zone at Prebbleton, subdivision for comprehensive residential development shall be a non-complying activity where a land use consent for a comprehensive residential development has not been obtained.
- 12.1.7.4 Any subdivision in the Lowes Road Outline Development Plan area that is not in general accordance with the Outline Development Plan.
- 12.1.7.5 Any subdivision in a Living 1C zone with an average lot size below 1,200m².
- 12.1.7.6 Any subdivision within a Living Z (deferred) Zone shown on the Planning Maps shall be a non-complying activity where it does not comply with the provisions of the Rural (Inner Plains) Zone.
- 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 non-complying 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 the dwellings that are to be subdivided.
- 12.1.7.8 Any subdivision that does not comply with Rule 12.1.3.34
- 12.1.7.9 The subdivision of land within the Living 1 and Living 2A Zones within the Darfield Outline Development Plan within Appendix 41 shall be a non-complying activity until:
- (a) A potable water supply is available which is capable of serving the lots within the subdivision; and
- (b) A wastewater disposal system is available which is capable of serving the lots within the subdivision.

12.2 SUBDIVISION — BOUNDARY ADJUSTMENTS

Note: If a boundary adjustment completed under Rule 12.2 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity

Restricted Discretionary Activities — Subdivision – Boundary Adjustments

- 12.2.1 Any subdivision to adjust the boundaries between existing allotments shall be a restricted discretionary activity if it complies with the following standards and terms:
- 12.2.1.1 All allotments subject to the boundary adjustment are adjoining or separated by a road, railway line, vehicular accessway or waterbody (excluding aquifers); and
- 12.2.1.2 No additional allotments are created as a result of the boundary adjustment; and
- 12.2.1.3 The area of any allotment after the boundary adjustment has not decreased the smallest allotment existing after the boundary adjustment by an area greater than 15% of that of the smallest allotment prior to the boundary adjustment (except where any such allotment is for the purpose of corner rounding or access to a road); and
- 12.2.1.4 Each allotment has legal access to a formed, legal road.
- 12.2.1.5 The corner of any allotment at any road intersection shall be splayed with a rounded minimum radius of 3 metres
- If the subdivision complies with Rules 12.2.1.1 to 12.2.1.5, it shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.2.2.
- 12.2.2 Matters over which the Council has restricted the exercise of its discretion:
- Access**
- 12.2.2.1 If any allotment has access on to a State Highway listed in Appendix 7:
- (a) Any adverse effects, including cumulative effects, on traffic safety or traffic flow on the State Highway; and
 - (b) Any alternative roads that may be used for access; and
 - (c) The design and siting of the vehicle accessway or vehicle crossing
- Corner Splays**
- 12.2.2.2 Under Rule 12.2.1.5 the Council shall restrict its discretion to consideration of
- (a) Effects on the efficient functioning of any road, and the safety of road users; and
 - (b) The effect on the amenity of surrounding allotments.
- Water**
- 12.2.2.3 In relation to any new bore to provide a potable water supply:
- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
 - (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
 - (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.
- Size and Shape**
- 12.2.2.4 The proposed size and shape of the allotments altered by the boundary adjustment considering:
- (a) The actual or proposed use of the site; and
 - (b) The effects of adjoining land uses on the site; and
 - (c) Whether, as a result of the boundary adjustment, an allotment may be created which is too small to enable

a dwelling to be erected on it as a permitted activity in the district plan and, if so, the mechanism used to inform any prospective purchaser of any such allotment.

Note: *In using its discretion under Rule 12.2.2.4(c), the consent authority shall consider a dwelling of 150m² in gross floor area for compliance with District Plan rules.*

Stormwater Disposal

- 12.2.2.5 The methods for disposing of stormwater;
- 12.2.2.6 Any adverse effects of stormwater disposal on any land drainage scheme administered by the Selwyn District Council; and
- 12.2.2.7 The quantity and rate of stormwater discharged in to any land drainage scheme administered by the Selwyn District Council.

On Site Effluent Disposal

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

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

Special Sites

- 12.2.2.9 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody excluding aquifers; or
 - (b) Any site listed in Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree: or Appendix 5 as a Site of Significance to Tāngata Whenua; or
 - (c) A designation:
 - Any effects (adverse or beneficial) which the boundary adjustment may have on these values of the site, as identified in the District Plan; and
 - Any proposed mitigation measures to lessen any adverse effects on these values; and
 - Whether public access to the site is desirable and, if so, where and how this may be improved as part of the boundary adjustment; and
 - Whether the proposed size and shape of the allotments are appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.

Utilities

- 12.2.2.10 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 12.2.2.11 Whether any utility cables shall be laid underground; and
- 12.2.2.12 The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into or work in conjunction with, utilities or facilities which are owned or managed by Selwyn District Council; and
- 12.2.2.13 For services and facilities which are not to vest in Selwyn District Council:
- (a) The method(s) by which the operation, maintenance, repair and any upgrades to those systems shall be

managed; and

- (b) The method(s) by which prospective purchasers of any allotment are to be informed of any fiscal or managerial responsibilities they have for those utilities or facilities; and

12.2.2.14 Measures to avoid, remedy or mitigate any adverse effects of constructing or upgrading utilities or facilities on surrounding residents or other parts of the environment.

Easements

12.2.2.15 Any easements or other mechanisms needed to obtain legal access to land or utilities.

High Voltage Transmission Lines

12.2.2.16 Where any part of the lands in respect of which boundary adjustments are proposed lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any allotment all or part of which will lie within that corridor or distance.

Esplanade Reserves and Strips

12.2.2.17 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12.

Tai Tapu

12.2.2.18 If any allotment subject to the boundary adjustment is located in an area which is identified on the planning maps as being in the Living 1A or 2A zones at Tai Tapu:

- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and

- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:

- Minimum floor heights for dwellings and other principal buildings; and
- Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and
- The filling (with inert hardfill) of any low lying area; and

- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

Non-Complying Activities — Subdivision – Boundary Adjustments Rules

12.2.3 The following activities shall be non-complying activities

12.2.3.1 Any subdivision to adjust boundaries which does not comply with Rule 12.2.1

12.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities — Subdivision – Access, Reserve and Utility Allotments

12.3.1 Subdivision of land to create allotments used solely for:

- Access (including roads and esplanade reserves); or
- Esplanade strips; or
- Protection of sites with special ecological, cultural or heritage values, archaeological sites, or outstanding landscapes; or
- Utility structures and utility buildings;
- Stopbanks.

Shall be a controlled activity which need not be notified or served on the persons prescribed in regulations (except where any part on an allotment intended to be used for utility structures lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines. In that case, and subject to S94(2) of the Act, notice of the application shall be served on the appropriate network utility operator). The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.3.2

Subdivision of land to create allotments used solely for utility buildings and utility structures shall be a controlled activity, which shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 12.3.2.

12.3.2 Matters over which the Council has reserved control

Access

12.3.2.1 Whether any allotment(s) created by the subdivision require(s) legal access to a legal, formed road; and

12.3.2.2 If legal access is to be to a Strategic Road listed in Appendix 7:

- (a) Any adverse effects, including cumulative effects, on traffic safety and flow; and
- (b) Whether access can be obtained of an alternative road; and
- (c) The design and siting of any vehicular accessway or vehicle crossing.

Size and Shape

12.3.2.3 The size and shape of any allotment created by the subdivision considering:

- (a) The proposed use of the site; and
- (b) Any adverse effects of surrounding land uses on the site.

Special Sites

12.3.2.4 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers), the setting aside of esplanade strips or other methods to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).

12.3.2.5 If the land to be subdivided contains any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua;

- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site identified in the District Plan; and
- (b) Any proposed mitigation measures to lessen any adverse effects on these values; and
- (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision;
- (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site;
- (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and local Rūnanga.

Utilities

- 12.3.2.6 Whether any allotment created by the subdivision needs to be supplied with any utilities or services and, if so:
- (a) The standard of each utility service provided; and
 - (b) Whether any utility cables shall be laid underground; and
 - (c) The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into, or work in conjunction with utilities or facilities which are owned or managed by Selwyn District Council, and
 - (d) For services and facilities which are not to vest in Selwyn District Council:
 - The method(s) by which the operation, maintenance, repair and any upgrades to those systems shall be managed; and
 - The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Easements

- 12.3.2.7 Any easements or other mechanisms needed to obtain legal access to land or other utilities.

Point Strips

- 12.3.2.8 The creation of any 200mm wide allotment to deny access onto a particular road for traffic safety purposes.

High Voltage Transmission Lines

- 12.3.2.9 Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves and Strips

- 12.3.2.10 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12
- 12.3.2.11 Whether any esplanade strip will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Tai Tapu

- 12.3.2.12 If the land to be subdivided is located in an area which is identified on the planning maps as being in the Living 1A or Living 2A zones at Tai Tapu:
- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and
 - (b) Any measures proposed to mitigate the effects of a potential natural hazard, including the filling (with inert

hardfill) of any low lying area; and

- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.

Reasons for Rules

Land is usually subdivided, in townships, to create new allotments to be sold as sites for new residential or business development. Subdivision has been the process used in New Zealand to ensure new allotments have appropriate facilities and features to house new buildings. The District Plan continues to manage these effects at subdivision stage because:

- (a) The 'public' expectation is that if an allotment is purchased, it can be built on – especially in townships
- (b) It is usually more efficient and effective to ensure utilities and facilities are installed when land is subdivided, rather than when each allotment is sold and built on, particularly reticulated services, roads and reserves.

Rule 12.1 identifies the facilities and other conditions necessary to ensure allotments in each township are suitable for building on. The Plan recognises, in Rules 12.2 and Rule 12.3 that some allotments are not subdivided to house new buildings. Rules 12.2 provides separate, less stringent conditions, for the alternation of boundaries between adjoining allotments, where no new allotments are created. The subdivisions provided for in Rules 12.2 and Rule 12.3 are recognised as having less potential effects on the environment than those in Rule 12.1

Rules 12.1 and Rule 12.2 make subdivision a restricted discretionary activity if the activity complies with all relevant standards and terms. The resource consent application is not notified and does not require the written approval of affected parties. These rules are slightly different from the more common controlled activity for two reasons:

- (a) The consent authority has the discretion to decline 'inappropriate' proposals. Given that the subdivision rules offer increased flexibility for developers in the design and servicing of their subdivisions than was previously the case, this is considered necessary and reasonable.
- (b) A controlled activity is required, under the Act, to be approved. This sometimes resulted in an 'inappropriate' proposal being approved with conditions imposed that, in effect, meant the consent could not be given effect to in terms of the original application (that is, the consent authority was actually declining the application). A restricted discretionary classification avoids this situation.

Outline Development Plans are required in a number of circumstances where the area to be developed is large, or is in multiple ownership. The purpose of Outline Development Plans is to ensure coordinated development, particularly in terms of roading, pedestrian and cycle links; to improve subdivision design; to assist with staging of subdivision; identifying the location of green space and reserves and access points to the adjoining road network; avoidance of adverse effects; and the retention of any key natural features or physical infrastructure.

Where new residential subdivisions are developed adjacent to strategic highways, noise from traffic can have adverse effects on adjoining dwellings, particularly where there are higher speed limits. In these circumstances noise bunding, building setbacks or other measures will be required.

Rule 12.1.3.49 (a) and (b) has been incorporated to give effect to the Regional Policy Statement in as far as it relates to the allocation of rural residential households to the Selwyn District Council within the first and second sequence periods shown on Table 1 of Chapter 12A of the Regional Policy Statement.

Rule 12.1.3.49(b) has been incorporated to ensure that no development has occurred until a publicly-owned sewerage system is available to service the site. Experience has shown that the Council is likely to be called upon to take over the ownership and operation of privately-owned sewerage systems serving multiple properties.

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. 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. The Plan requires a building commitment to be in place prior to subdivision consent (typically unit titles) being granted to ensure that the lot boundaries are located in a logical position and to also control the creation of very small allotments below 350m² prior to building that could then potentially be sold and built individually, thereby frustrating the creation of a comprehensive, integrated development. Given that the intention of comprehensive residential developments is to facilitate higher density housing options, the final subdivision (post-building) should be such that subdivision does not exceed a maximum average of 350m² per allotment i.e. the comprehensive residential development provisions are to be used for small lots rather than large lot developments which would be counter to the purposes of a Medium Density area.

As urban growth pressures increase, the integration of land use and transport planning to ensure that new developments are

accessible, permeable and connected to adjoining land and transport networks is paramount for sustainable and efficient development. Point strips are methods to ensure that development of land that is in one ownership is able to be connected to adjoining land that also has subdivision potential. Point strips are commonly utilised for road connections, but can also be applied to cycle ways and pedestrian links.

Corner splays on the corner of road intersection can improve sightlines, particularly due to being able to step back and trim encroaching vegetation. In addition it can allow the upgrading of intersections to improve safety through minor realignments and smoothing of corners and the installation of kerbing etc. In some instances carriageways are not located in the centre of the road reserve and then any realignment around intersections may encroach on private property within the area of a typical corner splay. In urban areas a radius specified splay is appropriate to fit into the streetscape and allows, for example footpaths alignments closer to pedestrian desire lines. In both urban and rural areas the larger splays required on higher classification roads commensurate with the likely higher design standards e.g. design speeds, sight lines etc and alignments needed to support a wider range of vehicles, in particularly large vehicles such as truck and trailer units. Similarly the same logic applies to Local Business roads.

Appendix E Rule 24 Subdivision – Business Zones

PART C

24 BUSINESS ZONE RULES - SUBDIVISION

Notes

- 1 The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
- 2 If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading "Matters over which the Council has restricted the exercise of its discretion".
- 3 If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the Act.
- 4 Rule 11 applies to the subdivision of land, within the meaning of section 218 of the Act.
- 5 The design of any road, vehicle accessway, right of way or vehicle crossing must comply with Rule 17: Roads and Transport.
- 6 Any earthworks associated with subdivision of land must comply with Rule 14: Earthworks.
- 7 Erecting any dwelling or other building on any land must comply with Rule 16: Buildings, Rule 18: Utilities or Rule 22: Activities.
- 8 Attention is drawn to the provisions of any other relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those rules, then application for consent will also need to be made in respect to those rules.
- 9 Underlined words are defined in Part D of the Plan.
- 10 The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
- 11 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.

24.1 SUBDIVISION – GENERAL

Restricted Discretionary Activities — Subdivision – General

- 24.1.1 A subdivision of land, which is not a subdivision under Rules 24.2 or 24.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 24.1.3.
- 24.1.2 Any subdivision subject to Rule 24.1.1, and which complies with Rule 24.1.3, shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in Rule 24.1.4 following Table C24.1.
- 24.1.3 Standards and Terms
- Access**
- 24.1.3.1 Any allotment created, including a balance allotment, has legal access to a legal, formed road; and
- Corner Splays**
- 24.1.3.2 The corner of any allotment at any road intersection within a Business zone shall be splayed with a rounded minimum radius of 6m.
- Water**
- 24.1.3.3 Any allotment created is supplied with a reticulated water supply which complies with the current New Zealand Drinking Water Standard; and
- Effluent Disposal**
- 24.1.3.4 Any allotment created in: Castle Hill, Doyleston, Leeston, Lincoln, Prebbleton, Rolleston or Southbridge is supplied with reticulated effluent treatment and disposal facilities; and
- Solid Waste Disposal**
- 24.1.3.5 Any allotment created is supplied with a facility or service to dispose of solid waste off the site; and
- Size and Shape**
- 24.1.3.6 Any allotment created, including a balance allotment, contains a building area of not less than 15m x 15m; and
- 24.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C24.1; and
- Outline Development Plan**
- 24.1.3.8 Any subdivision within an area that is subject to an operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan. Any subdivision to create a Neighbourhood or Local Centre shall have a consent notice registered on the titles indicating that the District Plan controls relating to those sites are to be those applying to the Business 1 zone.
- Prebbleton**
- 24.1.3.9 In the Business 1 zone at Prebbleton, any subdivision is in general accordance with the respective concept and/or Outline Development Plans in Appendix 19.
- Rolleston**
- 24.1.3.10 In that part of the Business 2 Zone located south of Jones Road, Rolleston, as depicted on the Landscape Development Plan at Appendix 28, no subdivision of land shall take place until all of the landscape planting, irrigation system, and fencing shown on the Landscape Development Plan on that allotment is completed.
- 24.1.3.11 In the Business 2A Zone road connections and pedestrian links shall be provided generally in accordance with those locations identified on the Outline Development Plans at Appendix 22 and Appendix 43. The roads shall be constructed in general accordance with the road cross section examples also included in Appendix 22 (and where any conflict occurs with Rule E13.3.1 these cross sections shall take precedence) or the road reserve widths specified in Appendix 43. Furthermore, lots created which abut Hoskyns Road in Precinct 2 as shown on the Outline Development Plan at Appendix

22 should be designed in such a way that buildings will likely be encouraged to front onto and access onto Hoskyns Road.

24.1.3.12 In the Business 2A Zone street plantings shall be planted in new roads in accordance with the following requirements:

- A planting strip of not less than 1 metre in width shall be established within the roadside berm on each side of the road;
- A planting strip shall be established occupying the full width of any median within a boulevard road;
- Planting shall consist of the species listed in Groups A, C and D in Appendix 21;
- Planting in any service berm shall consist of grass and/or Group D plantings only;
- Group A trees shall be planted in the outer berm at a provision of not less than one tree for every 20 metres of road length;
- Grassed breaks in the planting of the outer berm shall be provided to enable crossing between a parked car and the footpath;
- All plants shall be of the following maximum spacings:
 - Group C – 1.5 metre centres;
 - Group D – 700mm centres.

24.1.3.13 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plans at Appendix 22 and Appendix 43, and the principal building shall be landscaped to the following standards:

Landscape Treatment One

- (a) The landscaping shall be planted along the Business 2A Zone side of the common boundary.
- (b) The landscaping shall achieve, once matured, a minimum width of 2.5 metres and a minimum height of 6.5 metres.
- (c) The landscaping planted shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.
- (d) The landscaping shall consist of one or more of the following species:
 - Macrocarpa
 - Leyland cypress
 - Radiata pine

- Kahikatea
- Totara

- (e) At the time of planting trees shall be a minimum height of 1 metre and at a maximum spacing of 3 metres.

Landscape Treatment Two

- (a) The landscaping shall be planted along the Business 2A Zone side of the common boundary
- (b) The landscaping shall achieve, once matured, a minimum width of 5 metres and a minimum height of 6.5 metres.
- (c) The landscaping planted shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.
- (d) The landscaping shall consist of one or more of the following species:
- Macrocarpa
 - Leyland cypress
 - Radiata pine
 - Kahikatea
 - Totara

- (e) At the time of planting trees shall be a minimum height of 1 metre and at a maximum spacing of 3 metres.

Landscape Treatment Three

- (a) The existing primary shelter belt along Railway Road shall be retained along the full extent of the Business 2A Zone boundary in this location
- (b) The existing primary shelterbelt shall be maintained, and if dead, diseased or damaged, shall be removed and replaced.
- (c) A secondary planting strip consisting of the species Leyland cypress shall be located to the west of the existing primary shelterbelt on the opposite side of Railway Road in generally that location as identified in the Outline Development Plan at Appendix 22.
- (d) The secondary planting strip shall achieve, once matured, a minimum width of 2.5 metres and a minimum height of 8 metres.
- (e) The secondary planting strip shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.

Landscape Treatment Four

- (a) Trees shall be planted along the Business 2A Zone side of the common boundary.
- (b) The landscaping shall achieve, once matured, a minimum width of 5 metres and a minimum height of 8 metres.
- (c) At the time of planting, trees shall be a minimum height of 2 metres, and at a maximum spacing of 3 metres.

- (d) Trees shall be maintained, and if dead, diseased, or damaged, shall be removed and replaced.
- (e) The trees planted shall consist of one or more of the following species:

- Macrocarpa
- Leyland cypress
- Radiata pine
- Kahikatea
- Totara
- Pittosporum

Note: Common boundary landscaping is required along the full extent of the relevant boundaries as depicted on the Outline Development Plans at Appendix 22 and Appendix 43 except across vehicle, rail, or pedestrian crossings. Refer to Rule 17.6.1 in respect of road or rail crossings that require breaks in the existing primary shelterbelt or future secondary planting strip along Railway Road, and breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4, and Rule 17.2.2 in respect of vehicle accessways which require breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4.

- 24.1.3.14 i) Existing established hedgerows and vegetation located within the area indicated on the Outline Development Plan at Appendix 22 within Precinct 3 shall be retained until such time as the new planting required by Rule 24.1.3.13 achieves a minimum height of 3 metres in that identified location.
- ii) Existing established hedgerows and vegetation located within the area indicated on the Outline Development Plan at Appendix 22 between Precinct 2 and 4 shall be retained until the new planting required along the Hoskyns Road boundary of Precinct 4 by Rule 24.1.3.13 achieves a minimum height of 3 metres in that identified location.
- 24.1.3.15 In the Business 2A Zone at the time subdivision consent is sought for the creation of the 'Boulevard Road' within Precinct 2 as depicted on the Outline Development Plan at Appendix 22, the upgrading of Hoskyns Road as depicted on the 'Hoskyns Road Upgrade Plan' included at Appendix 22, which includes an off-road shared cycleway/pedestrian link, must be provided for as part of the works associated with that subdivision.
- Note:** *The detailing of the intersection between Hoskyns Road and the proposed 'boulevard road' should be designed with regard to integrating the external cycle/pedestrian link with pedestrian and cycle routes on the internal road system.*
- 24.1.3.16 In the Business 2A Zone at the time that the first subdivision consent is sought within Precincts 2 or 3, each application must include an allotment that is to be set aside for the purposes of an Amenity Hub. This allotment is to be a minimum of 1000m² and is to be located generally in accordance with one of the locations identified on the Outline Development Plan at Appendix 22. The allotment shall be bounded on at least 50% of the length of its boundaries by public roads. The use of the allotment for the purpose of an Amenity Hub is to be secured by way of a consent notice being registered on the Certificate of Title for the allotment identified as the Amenity Hub site.
- 24.1.3.17 In the Business 2A Zone at the time subdivision consent is sought for any allotment that is to gain access to Hoskyns Road north of the proposed 'Boulevard Road' the upgrading of Hoskyns Road beyond that required by Rule 24.1.3.14 to the intersection with Maddisons Road as depicted on the 'Hoskyns Road Stage 2 Upgrade Plan' included at Appendix 22 must be provided for.
- 24.1.3.18 Any subdivision of land within Precinct 2 of the Business 2A Zone as depicted on the Outline

Development Plan at Appendix 22 shall provide for the upgrading of the Hoskyns Road/Maddisons Road intersection in accordance with the Traffic Design Group drawing 7030-3-5A dated 02/12/2008 "Proposed Intersection" as included at Appendix 22 prior to any new certificates of title being issued for land within this area.

- 24.1.3.19 In the Business 2A Zone at the time that the first subdivision consent is sought for land contained within Precinct 3, the secondary landscaping strip required by Landscape Treatment 3 must be planted prior to the commencement of works associated with the above subdivisions consent.
- 24.1.3.20 In Precincts 2 and/or 3 in the Business 2A Zone, before Certificates of Title can be issued for any subdivision that creates allotments that in total exceed 57ha, the upgrade of the Hoskyns Road / Jones Road intersection shall be provided in accordance with the 'Proposed Roundabout Jones Road and Hoskyns Road' Plan included at Appendix 22.
- 24.1.3.21 In the Business 2A Zone, at the time subdivision consent is sought for the creation of the new road within precinct 3 as depicted on the Outline Development Plan at Appendix 22, Railway Road shall be sealed to a point 50m north west of the zone boundary and 10m to the south east of the new access road.

Note: Rule 24.1.3.21 only applies to allotments used for business purposes, and excludes balance, utility or roading allotments.

West Melton Business 1 Zone

- 24.1.3.22 In the West Melton Business 1 Zone, any subdivision to create allotments to be utilised for residential purposes shall comply with the Living zone subdivision performance standards and accord with the minimum average allotment size of 1,000m² prescribed in Table C12.1 – Allotment Sizes.

Table C24.1 - Allotment Sizes

Township	Zone	Allotment Size Not Less Than
All Townships	All Business Zones	No average allotment size.
All Townships	Heritage Buildings listed in Appendix 3	Listed in Appendix 3. The building, curtilage and any other area needed to: <ul style="list-style-type: none"> • mitigate adverse effects; or • maintain the heritage values of the site
All Townships	Community Reserves, Community Facilities and Point Strips	No minimum area

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

Access

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

Corner Splays

- 24.1.4.2 Under Rule 24.1.3.2 the Council shall restrict its discretion to consideration of:
- Effects on the efficient functioning of any road, and the safety of road users; and
 - The effect on the amenity of surrounding allotments.

Water

- 24.1.4.3 The provision of water for fire fighting; and
- 24.1.4.4 In relation to any new bore to provide a potable water supply:

- (a) Whether the protection zone is located outside of the plume of influence of any sewage treatment and/or disposal system; and
- (b) The need for the protection zone to be confined to within the boundaries of an allotment; and
- (c) Any measures proposed to mitigate the potential for any adverse effects on the quality of the water supply.

Solid Waste Disposal

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

Utility Cables

- 24.1.4.6 Whether any utility cables shall be laid underground.

Telephone and Power

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

Stormwater Disposal

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

On-Site Effluent Disposal

- 24.1.4.11 In the Business Zones at Coalgate, Dunsandel and Darfield:
- (a) Whether any allotment is of an appropriate size and shape, and has appropriate ground conditions, to enable satisfactory on-site effluent treatment and disposal.

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

Roads, Reserves and Walkways/Cycleways

- 24.1.4.12 The provision, location, co-ordination, layout and formation of all roads and vehicular accessways and walkways/cycleways; and
- 24.1.4.13 The provision, location, co-ordination, layout and formation of any land required for reserves, which is to comply with the "Criteria for Taking Land Instead of Cash" clause of the "Reserves Specific Issues regarding Development Contributions Assessment" in the Development Contribution Policy of the 2006-2016 LTCCP; and
- 24.1.4.14 The provision of footpaths, lighting and street furniture; and
- 24.1.4.15 Any landscaping and tree planting required in the road reserve, recreational reserves, and the margins of cycleways/walkways.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rules 24.1.4.12 to 24.1.4.15.

Point Strips

- 24.1.4.16 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be

separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the Plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the link strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Point Strips may also be required to prevent access to any road. See Rule 24.3.2.8.

Special Sites

- 24.1.4.17 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 24.1.4.18 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

Size and Shape

- 24.1.4.19 The size and shape of allotments in accordance with Rules 24.1.3.6 and 24.1.3.7; and
- 24.1.4.20 The size and shape of allotments for the subdivision of a heritage building or site listed in Appendix 3.
- 24.1.4.21 Whether subdivision in the Business 2A Zone creates a lot or lots which are of a suitable size and dimension to facilitate the development of an Amenity Hub to serve the day to day needs of employees and is generally in one of those locations in each precinct shown on the Outline Development Plan attached at Appendix 22.

Utilities and Facilities

- 24.1.4.22 The design, siting, layout and construction of any roads, reserves, or other utilities or facilities which shall either:
- (a) Vest in Selwyn District Council as owner or manager; or
 - (b) Connect to any road, reserve or other utility which is owned, managed by or otherwise vested in Selwyn District Council; and
- 24.1.4.23 For other utilities and facilities:
- (a) The method(s) by which the operation, maintenance, repaired and any upgrades to those systems shall be managed; and
 - (b) The method(s) by which prospective purchasers of allotments are to be informed of any fiscal or managerial responsibilities they have for those services and facilities.

Note: The consent authority shall consider any relevant provisions in the district plan or the Council's Engineering Code of Practice where appropriate, in using its discretion under Rule 24.1.4.22.

Construction of any Works

- 24.1.4.24 Any measures to mitigate potential adverse effects on people or other parts of the environment from all engineering works associated with preparing land, creating allotments, and installing associated utilities.

Fencing

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

Easements

- 24.1.4.26 Any easements or other mechanism(s) needed to obtain or maintain legal access to land or utilities.

High Voltage Transmission Lines

- 24.1.4.27 Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves

- 24.1.4.28 Whether esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;
- 24.1.4.29 Whether any esplanade reserve will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Prebbleton

- 24.1.4.30 In the Business 1B zone at Prebbleton, no allotment has vehicular access directly onto Springs Road, except for:
- (a) a road or indicative road identified on an Outline Development Plan in Appendix 19; or
 - (b) any allotment(s) that are wholly contained within the Banham and Tapp Outline Development Plan in Appendix 19, and containing an existing dwelling that utilises an existing vehicular access onto Springs Road.

Rolleston

- 24.1.4.31 The extent to which failure to provide a pedestrian linkage identified in Appendix 23 will result in increased use of private motor vehicles within Rolleston;
- 24.1.4.32 The degree to which pedestrian and cycle access throughout Rolleston may be enhanced from an efficiency and amenity perspective through the provision of cycleways and walkways;
- 24.1.4.33 The need to provide linkages (road, cycle, walkways) to schools, business areas, community facilities and reserves to ensure that the town develops in an integrated manner;
- 24.1.4.34 The need to provide for pedestrian and cycle movement within the road reserve;
- 24.1.4.35 The extent to which failure to provide walkways/cycleways may result in a loss of opportunity to enable non-vehicular access by children to and between residential areas, schools and community facilities;
- 24.1.4.36 The need for local reserves;
- 24.1.4.37 The extent to which failure to provide walkways/cycleways may result in a loss of pedestrian safety and amenity;
- 24.1.4.38 The design guidelines contained in Appendix 23;
- 24.1.4.39 The extent to which a failure to conform with the roading pattern identified in Appendix 23 will adversely affect:
- (a) ease of access within and an efficient road network throughout Rolleston
 - (b) bus routes
 - (c) the ability of nearby landowners also to conform with the indicative roading layout and the degree to which access (actual or potential) to nearby properties may be changed or compromised.
- 24.1.4.40 The extent to which a failure to provide a linkage will adversely affect the future integration of Rolleston in terms of ease of vehicular and non-vehicular access to and between residential areas, business and

community facilities.

Discretionary Activities – Subdivision – General**West Melton Business 1 Zone**

- 24.1.5 Any subdivision which is subject to Rule 24.1.1 which complies with all standards and terms in Rule 24.1.3, except Rule 24.1.3.22 shall be a discretionary activity.

Non-Complying Activities — Subdivision – General

- 24.1.6 The following activities shall be non-complying activities:
- 24.1.6.1 Any subdivision which is subject to Rule 24.1.1 and does not comply with 24.1.3, except as provided for in Rule 24.1.5.

24.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

Note: If a boundary adjustment completed under 24.2 creates a land use activity which no longer complies with the district plan provisions for a permitted activity, a separate land use consent may be required for the land use activity.

Restricted Discretionary Activities — Subdivision – Boundary Adjustments

- 24.2.1 Any subdivision to adjust the boundaries between existing allotments shall be a restricted discretionary activity if it complies with the following standards and terms:
- 24.2.1.1 All allotments subject to the boundary adjustment are adjoining or separated by a road, railway line, vehicular accessway or waterbody (excluding aquifers); and
- 24.2.1.2 No additional allotments are created as a result of the boundary adjustment; and
- 24.2.1.3 The area of any allotment after the boundary adjustment has not decreased the smallest allotment existing after the boundary adjustment by an area greater than 15% of that of the smallest allotment prior to the boundary adjustment (except where any such allotment is for the purpose of corner rounding or access to a road); and
- 24.2.1.4 Each allotment has legal access to a formed, legal road.
- 24.2.1.5 The corner of any allotment at any road intersection within a Business zone shall be splayed with a rounded minimum radius of 6m.

Note: If the subdivision complies with Rules 24.2.1.1 to 24.2.1.5, it shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.2.2.

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

Access

- 24.2.2.1 If any allotment has access on to a State Highway or Arterial Road listed in Appendix 7:
- (a) Any adverse effects, including cumulative effects, on traffic safety or traffic flow on the State Highway or Arterial Road; and
- (b) Any alternative roads that may be used for access; and
- (c) The design and siting of the vehicle accessway or vehicle crossing.

Corner Splays

- 24.2.2.2 Under Rule 24.2.1.5 the Council shall restrict its discretion to consideration of:
- (a) Effects on the efficient functioning of any road, and the safety of road users; and
- (b) The effect on the amenity of surrounding allotments.

Water

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

Size and Shape

- 24.2.2.4 The proposed size and shape of the allotments altered by the boundary adjustment considering:
- (a) The actual or proposed use of the site; and
- (b) The effects of adjoining land uses on the site; and

- (c) Whether, as a result of the boundary adjustment, an allotment may be created which is too small to enable a dwelling to be erected on it as a permitted activity in the district plan and, if so, the mechanism used to inform any prospective purchaser of any such allotment.

Note: In using its discretion under Rule 24.2.2.4(c), the consent authority shall consider a dwelling of 150m² in gross floor area for compliance with District Plan rules.

Stormwater Disposal

- 24.2.2.5 The methods for disposing of stormwater;
- 24.2.2.6 Any adverse effects of stormwater disposal on any land drainage scheme administered by the Selwyn District Council; and
- 24.2.2.7 The quantity and rate of stormwater discharged in to any land drainage scheme administered by the Selwyn District Council.

Special Sites

- 24.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:

- (a)
- Any waterbody (excluding aquifers); or
- (b)
- Any site listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:
 - Any effects (adverse or beneficial) which the boundary adjustment may have on these values of the site, as identified in the District Plan; and
 - Any proposed mitigation measures to lessen any adverse effects on these values; and
 - Whether public access to the site is desirable and, if so, where and how this may be improved as part of the boundary adjustment; and
 - Whether the proposed size and shape of the allotments are appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.

Utilities

- 24.2.2.9 Any new or upgraded utilities required to any allotment as a result of the boundary adjustment; and
- 24.2.2.10 Whether any utility cables shall be laid underground; and
- 24.2.2.11 The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into or work in conjunction with, utilities or facilities which are owned or managed by Selwyn District Council; and
- 24.2.2.12 For services and facilities which are not to vest in Selwyn District Council:
- (a) The method(s) by which the operation, maintenance, repair and any upgrades to those systems shall be managed; and
- (b) The method(s) by which prospective purchasers of any allotment are to be informed of any fiscal or managerial responsibilities they have for those utilities or facilities; and
- 24.2.2.13 Measures to avoid, remedy or mitigate any adverse effects of constructing or upgrading utilities or facilities on surrounding residents or other parts of the environment.

Easements

- 24.2.2.14 Any easements or other mechanisms needed to obtain legal access to land or utilities.

High Voltage Transmission Lines

- 24.2.2.15 Where any part of the lands in respect of which boundary adjustments are proposed lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any allotment all or part of which will lie within that corridor or distance.

Esplanade Reserves and Strips

- 24.2.2.16 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12.

Non-Complying Activities — Subdivision – Boundary Adjustments

- 24.2.3 The following activities shall be non-complying activities:

- 24.2.3.1 Any subdivision to adjust boundaries which does not comply with Rule 24.2.1 shall be a non-complying activity.

24.3 SUBDIVISION — ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities — Subdivision – Access, Reserve and Utility Allotments

24.3.1 Subdivision of land to create allotments used solely for:

- Access (including roads and esplanade reserves); or
- Esplanade strips; or
- Protection of sites with special ecological, cultural or heritage values, archaeological sites, or outstanding landscapes; or
- Utility structures and utility buildings;
- Stopbanks

shall be a controlled activity which need not be notified or served on the persons prescribed in regulations (except where any part on an allotment intended to be used for utility structures lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines. In that case, and subject to s94(2) of the Act, notice of the application shall be served on the appropriate network utility operator). The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.3.2.

Subdivision of land to create allotments used solely for utility buildings and utility structures shall be a controlled activity, which shall not be notified and shall not require the written approval of affected parties. The exercise of discretion shall be restricted to consideration of the matters listed in Rule 24.3.2.

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

Access

24.3.2.1 Whether any allotment(s) created by the subdivision require(s) legal access to a legal, formed road; and

24.3.2.2 If legal access is to be to a State Highway or Arterial Road listed in Appendix 7:

- (a) Any adverse effects, including cumulative effects, on traffic safety and flow; and
- (b) Whether access can be obtained of an alternative road; and
- (c) The design and siting of any vehicle accessway or vehicle crossing.

Size and Shape

24.3.2.3 The size and shape of any allotment created by the subdivision considering:

- (a) The proposed use of the site; and
- (b) Any adverse effects of surrounding land uses on the site.

Special Sites

24.3.2.4 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) the setting aside of esplanade strips or other methods to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).

24.3.2.5 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tāngata Whenua:

- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site identified in the District Plan; and
- (b) Any proposed mitigation measures to lessen any adverse effects on these values; and
- (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision;
- (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.
- (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and the local Rūnanga.

Utilities

24.3.2.6 Whether any allotment created by the subdivision needs to be supplied with any utilities or services and, if so:

- (a) The standard of each utility service provided; and
- (b) Whether any utility cables shall be laid underground; and
- (c) The location, design, layout and construction of any utilities or facilities which are to vest in Selwyn District Council; or which are to connect into, or work in conjunction with utilities or facilities which are owned or managed by Selwyn District Council, and
- (d) For services and facilities which are not to vest in Selwyn District Council:

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

Easements

24.3.2.7 Any easements or other mechanisms needed to obtain legal access to land or other utilities.

Point Strips

24.3.2.8 The creation of any 200mm wide allotment to deny access onto a particular road for traffic safety purposes.

High Voltage Transmission Lines

24.3.2.9 Where any part of any proposed allotment lies within a corridor 20 metres from the centreline of transmission lines indicated in the Planning Maps or within 20 metres of any support structure for those lines, the means by which compliance with the New Zealand Code of Electrical Practice (NZCEP:34) may be achieved by likely activities on any such allotment.

Esplanade Reserves and Strips

24.3.2.10 Whether any esplanade reserve will be created on any allotment which adjoins a river, lake or stream listed in Appendix 12;

24.3.2.11 Whether any esplanade strip will be created on any allotment to protect the natural character of the margins of any river, lake or stream listed in Appendix 12.

Reasons for Rules

Land is usually subdivided, in townships, to create new allotments to be sold as sites for new residential or business development. Subdivision has been the process used in New Zealand to ensure new allotments have appropriate facilities and features to house new buildings. The district plan continues to manage these effects at subdivision stage because:

- (a) The 'public' expectation is that if an allotment is purchased, it can be built on – especially in townships.
- (b) It is usually more efficient and effective to ensure utilities and facilities are installed when land is

subdivided, rather than when each allotment is sold and built on, particularly reticulated services, roads and reserves.

Rule 24.1 identifies the facilities and other conditions necessary to ensure allotments in each township are suitable for building on. The plan recognises, in Rules 24.2 and 24.3 that some allotments are not subdivided to house new buildings. Rule 24.2 provides separate, less stringent conditions, for the alternation of boundaries between adjoining allotments, where no new allotments are created. The subdivisions provided for in Rules 24.1 and 24.2 are recognised as having more potential effects on the environment than those in Rule 24.3.

Rule 24.1.3.22 requires any subdivision within the West Melton Business 1 Zone to accord with the Living Zone subdivision performance standards, including the minimum average allotment size of 1,000m². This is to ensure that the density of sections to accommodate dwellings is consistent with the scale of residential development within the township. Failure to accord with the Living Zone subdivision rules necessitates a discretionary activity resource consent to enable a full assessment to be undertaken to consider the effects of any sections being created to accommodate dwellings on existing activities established within the zone as well as adjoining Living zones.

Rules 24.1 and 24.2 make subdivision a restricted discretionary activity if the activity complies with all relevant standards and terms. The resource consent application is not notified and does not require the written approval of affected parties. These rules are slightly different from the more common controlled activity for two reasons:

- (a) The consent authority has the discretion to decline 'inappropriate' proposals. Given that the subdivision rules offer increased flexibility for developers in the design and servicing of their subdivisions than was previously the case, this is considered necessary and reasonable.
- (b) A controlled activity is required, under the Act, to be approved. This sometimes resulted in an 'inappropriate' proposal being approved with conditions imposed that, in effect, meant the consent could not be given effect to in terms of the original application (that is, the consent authority was actually declining the application). A restricted discretionary classification avoids this situation.

Outline Development Plans are required in a number of circumstances where the area to be developed is large, or is in multiple ownership. The purpose of Outline Development Plans is to ensure coordinated development, particularly in terms of roading, pedestrian and cycle links; to improve subdivision design; to assist with staging of subdivision; identifying the location of green space and reserves and access points to the adjoining road network; avoidance of adverse effects; and the retention of any key natural features or physical infrastructure.

As urban growth pressures increase, the integration of land use and transport planning to ensure that new developments are accessible, permeable and connected to adjoining land and transport networks is paramount for sustainable and efficient development. Point strips are a method of ensuring that development of land that is in one ownership is able to be connected to adjoining land that also has subdivision potential. Point strips are commonly utilised for road connections, but can also be applied to cycle ways and pedestrian links. Point strips are also a method of restricting access for safety reasons.

Appendix F Rule 10 Subdivision – Rural Zone

Part C

10 RURAL RULES - SUBDIVISION

Notes

- 1 The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
- 2 If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the headings 'Matters over which the Council has reserved control' or 'Matters subject to the Council's Discretion'.
- 3 If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under sections 104, 104B and 104D of the RMA.
- 4 Rule 10 applies to the subdivision of land, within the meaning of Section 218 of the RMA.
- 5 The design of any road, vehicle accessway, or vehicle crossing must comply with Rule 4: Roads and Transport.
- 6 Any earthworks associated with subdivision of land must comply with Rule 1: Earthworks.
- 7 Erecting any dwelling or other building on any land must comply with Rule 3: Buildings, or Rule 4: Roads and Transport; or Rule 9: Activities.
- 8 Irrespective of any rules in this Plan, the transitional regional plan contains rules for minimum allotment sizes needed to treat and dispose of effluent on-site without a discharge permit. Therefore, Environment Canterbury should be contacted.
- 9 Underlined words are defined in Part D of the Plan.
- 10 The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from the New Zealand Transport Agency (NZTA). This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
- 11 Works affecting any archaeological sites require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer Part B, Section 3.3,) "Archaeological Sites").
- 12 Development contributions under the LTP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development.
- 13 Attention is drawn to the provisions of any relevant zone/activity rules for land use activities that may be associated with subdivisions. Should an activity not meet any one or more of those rules, then application for consent will also need to be made in respect to those rules.

10.1 SUBDIVISION GENERAL

Controlled Activities — Subdivision General

- 10.1.1 Any subdivision of land shall be a controlled activity if all of the following standards and terms are met:
- 10.1.1.1 Any allotment created is not located within any of the following areas:
- (a) Any areas shown on the Planning Maps as the Waimakariri Flood Category A area;
 - (b) Any area shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas;
 - (c) Seaward of the Coastal Hazard Line, as shown on the Planning Maps; and
 - (d) Between any waterbody and any stopbank designed to contain floodwater from that waterbody;
- 10.1.1.2 Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;
- 10.1.1.3 Any allotment created does not contain any of the following features:
- (a) Any site listed as a heritage site in Appendix 3;
 - (b) Any tree listed as a protected tree in Appendix 4;
 - (c) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wāhi Taonga site, a Wāhi Taonga Management Area, or a Mahinga Kai site;
 - (d) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection;
- 10.1.1.4 Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restriction shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.
- The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the Plan (or a resource consent) to the nearest boundary of any proposed allotment.
- 10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater.
- 10.1.1.6 Any road, right of way or other vehicle accessway is designed and formed to comply with Rules 4.4 and Rule 4.5 for permitted activities (for State Highway they have to comply with the design criteria in Appendix 10);
- 10.1.1.7 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:
- (a) 6m x 6m for local roads
 - (b) 10m x 10m for collector roads
 - (c) 15m x 15m for arterial and State Highway roads.

Note: Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy then arterial, collector and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.

Note: Any vehicle crossing formed on any allotment must comply with Rules 4.5.1.4 and 4.5.1.5

Note: Limited Access Roads (LAR). The objective of Limited Access Roads is to protect the safety and high level of traffic service on these important routes which may otherwise be adversely affected by traffic generation of property alongside. The LAR registration includes controls relating to subdivision and access to and from land adjoining the LAR. The effect is to prevent the proliferation of new access

points and to reduce the number of accesses and volumes of traffic using them.

- 10.1.1.8 Any allotment is for the purpose of establishing utility buildings or utility structures by a network utility operator.
- 10.1.1.9 Any subdivision is not within a corridor measured 20 metres from the centreline of a transmission line as indicated on the Planning Maps.
- 10.1.1.10 Any allotment created adjoining a river or lake listed in Appendix 17 provides an esplanade reserve or strip as specified in Appendix 17 if it applies.
- Note:** *Appendix 17 may or may not apply depending on the area of allotments created.*
- 10.1.1.11 Any allotment created does not adjoin any other river with a bed of average width of 3 metres or more or lake with an area of 8 hectares or more other than those listed in Appendix 17.
- Note:** *Rule 10.1.1.11 applies to all subdivisions creating allotments adjoining lakes and rivers not specified in Appendix 17.*
- 10.1.1.12 Any allotment created complies with the minimum allotment areas set out in Table C10.1. The minimum allotment sizes set out in Table C10.1 do not apply to any allotment used solely for access, utilities, as a reserve or to house a community facility(ies).
- 10.1.1.13 If any land is subject to any Consent Notice, Covenant, Memorandum of Encumbrance or other legal mechanism restricting the number of dwellings which may be erected on the allotment, then any allotment created is:
- (a) Of sufficient size to comply with the minimum area set out in Table C10.1, excluding any area which cannot be used to erect a dwelling; and
- (b) Capable of having at least one dwelling erected on it as a permitted activity, taking into account any legal mechanisms restricting the number of dwellings or houses, on the Certificate of Title.
- Standard and Term Rule 10.1.1.13 does not apply to any lot which is to be used solely for access, utilities or as a reserve.
- 10.1.1.14 Subdivision within the Porter Ski and Recreation Area which complies with all of the subdivision standards in Appendix 25.

Note: *The Porters Ski and Recreation Area is exempt from Rule 10.3.*

Table C10.1 – Minimum Allotment Size

Area (on Planning Maps)	Legal Description	Allotment Size
Existing Development Areas		
1. Edendale	Lots 7, 8, 10 and 11 DP 309872	0.5ha minimum and 0.6ha average. Maximum of 10 <u>dwellings</u> within this total land area.
	Lots 1-6 and 9 DP 309872 Lot 1 DP 78394 Lots 25-27 DP 60236 Lots 33-39 DP 60236 Lots 28 and 32 DP 60237 Lots 6-11 DP 56677 Lots 1 and 2 DP 79016 Lots 1-3 and 12-34 DP 56676	1ha minimum
2. Yorktown	RS 6469	1ha minimum
3. Greendale	Lots 1-12 DP 83022	1ha minimum
4. Johnsons Road	Lots 1-2 DP 67896 Lots 26-27 DP 35999 Lots 1-2 DP 76478 Lots 1-2 DP 68662 Lots 1-2 DP 71918 Lots 2-21 DP 51844	0.5ha minimum and 0.8ha minimum average

	Lot 2 DP 69647	
5. Jowers Road	Lots 1-18 DP 47759	0.5ha minimum and 0.8ha minimum average
6. Kingcraft Drive	Lot 12 DP 68384 Lots 1-2 DP 65969 Lots 1-3 DP 62576 Lots 8-11 DP 56097	1ha minimum
7. Raven Drive	Lots 1-13 DP 68384	1.3ha minimum and 1.9ha minimum average
8. Rocklands	Lots 4, 7, 8, 14-18 and 24 DP 62101 Lot 1 DP 76238 Lot 26 DP 78490 Lots 1-2 DP 68312 Lots 6, 9-13 and 19 DP 78490 Lot 1 DP 79666	1ha minimum and 1.8ha minimum average
9. Devine Acres	Part RS 3646 and RS 8133	0.5ha minimum
10. Railway Corner	Lots 40-44 DP 336 Lot 1 and Pt Lot 2 DP 16210 RS 7260X and Sec 1 SO 20279	2000m ² minimum. Maximum number of allotments is 6.
In Other Areas		
Port Hills	Lower Slopes	40ha minimum
Port Hills	Upper Slopes	100ha minimum
Inner Plains	–	4ha minimum
Outer Plains	–	20ha minimum
Malvern Hills	–	20ha minimum
High Country	–	120ha minimum

Notes:

- 1 *The minimum average allotment sizes for the Existing Development Areas at Johnsons Road, Raven Drive, and Rocklands are applied as a mean average allotment size.*
 - 2 *Rule 10.1.1.12 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).*
 - 3 *There is no further subdivision potential within the Existing Development Area for Bealey Spur. Refer to Rule 3.10 for the provisions for erecting dwellings on the remaining vacant lots at Bealey Spur.*
- 10.1.2 Under Rule 10.1.1, the Council shall reserve control over all of the following matters:
- Allotment Shape**
- 10.1.2.1 The shape of the allotment, including (but not limited to) whether it has sufficient breadth and depth to: contain the zones of influence from water abstraction or effluent disposal; and reduce potential 'reverse sensitivity' effects with surrounding land uses, if applicable;
 - 10.1.2.2 The boundaries of the allotment, including (but not limited to) whether they follow natural or physical features where practical;
- Utilities**
- 10.1.2.3 Whether any connections to telephone, electricity, water supplies or other utilities are made to the allotment;
 - 10.1.2.4 The mechanism to be used to alert any prospective purchaser of an allotment, if connections to telephone, electricity or a potable water supply are not provided to the boundary of the allotment;
 - 10.1.2.5 The design, siting, layout and construction of any road, reserve or other utility which will be owned or managed by, or otherwise vested in, Selwyn District Council;
 - 10.1.2.6 Whether any allotment created has sufficient road frontage to enable any vehicle crossing to be formed in compliance with Rules 4.5.1.4 and Rule 4.5.1.5, and to ensure an appropriate distance between vehicle

crossings and appropriate sight distances to intersections.

Point Strips

- 10.1.2.7 Where in the course of subdivision a new road, cycle way or pedestrian link is constructed and vested that will or could provide frontage to other land, that other land (with subdivision potential) can be separated from the new road, cycle way or pedestrian link by a point strip, and an agreement will be entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road, cycle way or pedestrian link.

The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision.

The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. Such agreements will be held by the Council and can be identified by the point strip separating the subsequent property from frontage to the road, cycle way or pedestrian link.

Note: Point Strips may also be required to prevent access to any road. See Rule 10.1.2.8.

Works

- 10.1.2.8 The method(s) used to avoid, remedy or mitigate any potential adverse effects on people or other parts of the environment resulting from any works associated with preparing the land for subdivision or installing associated access, utilities or landscaping; including (but not limited to) dust, noise, vibration or sediment run-off into waterbodies.

Easements

- 10.1.2.9 Any easements required to provide legal access over the allotment created.

Taking Land Instead of Cash

- 10.1.2.10 The extent to which the "Criteria for Taking Land Instead of Cash" clause of the "Reserves – Specific Issues regarding Development Contributions Assessment" in the Development Contribution Policy of the 2006-2016 LTP will meet the needs of present and future generations.
- 10.1.2.11 The creation of any allotment up to 200mm wide (point strip) to prevent access on to any particular road for any other purpose; and

Monitoring

- 10.1.2.12 Any monitoring conditions.

Outline Development Plans and Deferred Living Z Zones

- 10.1.2.13 Whether the layout of any subdivision compromises the ability to achieve the coordinated future intensification of a deferred Living Z Zone which is subject to a specific ODP policy.

10.2 SUBDIVISION IN FLOOD AREAS

Restricted Discretionary Activities — Subdivision in Flood Areas

- 10.2.1 Any subdivision of land which does not comply with Rule 10.1.1.1 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 10.2.1.1 Any land subdivided within the areas shown on the Planning Maps as the Waimakariri Flood Category A area or seaward of the Coastal Hazard 1 Line is not used to erect any dwelling or other principal building; and
- 10.2.1.2 Any land subdivided between any waterbody and any stopbank designed to contain floodwater from that waterbody is not used to erect any dwelling or building.
- 10.2.2 Any resource consent application made under Rule 10.2.1 shall not be notified and shall not require the written approval of affected parties.
- 10.2.3 Under Rule 10.2.1, the Council shall restrict its discretion to consideration of:
- 10.2.3.1 All the matters listed in Rule 10.1.2;
- 10.2.3.2 In the areas shown on the Planning Maps as the Lower Plains or Lake Ellesmere/Te Waihora flood areas:
- (a) Whether any allotment created contains a site or sites where a dwelling or other principal building may be erected in accordance with the requirement of Building Rule 3.1.1.1(d) (for the Lower Plains flood area) or Building Rule 3.1.1.1(e) (for the Lake Ellesmere/Te Waihora flood area) and Earthworks Rule 1.3.
 - (b) The potential effects of inundation on pedestrian and vehicular access to the allotment, or to the dwelling or other principal building to be erected on the allotment; and
 - (c) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building on the allotment is not a permitted activity under the District Plan, unless it meets the minimum floor levels set out in Rules 3.1.1.1(d) and Rule 3.1.1.1 (e).

Note: In relation to Rule 10.2.3.2(c), such a condition may not be needed if a land use consent to erect a dwelling or other principal building is granted.

Non-Complying Activities — Subdivision in Flood Areas

- 10.2.4 Any subdivision of land which does not comply with Rule 10.2.1 shall be a non-complying activity.

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

10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

- 10.3.1 Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.
- 10.3.2 Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:
- 10.3.2.1 All the matters listed in Rule 10.1.2;
- 10.3.2.2 The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.
- 10.3.2.3 Any effects of the proposed subdivision on the landscape values of the area, including (but not limited to) whether the proposed allotment boundaries follow the physical boundaries of natural features or changes in the landscape, where practical;
- 10.3.2.4 Any positive effects which may offset any adverse effects; and
- 10.3.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that erecting any dwelling or other principal building within an area of Outstanding Landscape is not a permitted activity.

10.4 SUBDIVISION ON SPECIAL SITES (ECOLOGICAL, HISTORIC HERITAGE AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA)

Restricted Discretionary Activities — Subdivision on Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua)

- 10.4.1 Any subdivision of land which does not comply with Rule 10.1.1.3 shall be a restricted discretionary activity.
- 10.4.2 Under Rule 10.4.1, the Council shall restrict its discretion to consideration of:
- 10.4.2.1 All of the matters listed in Rule 10.1.2.
- 10.4.2.2 Any adverse effects of the proposed subdivision on:
- (a) Any historic heritage or archaeological site; or
 - (b) Any protected tree; or
 - (c) Any Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local Rūnanga, and in the case of Wāhi Taonga Management Area C39(a), the New Zealand Historic Places Trust Pouhere Taonga; or
 - (d) Any significant ecological site;
- 10.4.2.3 The effects considered under Rule 10.4.2.2 include (but are not limited to):
- (a) Any effects of the subdivision of land on the site, including separating the site between allotments which may result in separate ownership or management of the site;
 - (b) Effects on access to the site and whether any restrictions on access to the site may detract from or help maintain its values;
 - (c) Alternative boundaries for the new allotments created which may better maintain the site in one allotment or access to the site, if access is desirable;
 - (d) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that activities involving historic heritage or archaeological sites, trees or buildings, or Sites of Significance to Tāngata Whenua listed in Appendix 5, may require a resource consent application under the Plan, or in the case of an archaeological site, an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga; and
 - (e) Any positive effects which may offset any adverse effects.

10.5 SUBDIVISION – INTENSIVE LIVESTOCK PRODUCTION ACTIVITIES

Restricted Discretionary Activities — Subdivision – Intensive Livestock Production Activities

- 10.5.1 Any subdivision of land which does not comply with Rule 10.1.1.4 shall be a restricted discretionary activity.
- 10.5.2 Under Rule 10.5.1 the Council shall restrict its discretion to consideration of:
- 10.5.2.1 All the matters listed in Rule 10.1.2;
- 10.5.2.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;
- 10.5.2.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.
- 10.5.2.4 Any positive effects which may offset any adverse effects; and
- 10.5.2.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

10.6 SUBDIVISION AND ROAD ACCESS

Restricted Discretionary Activities — Subdivision and Road Access

- 10.6.1 Any subdivision of land which does not comply with Rule 10.1.1.5 shall be a restricted discretionary activity if all of the following standards and terms are met:
- 10.6.1.1 The allotment has access to a legal road (whether formed or unformed) and
- 10.6.1.2 that access is not obtained by crossing a railway line.
- 10.6.2 Under Rule 10.6.1, the Council shall restrict its discretion to consideration of:
- 10.6.2.1 All of the matters listed in Rule 10.1.2.
- 10.6.2.2 For access on to a State Highway or Arterial Road:
- (a) Whether the access will adversely affect the safe and efficient flow of traffic along the State Highway or Arterial Road, including any cumulative effects of multiple vehicular accessways on to the State Highway or Arterial Road;
- (b) The number, design and siting of any vehicle accessway(s) or vehicle crossing(s);
- (c) Whether the allotments created can be designed to have legal access on to an alternative legal road of lower classification, and whether this alternative access is appropriate;
- 10.6.2.3 For access on to an unformed or unmaintained road:
- (a) The standard to which the road, any vehicle accessway, and any vehicle crossing will be formed or maintained to serve the activity;
- (b) Who will be responsible for forming or maintaining the road to the required standard; and
- 10.6.2.4 Any positive effects which may offset any adverse effects.

Non-Complying Activities — Subdivision and Road Access

- 10.6.3 Any subdivision of land which does not comply with Rule 10.6.1 shall be a non-complying activity.

10.7 SUBDIVISION – VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS

Discretionary Activities — Subdivision – Vehicle Accessways and Vehicle Crossings

- 10.7.1 Any subdivision of land which does not comply with Rule 10.1.1.6 shall be a discretionary activity.

10.8 SUBDIVISION AND CORNER SPLAYS

Restricted Discretionary Activities — Subdivision and Corner Splays

- 10.8.1 Any subdivision of land which does not comply with Rule 10.1.1.7 shall be a restricted discretionary activity.
- 10.8.2 Any application arising from Rule 10.6.1 shall be non-notified and will not require the written approval of any persons. The exercise of the Council's discretion shall be restricted to the consideration of effects on the efficient functioning of any road, and the safety of road users.

10.9 SUBDIVISION AND TRANSMISSION LINES

Restricted Discretionary Activities — Subdivision and Transmission Lines

- 10.9.1 Any subdivision of land which does not comply with Rule 10.1.1.9 shall be a restricted discretionary activity.
- 10.9.2 The Council shall restrict the exercise of its discretion to the following matters:
- 10.9.2.1 Location of building platforms: the extent of separation between building platforms and existing lines, taking into account the requirements of the NZECP:34 (New Zealand Electrical Code of Practice for Electrical Safety Distance) or any subsequent code of practice.
- 10.9.2.2 Within 20 metres of the centreline of a transmission line:
- (a) Subdivision design: the degree to which the subdivision design, including the location of roads and reserves recognises and provides for existing electricity lines so that reasonable access to the lines is maintained.
 - (b) Location of proposed vegetation and tree planting: the extent of separation between the location of proposed trees and existing lines, taking into account the likely mature height of the trees, and whether they have a potential to interfere with the lines.
 - (c) Extent and mode of earthworks: whether appropriate safeguards are in place to avoid contact with or flashovers from the lines, and effects on the stability of support structures.

Note: Consultation with Transpower New Zealand Limited is advised when considering construction within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP:34 contains restrictions on the location of structures and activities in relation to the lines.

10.10 SUBDIVISION AND ESPLANADE RESERVES OR STRIPS

Restricted Discretionary Activities — Subdivision and Esplanade Reserves or Strips

- 10.10.1 Any subdivision of land creating allotments of less than 4 hectares which does not comply with Rule 10.1.1.10 in relation to land adjoining rivers and lakes listed in Appendix 17, or any other subdivision of land adjoining a lake with an area of 8 hectares or more, or a river with a bed of average width of 3 metres or more where the lake or river involved is not listed in Appendix 17 shall be a restricted discretionary activity.
- 10.10.2 The Council shall restrict its discretion to the following matters:
- 10.10.2.1 Whether a reserve or strip of lesser width than that set out in Appendix 17 is sufficient to protect the silent file areas or to protect conservation values, to enable public access, or to enable public recreational use.
- 10.10.2.2 Whether the non-provision of public access to or along an esplanade reserve or strip adjoining a waterbody listed in Appendix 17 is necessary in order to ensure compatibility with conservation values, or whether the non provision of an access strip to an esplanade reserve or strip can be justified because of the availability of alternative access to the esplanade reserve or strip.
- 10.10.2.3 Whether an esplanade strip is necessary to protect the natural character or silent file areas of land adjoining any river or lake other than those listed in Appendix 17. In such cases, there shall be no public access.
- 10.10.2.4 The extent to which the “Criteria for Taking Land instead of Cash” clause of the “Reserves – Specific Issues regarding Development Contributions Assessment” in the Development Contribution Policy of the 2006-2016 LTP will meet the needs of present and future generations.

10.11 SUBDIVISION OF LOTS SMALLER THAN THE MINIMUM SIZE

Restricted Discretionary Activities — Subdivision of Lots Smaller than the Minimum Size

Note:

- 1 *Rule 10.11 applies to the subdivision of land where the allotments created may have a dwelling erected on them. Rule 10.11 may also be used for the subdivision of an allotment(s) which contains a dwelling(s). It may be used to provide for alternative subdivision layouts (e.g. clustering) to those provided for under Rule 10.1.1.12.*
- 2 *People wishing to subdivide land under Rule 10.11.1 are strongly advised to read the Council's pamphlet on subdividing land and erecting houses in the Rural Zone*
- 10.11.1 Any subdivision of land which does not comply with Rule 10.1.1.12 shall be a restricted discretionary activity if:
 - 10.11.1.1 Any allotment created is located outside the area shown on the Planning Maps as the Inner Plains;
 - 10.11.1.2 The balance area of land needed to comply with the minimum area in Rule 10.1.1.12, Table C10.1, does not include:
 - (a) The bed of any lake or river;
 - (b) Any legal road;
 - (c) Land which is vested in any form of reserve; or
 - (d) Any other land which, due to its legal tenure, could not be used to erect a dwelling;

Note: Rule 10.11.1.2 does not apply to land classified in the District Plan as an area of Outstanding Landscape which (if not for the District Plan provisions) could have had a dwelling erected on it. Nor does it apply to land held in pastoral lease.
 - 10.11.1.3 The balance area of land required to comply with the minimum area under Rule 10.1.1.12 Table C10.1, adjoins the allotment on which a dwelling may be erected, along at least one property boundary;
 - 10.11.1.4 The balance area of land required to comply with the minimum area under Rule 10.1.1.12 Table C10.1, is:
 - (a) included within the area of land subject to the subdivision consent application, and is subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land; or
 - (b) not included within the area of land subject to the subdivision consent application, and is subject to a Memorandum of Encumbrance or other mechanism to prevent the erection of any dwelling on that land.
- 10.11.2 Under Rule 10.10.1, the Council shall restrict its discretion to consideration of:
 - 10.11.2.1 All the matters listed in Rule 10.1.2.
 - 10.11.2.2 Whether any allotment on which a dwelling(s) is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;
 - 10.11.2.3 The maximum number of small allotments which may be located together under this rule, having regard to Rule 3.10.3.6;
 - 10.11.2.4 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;
 - 10.11.2.5 The shape and location of the balance land to be kept free of dwellings;
 - 10.11.2.6 Within the area shown on the Planning Maps as the Port Hills, the location of any allotment on which a dwelling may be erected, having regard to Rule 10.3.2.2;
 - 10.11.2.7 For Rule 10.11.1.4, whether the mechanism proposed to ensure that the land is free of any dwelling is

appropriate considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;
- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land; and

Note: *In relation to Rule 10.11.2.7, see the Council's Pamphlet for more information on the types of mechanisms available.*

10.11.2.8 Any positive effects which may offset any adverse effects.

Non-Complying Activities — Subdivision of Lots Smaller than the Minimum Size

10.11.3 Any subdivision of land which does not comply with Rule 10.11.1 shall be a non-complying activity, unless it complies with Rule 10.12.

10.12 SUBDIVISION AND BOUNDARY ADJUSTMENTS

Controlled Activities — Subdivision and Boundary Adjustments

- 10.12.1 The subdivision of land by the altering of boundaries between allotments shall be a controlled activity provided all of the following standards and terms are met:
- 10.12.1.1 The allotments subject to the boundary adjustment shall adjoin one another.
- 10.12.1.2 There shall be no increase in the number of allotments created as a result of the boundary adjustment.
- 10.12.1.3 No allotment shall be created which is smaller than the smallest allotment existing prior to the boundary adjustment.
- 10.12.1.4 The boundary adjustment shall not result in any increase in the potential number of dwellings which may be erected on any allotment subject to the boundary adjustment, in compliance with Rule 3.10 than the number which could have been erected on that allotment prior to the boundary adjustment.
- 10.12.1.5 The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:
- (a) 6m x 6m for local roads
- (b) 10m x 10m for collector roads
- (c) 15m x 15m for arterial and State Highway roads.
- Note:** *Where roads of different classifications intersect, the splay applied to both road boundaries shall be that required for the higher classification (State Highways are the highest in the classification hierarchy and local roads are lowest), so for example where a local road and a collector road intersect the corner splays shall be 10mx10m.*
- 10.12.2 Any boundary adjustment which complies with Rule 10.12.1 shall not be notified and shall not require the written approval of affected parties.
- 10.12.3 The Consent Authority shall retain its control over all of the following matters:
- 10.12.3.1 All those matters listed in Rule 10.1.2.
- 10.12.3.2 The mechanism(s) which shall be used to ensure the boundary adjustment does not increase the potential number dwellings able to be erected on any allotment subject to the boundary adjustment.

Non-Complying Activities — Subdivision and Boundary Adjustments

- 10.12.4 Any boundary adjustment which does not comply with Rule 10.12.1 shall be a non-complying activity, unless it complies with one of the rules for subdivision under Rules 10.1 to Rule 10.11, in which case the activity shall be assessed under that rule.

Cross Referencing

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
10.2	Flood Areas	3.1	3.1.1	3.1.2 to 3.1.4, 3.1.8
10.3	Outstanding Landscape Areas	1.4	1.4.1	1.4.1 to 1.4.3, 1.4.5 to 1.4.32.
10.4	Special Sites (Ecological, Historic Heritage and Sites of Significance to Tāngata Whenua	3.3	3.3.1 and 3.3.2	3.3.2 to 3.3.4, 3.3.7, 3.3.8
10.6	Road Access	2.1	2.1.1	2.1.3. 2.1.4

10.7	Vehicle Access and Vehicle Crossings	2.1	2.1.1	2.1.1, 2.1.2, 2.1.5 to 2.1.7
10.8	Transmission Lines	2.2	2.2.1 and 2.2.2	2.2.1 to 2.1.3
10.9	Esplanade Reserves or Strips	1.3, 2.3	1.3.2, 2.3.2	1.3.11, 2.3.5 and 2.3.6
10.1	Lots Smaller than the Minimum Size	4.1	4.1.1 to 4.1.3	4.1.1 to 4.1.7, 4.1.11 and 4.1.12

Reasons for Rules

Rule 10 manages the subdivision of land. Subdivision has the meaning set out in section 218 of the RMA, and includes unit titles, cross leases and the leasing of any building or part of any building for a period of 35 years or more. District councils may control subdivision under the RMA (section 31(2)) and the subdivision of land requires a resource consent unless the activity is a permitted activity under the Plan (section 11).

Subdivision, per se, has few effects on the environment. However, subdivision is a precursor to other activities, particularly the erecting of dwellings. There is a popular expectation amongst New Zealanders that if they buy an allotment, they should be able to erect a house on it.

Any subdivision of land requires a resource consent under this Plan. The Plan manages subdivision for three reasons:

- To ensure that any allotment created is in an appropriate location, of an appropriate size and shape, and has appropriate legal access and connections to utilities, for its intended purpose;
- To ensure that any subdivision does not result in land uses which are non-complying with the Plan or which will affect adjoining properties due to the size of the allotment on which the activity is taking place being reduced.
- To ensure that where allotments are created that are not of a sufficient size to enable a house to be erected on the allotment, that an appropriate mechanism is used to alert prospective buyers of the allotment.

Rule 10.1 lists standards and terms by which a subdivision is a controlled activity. The minimum allotment size is the same as the minimum allotment size to erect a dwelling as a permitted activity, under Rule 3.10 of the Plan. There are matters that Council have reserved control over such as the need to ensure that any subdivision within any Greenfield area that is subject to a specific ODP policy or for which an approved ODP is contained in the District Plan, does not compromise the ability to achieve the future intensification of that area in accordance with the ODP. The rules provide for subdivisions which cannot comply with Rule 10.1, including subdivision of allotments smaller than the minimum size, as restricted discretionary activities or discretionary activities, where they comply with standards and terms.

Rule 10.1.1.4 The 300 metre buffer distance does not apply to that part of the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 as the Council is satisfied that other methods have effectively addressed any reverse sensitivity effects.

Rules 10.6 and 10.7 address the effects of access and effects of subdivision on the function, safety and efficiency of the road network.

Rule 10.8 addresses the establishment of rural lots and building sites close to high voltage transmission lines. The rule requires subdivision within a 20 metre corridor parallel to such lines to be subject to a restricted discretionary activity application. This enables access to these lines for maintenance to be protected if necessary, and to ensure tree planting, building and earthworks, do not compromise the lines. It also enables matters of public safety and health to be addressed.

Rule 10.11 provides for dwellings on allotments smaller than the minimums stated in Rule 10.1.1.12, provided that the balance area of land needed to comply with the minimum is kept free of dwellings. This may be done using several methods, for example, by placing some form of Covenant over part of the land, or by placing a Consent Notice over the whole allotment, to prevent dwellings being erected. The land subject to these mechanisms may be farmed, forested or otherwise used, and can be bought or sold separately from the allotment on which the dwelling is erected, but it cannot have a dwelling erected on it. The reason for this rule is to allow people to erect houses on small allotments, while still maintaining low residential density in the Rural zone. Large minimum allotment sizes can result in inefficient land uses. For example, where a person has to sell or buy

more land than they want in order to reside in the rural area; or where a person buys a farm and requires the land but not the house. Large minimum allotment sizes can also be awkward if people wish to have the dwelling in separate ownership from the rest of the property, for business or family reasons.

The rule does not stipulate the method to be used to keep the balance area of land free of dwellings. Different methods may be appropriate in different cases. The rule does require the method be enforced as a condition on the subdivision or land use consent, if the land to be kept free of dwellings is part of the allotment which is to be subdivided. The Council retains its discretion to determine whether the method nominated by the applicant is appropriate. (For erecting dwellings on existing allotments, see Rule 3.10)

Rule 10.11 also provides for a dwelling on a smaller allotment in the situation where land which is not subject to the subdivision is used to comply with the minimum allotment areas in Rule 10.1.1.12. This may occur where a person owns several allotments, or has purchased the 'development rights' from an adjoining property owner, and uses his/her land to provide the additional minimum area needed. In these cases, the application needs to include a Memorandum of Encumbrance or some other mechanism to be registered on the other allotment as part of the resource consent application. It will be a condition of the subdivision or land use consent that the proposal be carried out in accordance with the application which is submitted (including the proposed Memorandum of Encumbrance or other mechanism).

The Council has produced a pamphlet to help explain how these rules work and their advantages and disadvantages. Applicants are strongly advised to refer to it.

Rule 10.11 does not apply to land within the area shown on the Planning Maps as the Inner Plains. The minimum allotment size in the Inner Plains is 4 hectares. Council believes that residential density in this area is sufficiently high to require each dwelling to have 4 hectares. It is considered that 4 hectares allotments will avoid adverse effects of on-site effluent treatment and disposal on groundwater, and potential 'reverse sensitivity' effects on rural activities; and maintain a rural character that is distinct from townships (see Part B, Section 4.1).

Rule 10.12 provides for boundary adjustments. The boundary adjustment provisions provide an easier mechanism for the boundaries to be adjusted between existing allotments. Boundary adjustments can be useful for rationalising boundaries or selling properties between neighbours. They can also be useful for rationalising the allotments within one property, for example, to reorganise a property made up of several small allotments into a more rational mix that better suits the management of the property.

Rule 10.1.1.12 which controls the minimum allotment size for subdivision does not apply to boundary adjustments, which provides some flexibility to adjust existing small allotments. It also provides an alternative mechanism to Rule 10.11 for creating smaller allotments for house sites. However, Rule 10.12.1.4 manages residential density, by ensuring the boundary adjustment provisions cannot be used to create additional potential house sites at a higher level than those allowed by the residential density rules set out in Rule 3.10.

Appendix G Waterbodies subject to esplanade provisions

PART E

APPENDIX 12

LIST OF WATERBODIES FOR ESPLANADE RESERVES AND STRIPS

Introduction

Table E12.1 outlines the waterbodies on which the Council would like to create esplanade reserves or strips when land in townships is subdivided. The table outlines:

- The preferred instrument (reserve or strip); and
- The purpose for which it may be created; and
- The maximum width of the reserve strip; and
- The size of the allotments which are subdivided before the reserve or strip may be created.

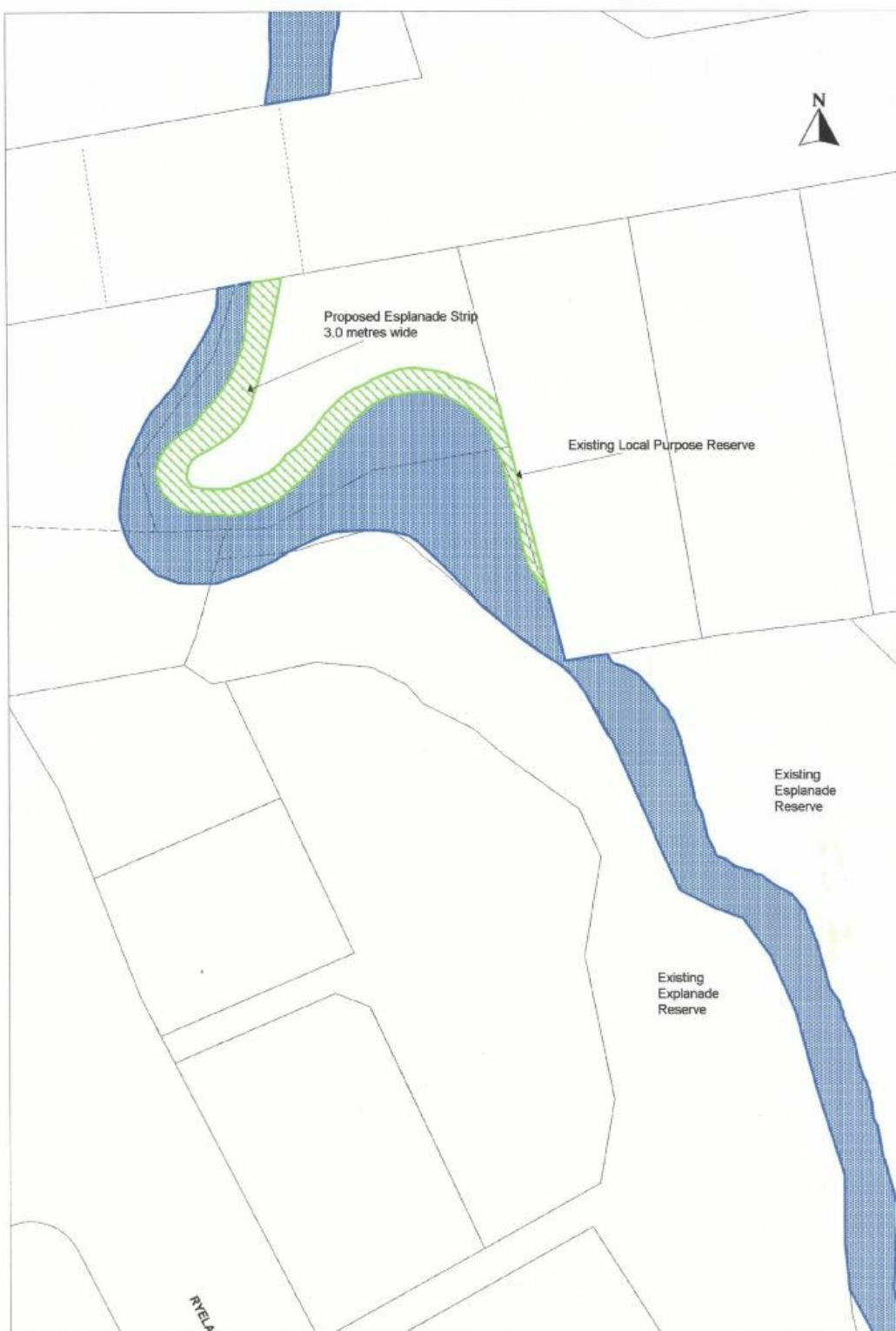
In using its discretion whether to create an esplanade reserve or strip in accordance with Table E12.1, the Council shall refer to policies in Part B, these being B1.2.9, B1.3.4 and B2.3.9

Table E12.1 - Esplanade Reserves and Strips

Waterbody	Instrument	Public Access	Min Width	Allotment Size
Bealey River (Arthur's Pass Township)	Reserve	Yes	20m	Any sized subdivision
Hororata River/Cody's Stream (Hororata Township)	Reserve	Yes	20m	Any sized subdivision
L1 Creek (Lincoln Township)*	Reserve*	Yes	20m	Any sized subdivision
LII River/Ararira (Lincoln Township)	Reserve	Yes	20m	Any sized subdivision
Halswell River (Tai Tapu Township)	Reserve - where unformed legal road not appropriate	Yes	20m	Any sized subdivision
Selwyn/Waikirikiriri River (Whitecliffs Township)	Reserve	Yes	20m	Any sized subdivision

*Except that on Lot 1 DP 46352 (25B/902) where a 3m reserve, with no public access shall be provided.

Map: L1 Creek Reserves



PART E

APPENDIX 17**LIST OF WATERBODIES FOR ESPLANADE RESERVES AND STRIPS****Introduction**

Table E17.1 outlines the waterbodies on which the Council would like to create esplanade reserves or strips when land is subdivided.

- The preferred instrument (reserve or strip);
- The purpose for which it may be created; and
- The minimum width of the reserve or strip; and
- The size of the allotments which are subdivided before the reserve or strip may be created.

In using its discretion whether to create an esplanade reserve or strip in accordance with Table E17.1, the Council shall refer to Policies B1.3.11 and B2.3.5

Table E17.1 - Esplanade Reserves and Strips

Waterbody	Instrument	Public Access	Min Width	Allotment Size
Boggy Creek – (from Lake Road to Te Waihora/Lake Ellesmere)	Strip	Yes	10m	<4ha
Harts Creek – (from Hills Road to Te Waihora/Lake Ellesmere)	Strip	Yes	10m	<4ha
Halswell River – where legal road not appropriate	Strip	Yes	10m	<4ha
Hororata River – (from Windwhistle Road to Selwyn River Confluence)	Strip	Yes	10m	<4ha
Irwell River – (from Leeston Road to Te Waihora/Lake Ellesmere)	Strip	Yes	10m	<4ha
LII – within any Rural Zone	Strip	Yes	10m	<4ha
Lake Coleridge – where access is practical and legal road is inundated	Reserve	Yes	20m	<4ha
Selwyn River/Waikirikiriri (from Chamberlains Ford to Selwyn Lake Road)	Reserve	Yes	20m	<4ha
Selwyn River/Waikirikiriri – Chamberlains Ford to Whitecliffs	Strip	Yes	10m	<4ha
Te Waihora/Lake Ellesmere	Reserve	Yes	20m	<4ha
Waikewae Creek (from Taumutu Marae to the Silent File Areas or Waahi Taonga sites shown on the Planning Maps)	Strip	Access restricted for local Rūnanga	10m/side	Any subdivision
Young's Creek (from Taumutu Marae to the Silent File Areas or Waahi Taonga sites shown on the Planning Maps)	Strip	Access restricted for local Rūnanga	10m/side	Any subdivision
Unnamed Drain – McLachlans Road at Taumutu (from Taumutu Marae to the Silent File Areas or Waahi Taonga sites shown on the Planning Maps)	Strip	Access restricted for local Rūnanga	10m/side	Any subdivision

Note:

- 1 Compensation will be payable under s237F of the Resource Management Act 1991 where esplanade strips are taken from allotments of greater than 4ha adjoining Waikewae Creek, Young's Creek and

the un-named drain at McLachlans Road, Taumutu in accordance with the above table.

- 2 The term “public access” in the above table refers to both the provision of public access along the river or lake, or access to the reserve or strip. Refer Rule 10.9.2.2 - access is not always compatible with conservation values.

Appendix H Local Government Act 1974

345 Disposal of land not required for road

- (1) Subject to subsection (3), where in forming a new road, or in diverting or stopping or diminishing the width of any existing road, any part thereof is no longer required as a road, the council may—
- (a) either—
- (i) sell that part to the owner or owners of any adjoining land for a price to be fixed by a competent valuer appointed by the council to value that part; or
 - (ii) grant a lease of that part to the owner or owners of any adjoining land for a term and at a rental and subject to such conditions as the council thinks fit;—
- and, if no such owner or owners is or are willing to purchase the land at the price fixed or, as the case may be, take a lease of that part for the term and at the rental and subject to the conditions fixed, the council may sell or lease the land by public auction or private tender; and a conveyance, transfer, or lease under the seal of the council shall constitute a valid title to the land; or
- (b) apply that part, or any part thereof, to any purpose to which the council may apply land, either under this Act or any other enactment; or
- (c) grant a lease of that part, or any part thereof, for such term and on such conditions as it thinks fit for use for any purpose to which the council may apply land, either under this Act or any other enactment; or
- (d) transfer that part, or any part thereof, to the Crown for a public reserve or for addition to a public reserve or for any purpose of public convenience or utility or as Crown land subject to the Land Act 1948.
- (1A) To avoid doubt, this section does not apply to the common marine and coastal area within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011.
- (3) Where any road or any part of a road along the mark of mean high water springs of the sea, or along the bank of any river with an average width of 3 metres or more, or the margin of any lake with an area of 8 hectares or more is stopped, there shall become vested in the council as an esplanade reserve (as defined in section 2(1) of the Resource Management Act 1991) for the purposes specified in section 229 of the Resource Management Act 1991—
- (a) a strip of land forming part of the land that ceases to be road not less than 20 metres wide along the mark of mean high water springs of the sea, or along the bank of any river or the margin of any lake (as the case may be); or
 - (b) the full width of the land which ceases to be road—
- whichever is the lesser.

- (4) The obligation under subsection (3) to set aside a strip of land not less than 20 metres in width as an esplanade reserve is subject to any rule included in a district plan under section 77 of the Resource Management Act 1991.

Appendix I New Zealand Coastal Policy Statement

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Policy 13 Preservation of natural character

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;

- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- (d) the natural movement of water and sediment;
- (e) the natural darkness of the night sky;
- (f) places or areas that are wild or scenic;
- (g) a range of natural character from pristine to modified; and
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including in seas, lakes, rivers and streams;
 - (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness;
 - (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;

- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

Policy 17 Historic heritage identification and protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need conservation;
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, conservation conditions; and
- (i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and

- (e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 19 Walking access

- (1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
- (2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
 - (a) identifying how information on where the public have walking access will be made publicly available;
 - (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
 - (c) identifying opportunities to enhance or restore public walking access, for example where:
 - (i) connections between existing public areas can be provided; or
 - (ii) improving access would promote outdoor recreation; or
 - (iii) physical access for people with disabilities is desirable; or
 - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or
 - (v) access to areas or sites of historic or cultural significance is important; or
 - (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.
- (3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
 - (a) to protect threatened indigenous species; or
 - (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
 - (c) to protect sites and activities of cultural value to Māori; or
 - (d) to protect historic heritage; or
 - (e) to protect public health or safety; or
 - (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
 - (g) for temporary activities or special events; or
 - (h) for defence purposes in accordance with the Defence Act 1990; or
 - (i) to ensure a level of security consistent with the purpose of a resource consent; or

- (j) in other exceptional circumstances sufficient to justify the restriction.
- (4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- (f) consider the potential effects of tsunami and how to avoid or mitigate them.

Appendix J National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

4 Relationship of regulations with territorial authority and regional council functions

These regulations—

- (a) deal with territorial authority functions under section 31 of the Act:
- (b) do not deal with regional council functions under section 30 of the Act.

5 Application

- (1) These regulations—
 - (a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):
 - (b) do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9).

Activities

- (5) An activity is subdividing land, which means subdividing land—
 - (a) that has boundaries that are identical with the boundaries of the piece of land; or
 - (b) that has all the piece of land within its boundaries; or
 - (c) that has part of the piece of land within its boundaries.

Land covered

- (7) The piece of land is a piece of land that is described by 1 of the following:
 - (a) an activity or industry described in the HAIL is being undertaken on it:
 - (b) an activity or industry described in the HAIL has been undertaken on it:
 - (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.
- (8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—
 - (c) subdivide land in a way that causes the piece of land to stop being production land:

Land not covered

- (9) These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.

8 Permitted activities***Subdividing or changing use***

- (4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:
- (a) a preliminary site investigation of the land or piece of land must exist:
 - (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:
 - (c) the report must be accompanied by a relevant site plan to which the report is referenced:
 - (d) the consent authority must have the report and the plan.

Consequence if requirement not met

- (5) If a requirement described in any of subclauses (1) to (3) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(1).
- (6) If a requirement described in subclause (4) is not met, the activity is a controlled activity under regulation 9 while it meets the requirements in regulation 9(3).

9 Controlled activities***Subdividing or changing use***

- (3) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:
- (a) a detailed site investigation of the piece of land must exist:
 - (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:
 - (c) the consent authority must have the report:
 - (d) conditions arising from the application of subclause (4), if there are any, must be complied with.
- (4) The matter over which control is reserved is the adequacy of the detailed site investigation, including—
- (a) site sampling:
 - (b) laboratory analysis:

- (c) risk assessment.

No public notification of application for resource consent

- (5) The consent authority must not give public notification of an application for a resource consent to do any of the activities.

Consequence if requirement not met

- (6) If a requirement described in this regulation is not met, the activity is a restricted discretionary activity under regulation 10 while it meets the requirements in regulation 10(2).

10 Restricted discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.
- (2) The activity is a restricted discretionary activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist:
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:
 - (c) the consent authority must have the report:
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.
- (3) The matters over which discretion is restricted are as follows:
 - (a) the adequacy of the detailed site investigation, including—
 - (i) site sampling:
 - (ii) laboratory analysis:
 - (iii) risk assessment:
 - (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:
 - (c) the approach to the remediation or ongoing management of the piece of land, including—
 - (i) the remediation or management methods to address the risk posed by the contaminants to human health:
 - (ii) the timing of the remediation:
 - (iii) the standard of the remediation on completion:
 - (iv) the mitigation methods to address the risk posed by the contaminants to human health:

- (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:
- (d) the adequacy of the site management plan or the site validation report or both, as applicable:
- (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:
- (f) the requirement for and conditions of a financial bond:
- (g) the timing and nature of the review of the conditions in the resource consent:
- (h) the duration of the resource consent.

Consequence if requirement not met

- (4) If a requirement described in this regulation is not met, the activity is a discretionary activity under regulation 11.

11 Discretionary activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.
- (2) The activity is a discretionary activity.

Appendix K Canterbury Regional Policy Statement

Chapter 4 Provisions for Ngāi Tahu and their relationship with resources

Methods

Territorial authorities, in order to give effect to their functions under the RMA will:

4.3.15 Include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

4.3.16 Include methods for the protection of Ngāi Tahu ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

Territorial authorities, in order to give effect to their functions under the RMA, should consider:

4.3.18 In the processing of resource consents, the protection of Ngāi Tahu ancestral lands, water sites, wāhi tapu and other taonga.

Chapter 5 Land use and infrastructure

5.2 Objectives

5.2.1 Location, design and function of development (Entire Region)

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
 - (a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;
 - (b) provides sufficient housing choice to meet the region's housing needs;
 - (c) encourages sustainable economic development by enabling business activities in appropriate locations;
 - (d) minimises energy use and/or improves energy efficiency;
 - (e) enables rural activities that support the rural environment including primary production;
 - (f) is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;
 - (g) avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;

- (h) facilitates the establishment of papakāinga and marae; and
- (i) avoids conflicts between incompatible activities.

5.3 Policies

5.3.1 Regional growth (Wider Region)

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. ensure that any
 - (a) urban growth; and
 - (b) limited rural residential development
 occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;
2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;
3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;
4. maintain and enhance the sense of identity and character of the region's urban areas; and
5. encourage high quality urban design, including the maintenance and enhancement of amenity values.

5.3.2 Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :
 - (a) existing or consented regionally significant infrastructure;
 - (b) options for accommodating the consolidated growth and development of existing urban areas;
 - (c) the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;
 - (d) the protection of sources of water for community supplies;
 - (e) significant natural and physical resources;
2. avoid or mitigate:
 - (a) natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;

- (b) reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;

and

3. integrate with:

- (a) the efficient and effective provision, maintenance or upgrade of infrastructure; and
- (b) transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.

5.3.3 Management of development (Wider Region)

To ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient:

1. through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and
2. where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.

5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region)

Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:

1. avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and
2. requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.

5.3.6 Sewerage, stormwater and potable water infrastructure (Wider Region)

Within the wider region:

1. Avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.
2. Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:
 - (a) the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and
 - (b) other adverse effects on the environment are appropriately controlled.
3. Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1.

5.3.7 Strategic land transport network and arterial roads (Entire Region)

In relation to strategic land transport network and arterial roads, the avoidance of development which:

1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and
2. in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.

5.3.9 Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;
2. provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
3. provide for the expansion of existing infrastructure and development of new infrastructure, while
 - (a) recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;
 - (b) avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and
 - (c) when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.

5.3.10 Telecommunication infrastructure (Wider Region)

Within the wider region:

1. Avoid development which constrains the ability of telecommunication infrastructure in Canterbury to be developed and used.
2. Enable telecommunication infrastructure to be developed and used provided that, as a result of its location and design;
 - (a) the adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied, mitigated; and
 - (b) other adverse effects on the environment are appropriately controlled.

5.3.11 Community-scale irrigation, stockwater and rural drainage infrastructure (Wider Region)

In relation to established and consented community-scale irrigation, stockwater and rural drainage infrastructure:

1. Avoid development which constrains the ability of this infrastructure in Canterbury to be operated, maintained and upgraded;
2. Enable this infrastructure to be operated, maintained and upgraded in Canterbury to more effectively and efficiently transport consented water provided that, as a result of its location and design:
 - (a) The adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, mitigated; and
 - (b) other adverse effects on the environment are appropriately managed.

5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. avoiding development, and/or fragmentation which;
 - (a) forecloses the ability to make appropriate use of that land for primary production; and/or
 - (b) results in reverse sensitivity effects that limit or precludes primary production.
2. enabling tourism, employment and recreational development in rural areas, provided that it:
 - (a) is consistent and compatible with rural character, activities, and an open rural environment;
 - (b) has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;
 - (c) is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural area; and
 - (d) is of a scale that would not compromise the primary focus for accommodating growth in consolidated, well designed and more sustainable development patterns.

and;
3. ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity.

Chapter 6 Recovery and rebuilding of Greater Christchurch

6.2 Objectives

6.2.1 Recovery framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

1. identifies priority areas for urban development within Greater Christchurch;

2. identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;
3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;
4. protects outstanding natural features and landscapes including those within the Port Hills from inappropriate subdivision, use and development;
5. protects and enhances indigenous biodiversity and public space;
6. maintains or improves the quantity and quality of water in groundwater aquifers and surface water bodies, and quality of ambient air;
7. maintains the character and amenity of rural areas and settlements;
8. protects people from unacceptable risk from natural hazards and the effects of sea-level rise;
9. integrates strategic and other infrastructure and services with land use development;
10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;
11. optimises use of existing infrastructure; and
12. provides for development opportunities on Māori Reserves in Greater Christchurch.

6.2.2 Urban form and settlement pattern

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

1. aiming to achieve the following targets for intensification as a proportion of overall growth through the period of recovery:
 - (a) 35% averaged over the period between 2013 and 2016
 - (b) 45% averaged over the period between 2016 to 2021
 - (c) 55% averaged over the period between 2022 and 2028;
2. providing higher density living environments including mixed use developments and a greater range of housing types, particularly in and around the Central City, in and around Key Activity Centres, and larger neighbourhood centres, and in greenfield priority areas and brownfield sites;
3. reinforcing the role of the Christchurch central business district within the Greater Christchurch area as identified in the Christchurch Central Recovery Plan;
4. providing for the development of greenfield priority areas on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;

5. encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton;
6. Managing rural residential development outside of existing urban and priority areas; and
7. Providing for development opportunities on Māori Reserves.

6.2.3 Sustainability

Recovery and rebuilding is undertaken in Greater Christchurch that:

1. provides for quality living environments incorporating good urban design;
2. retains identified areas of special amenity and historic heritage value;
3. retains values of importance to Tangata Whenua;
4. provides a range of densities and uses; and
5. is healthy, environmentally sustainable, functionally efficient, and prosperous.

6.2.4 Integration of transport infrastructure and land use

Prioritise the planning of transport infrastructure so that it maximises integration with the priority areas and new settlement patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while:

1. managing network congestion;
2. reducing dependency on private motor vehicles;
3. reducing emission of contaminants to air and energy use;
4. promoting the use of active and public transport modes;
5. optimising use of existing capacity within the network; and
6. enhancing transport safety.

6.2.5 Key activity and other centres

Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:

1. The Central City
2. Key Activity Centres
3. Neighbourhood centres.

These centres will be high quality, support a diversity of business opportunities including appropriate mixed-use development, and incorporate good urban design principles.

The development and distribution of commercial activity will avoid significant adverse effects on the function and viability of these centres.

6.3 Policies

6.3.1 Development within the Greater Christchurch area

In relation to recovery and rebuilding for Greater Christchurch:

1. give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;
2. give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;
3. enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;
4. ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;
5. provide for educational facilities in rural areas in limited circumstances where no other practicable options exist within an urban area; and
6. avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.

6.3.2 Development form and urban design

Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:

1. Tūrangawaewae – the sense of place and belonging – recognition and incorporation of the identity of the place, the context and the core elements that comprise the place. Through context and site analysis, the following elements should be used to reflect the appropriateness of the development to its location: landmarks and features, historic heritage, the character and quality of the existing built and natural environment, historic and cultural markers and local stories.
2. Integration – recognition of the need for well-integrated places, infrastructure, movement routes and networks, spaces, land uses and the natural and built environment. These elements should be overlaid to provide an appropriate form and pattern of use and development.
3. Connectivity – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of transport.
4. Safety – recognition and incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the layout and design of developments, networks and spaces to ensure safe, comfortable and attractive places.

5. Choice and diversity – ensuring developments provide choice and diversity in their layout, built form, land use housing type and density, to adapt to the changing needs and circumstances of the population.
6. Environmentally sustainable design – ensuring that the process of design and development minimises water and resource use, restores ecosystems, safeguards mauri and maximises passive solar gain.
7. Creativity and innovation – supporting opportunities for exemplar approaches to infrastructure and urban form to lift the benchmark in the development of new urban areas in the Christchurch region.

6.3.3 Development in accordance with outline development plans

Development in greenfield priority areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will:

1. Be prepared as:
 - (a) a single plan for the whole of the priority area; or
 - (b) where an integrated plan adopted by the territorial authority exists for the whole of the priority area and the outline development plan is consistent with the integrated plan, part of that integrated plan; or
 - (c) a single plan for the whole of a rural residential area; and
2. Be prepared in accordance with the matters set out in Policy 6.3.2;
3. To the extent relevant show proposed land uses including:
 - (a) Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;
 - (b) Land required for community facilities or schools;
 - (c) Parks and other land for recreation;
 - (d) Land to be used for business activities;
 - (e) The distribution of different residential densities, in accordance with Policy 6.3.7;
 - (f) Land required for stormwater treatment, retention and drainage paths;
 - (g) Land reserved or otherwise set aside from development for environmental, historic heritage, or landscape protection or enhancement;
 - (h) Land reserved or otherwise set aside from development for any other reason, and the reasons for its protection from development;

- (i) Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;
- 4. Demonstrate how Policy 6.3.7 will be achieved for residential areas within the area that is the subject of the outline development plan, including any staging;
- 5. Identify significant cultural, natural or historic heritage features and values, and show how they are to be protected and/or enhanced;
- 6. Document the infrastructure required, when it will be required and how it will be funded;
- 7. Set out the staging and co-ordination of subdivision and development between landowners;
- 8. Demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles;
- 9. Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- 10. Show how other potential adverse effects on the environment, including the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- 11. Show how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated as appropriate and in accordance with Chapter 11 and any relevant guidelines; and
- 12. Include any other information that is relevant to an understanding of the development and its proposed zoning.

6.3.4 Transport effectiveness

Ensure that an efficient and effective transport network that supports business and residential recovery is restored, protected and enhanced so that it maintains and improves movement of people and goods around Greater Christchurch by:

- 1. avoiding development that will overload strategic freight routes;
- 2. providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice;
- 3. providing opportunities for travel demand management;
- 4. requiring integrated transport assessment for substantial developments; and
- 5. improving road user safety.

6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

1. Identifying priority areas for development to enable reliable forward planning for infrastructure development and delivery;
2. Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:
 - (a) optimise the efficient and affordable provision of both the development and the infrastructure;
 - (b) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - (c) protect investment in existing and planned infrastructure; and
 - (d) ensure new development does not occur until provision for appropriate infrastructure is in place;
3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;
4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28); and
5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.

6.3.7 Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

1. Subject to Policy 5.3.4, residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.
2. Intensification in urban areas of Greater Christchurch is to be focused around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land.
3. Intensification developments and development in greenfield priority areas shall achieve at least the following residential net densities averaged over the whole of an ODP area (except where subject to an existing operative ODP with specific density provisions):
 - (a) 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;
 - (b) 15 household units per hectare in greenfield areas in Christchurch City;

4. Intensification development within Christchurch City to achieve an average of:
 - (a) 50 household units per hectare for intensification development within the Central City;
 - (b) 30 household units per hectare for intensification development elsewhere.
5. Provision will be made in district plans for comprehensive development across multiple or amalgamated sites.
6. Housing affordability is to be addressed by providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period, enabling brownfield development and providing for a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, townhouses and terraced housing.

6.3.8 Regeneration of brownfield land

To encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and neighbourhood centres, or give rise to significant reverse sensitivity effects.

6.3.9 Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

1. In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;
2. The location must be outside the greenfield priority areas for development and existing urban areas;
3. All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;
4. Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State highway under the Government Roadway Powers Act 1989;
5. The location and design of any proposed rural residential development shall:
 - (a) avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;
 - (b) avoid the groundwater protection zone for Christchurch City's drinking water;

- (c) avoid land between the primary and secondary stop banks south of the Waimakariri River;
 - (d) avoid land required to protect the landscape character of the Port Hills;
 - (e) not compromise the operational capacity of the Burnham Military Camp, West Melton Military Training Area or Rangiora Airfield;
 - (f) support existing or upgraded community infrastructure and provide for good access to emergency services;
 - (g) avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;
 - (h) avoid significant natural hazard areas including steep or unstable land;
 - (i) avoid significant adverse ecological effects, and support the protection and enhancement of ecological values;
 - (j) support the protection and enhancement of ancestral land, water sites, wāhi tapu and wāhi taonga of Ngāi Tahu;
 - (k) where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and
 - (l) avoid adverse effects on existing surface water quality.
6. An outline development plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character.
7. A rural residential development area shall not be regarded as in transition to full urban development.

6.3.10 Māori Reserves

Recognise and provide for the relationship of local Ngāi Tahu with their ancestral lands, waters, wāhi tapu and taonga by enabling Māori Reserves within the Greater Christchurch area to be developed and used for their intended purposes for which they were originally reserved, taking into account the following matters where relevant:

- (a) flooding, inundation and other natural hazards;
- (b) rural amenity and outlook;
- (c) compact urban form;
- (d) range of housing options;
- (e) provision of appropriately sized local retail/commercial centres;
- (f) any outline development plan; and
- (g) the range of lot sizes and densities.

Chapter 7 Fresh water

7.2 Objectives

7.2.1 Sustainable management of fresh water

The region's fresh water resources are sustainably managed to enable people and communities to provide for their economic and social well-being through abstracting and/or using water for irrigation, hydro-electricity generation and other economic activities, and for recreational and amenity values, and any economic and social activities associated with those values, providing:

1. the life-supporting capacity ecosystem processes, and indigenous species and their associated freshwater ecosystems and mauri of the fresh water is safe-guarded;
2. the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced; and
3. any actual or reasonably foreseeable requirements for community and stockwater supplies and customary uses, are provided for.

7.3 Policies

7.3.1 Adverse effects of activities on the natural character of fresh water

To identify the natural character values of fresh water bodies and their margins in the region and to:

1. preserve natural character values where there is a high state of natural character;
2. maintain natural character values where they are modified but highly valued; and
3. improve natural character values where they have been degraded to unacceptable levels;

unless modification of the natural character values of a fresh water body is provided for as part of an integrated solution to water management in a catchment in accordance with Policy 7.3.9, which addresses remedying and mitigating adverse effects on the environment and its natural character values.

Chapter 8 The coastal environment

8.2 Objectives

8.2.2 Provision for appropriate activities in the coastal environment

A framework is provided for appropriate occupation, subdivision, use and development of the coastal environment while managing the adverse effects of those activities.

8.2.3 Regionally significant infrastructure and commercial maritime facilities

Subdivision, use or development in the coastal environment does not adversely affect the efficient development and use of regionally significant infrastructure and other commercial maritime activities.

8.2.4 Preservation, protection and enhancement of the coastal environment

In relation to the coastal environment:

1. Its natural character is preserved and protected from inappropriate subdivision, use and development; and
2. Its natural, ecological, cultural, amenity, recreational and historic heritage values are restored or enhanced.

8.2.5 Provision of access

Maintenance and enhancement of appropriate public and Ngāi Tahu access to and along the coastal marine area to enhance recreational opportunities and to enhance the ability of Ngāi Tahu as tāngata whenua to access kaimoana and exercise tikanga Māori.

8.3 Policies

8.3.4 Preservation of the natural character of the coastal environment

To preserve and restore the natural character of the coastal environment by:

1. protecting outstanding natural features and landscapes including seascapes from inappropriate occupation, subdivision, use and development;
2. protecting and enhancing indigenous ecosystems and associated ecological processes;
3. promoting integrated management of activities that affect natural character in the coastal environment and the coastal marine area, in particular coastal landforms and landscapes that are significant, representative or unique to the region;
4. avoiding new development adjacent to the coastal marine area that will compromise areas of high natural character; and
5. in appropriate situations, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations.

8.3.5 Maintenance and enhancement of public and Ngāi Tahu access

To maintain and enhance public and Ngāi Tahu access to and along the coastal marine area, subject to:

1. protecting public health and safety.
2. avoiding significant adverse effects on natural, physical, amenity, recreational, cultural and historic heritage values of the coastal environment.
3. avoiding damage to natural buffers to coastal erosion.
4. protecting Ngāi Tahu sites of special value.
5. protecting the stability, performance, maintenance and operation of regionally significant infrastructure in the coastal environment or other commercial maritime facilities.
6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of land in the coastal environment.
7. ensuring compliance with legislative maritime security requirements for ships and port facilities.

Chapter 10 Beds of rivers and lakes and their riparian zones

10.2 Objectives

10.2.4 Public and Ngāi Tahu access to and along rivers and lakes

Maintenance and enhancement of public and Ngāi Tahu access to and along rivers and lakes.

10.3 Policies

10.3.1 Activities in river and lake beds and their riparian zones

To provide for activities in river and lake beds and their riparian zones, including the planting and removal of vegetation and the removal of bed material, while:

1. recognising the implications of the activity on the whole catchment;
2. ensuring that significant bed and riparian zone values are maintained or enhanced; or
3. avoiding significant adverse effects on the values of those beds and their riparian zones, unless they are necessary for the maintenance, operation, upgrade, and repair of essential structures, or for the prevention of losses from floods, in which case significant adverse effects should be mitigated or remedied.

10.3.2 Protection and enhancement of areas of river and lake beds and their riparian zones

To preserve the natural character of river and lake beds and their margins and protect them from inappropriate subdivision, use and development, and where appropriate to maintain and/or enhance areas of river and lake beds and their margins and riparian zones where:

1. they exist in a degraded state and enhancement will achieve long-term improvement in those values;
2. they have ecological values for which protection and/or enhancement will assist in the establishment or re-establishment of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas;
3. they have existing significant trout or salmon habitat;
4. maintenance and/or enhancement will improve or establish connections between habitats and create corridors for indigenous species and trout and salmon and their movement between areas;
5. riparian zones provide a buffer from activities that may adversely affect bed values;
6. opportunities exist to create habitat corridors for plants and animals; or
7. riparian zones provide spawning or other significant habitats for at risk or threatened species, such as inanga or Canterbury mudfish.

10.3.3 Management for flood control and protecting essential structures

To manage activities in river and lake beds and their banks or margins to:

1. avoid or, where this is not practicable, to remedy or mitigate adverse effects on vegetation that controls flood flows or protects river banks or lake margins from erosion; and

2. avoid adverse effects on the stability, performance, operation, maintenance, upgrade and repair of essential structures that are located in, on, under or over a river or lake bed or its bank or margin.

10.3.5 Maintenance and enhancement of public and Ngāi Tahu access

To promote the maintenance and enhancement of public and Ngāi Tahu access to and along the beds of rivers and lakes, and to ensure that subdivision use and development does not result in inappropriate loss of existing access, subject to:

1. protecting public health and safety, and avoiding conflict between different types of access;
2. avoiding adverse effects on the values of the beds, or stability of banks;
3. protecting Ngāi Tahu cultural values and sites of significance from inappropriate public access;
4. protecting the stability, performance and operation of essential structures in, on, under or over the beds;
5. ensuring the integrity of flood-protection vegetation is maintained;
6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of river or lake beds and adjacent land, or of the owners/operators of infrastructure in, on, under or over the bed; and
7. engaging with the Walking Access Commission to identify and negotiate issues around public access.

Chapter 11 Natural hazards

11.2 Objectives

11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

11.2.2 Adverse effects from hazard mitigation are avoided or mitigated

Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.

11.3 Policies

11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and

2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
4. is not likely to exacerbate the effects of the natural hazard; or
5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or
6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which case the effects of the natural hazard must be avoided or appropriately mitigated; or
7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significant infrastructure.

11.3.2 Avoid development in areas subject to inundation

In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:

1. is of a type that is not likely to suffer material damage in an inundation event; or
2. is ancillary or incidental to the main development; or
3. meets all of the following criteria:
 - (a) new buildings have an appropriate floor level above the 0.5% AEP design flood level; and
 - (b) hazardous substances will not be inundated during a 0.5% AEP flood event;

provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).

When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.

11.3.3 Earthquake hazards

New subdivision, use and development of land on or close to an active earthquake fault trace, or in areas susceptible to liquefaction and lateral spreading, shall be managed in order to avoid or mitigate the adverse effects of fault rupture, liquefaction and lateral spreading.

11.3.5 General risk management approach

For natural hazards and/or areas not addressed by policies 11.3.1, 11.3.2, and 11.3.3, subdivision, use or development of land shall be avoided if the risk from natural hazards is unacceptable. When determining whether risk is unacceptable, the following matters will be considered:

1. the likelihood of the natural hazard event; and

2. the potential consequence of the natural hazard event for: people and communities, property and infrastructure and the environment, and the emergency response organisations.

Where there is uncertainty in the likelihood or consequences of a natural hazard event, the local authority shall adopt a precautionary approach.

Formal risk management techniques should be used, such as the Risk Management Standard (AS/NZS ISO 31000:2009) or the Structural Design Action Standard (AS/NZS 1170.0:2002).

11.3.8 Climate change

When considering natural hazards, and in determining if new subdivision, use or development is appropriate and sustainable in relation to the potential risks from natural hazard events, local authorities shall have particular regard to the effects of climate change.

Chapter 12 Landscape

12.2 Objectives

12.2.1 Identification and protection of outstanding natural features and landscapes

Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development.

12.2.2 Identification and management of other landscapes

The identification and management of other important landscapes that are not outstanding natural landscapes. Other important landscapes may include:

1. natural character
2. amenity
3. historic and cultural heritage

12.3 Policies

12.3.2 Management methods for outstanding natural features and landscapes

To ensure management methods in relation to subdivision, use or development, seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

12.3.3 Identification and management of other important landscapes

Identifying and managing other important landscapes that are not outstanding natural landscapes, for natural character, historic cultural, historic heritage and amenity purposes.

Chapter 13 Historic heritage

13.2 Objectives

13.2.1 Identification and protection of significant historic heritage

Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury's distinctive character and sense of identity from inappropriate subdivision, use and development.

13.2.2 Historic cultural and historic heritage landscapes

Recognition that cultural and heritage values are often expressed in a landscape setting and to make provision for the protection of such landscapes from inappropriate subdivision, use and development.

13.3 Policies

13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas

To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

1. identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters:
 - (a) Historic
 - (b) Cultural
 - (c) Architectural
 - (d) Archaeological
 - (e) Technological
 - (f) Scientific
 - (g) Social
 - (h) Spiritual
 - (i) Traditional
 - (j) Contextual
 - (k) Aesthetic
2. working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.
3. having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.
4. considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.

5. recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.

13.3.2 Recognise places of cultural heritage significance to Ngāi Tahu

To recognise places of historic and cultural heritage significance to Ngāi Tahu and protect their relationship and culture and traditions with these places from the adverse effects of inappropriate subdivision, use and development.

13.3.3 Historic cultural and historic heritage landscapes

Significant historic cultural and historic heritage landscapes are to be protected from inappropriate subdivision, use and development. When determining the significance of values of historic cultural or historic heritage landscapes, the following matters will be considered:

1. Heritage fabric
2. Time depth
3. Natural science value
4. Tāngata whenua value
5. Cultural diversity
6. Legibility and evidential value
7. Shared and recognised value
8. Aesthetic value
9. Historic or cultural importance

In relation to their management, and determining the appropriateness of scale, form and location of development in these areas, the following matters will be considered:

- (a) Cultural sensitivity of the proposal.
- (b) Integrity or intactness of the landscape, items, features or linkages
- (c) Vulnerability to change or modification
- (d) Recognition of boundaries
- (e) Opportunities for maintaining values

Chapter 14 Air quality

14.2 Objectives

14.2.1 Maintain or improve ambient air quality

Maintain or improve ambient air quality so that it is not a danger to people's health and safety, and reduce the nuisance effects of low ambient air quality.

14.3 Policies

14.3.2 Emissions from the use of solid and liquid based fuels

To promote measures, including the transfer to cleaner technology and fuel sources, that reduce the adverse effect on ambient air quality from the use of solid and liquid based fuels.

Chapter 15 Soils

15.2 Objectives

15.2.2 Prevention of soil erosion

Prevention of new significant induced soil erosion, and the reduction of significant existing induced erosion.

15.3 Policies

15.3.2 Avoid and remedy significant induced soil erosion

To avoid significant new induced soil erosion resulting from the use of land and as far as practicable remedy or mitigate significant induced soil erosion where it has occurred. Particular focus is to be given to the desirability of maintaining vegetative cover on non-arable land.

Chapter 16 Energy

16.2 Objectives

16.2.1 Efficient use of energy

Development is located and designed to enable the efficient use of energy, including:

1. maintaining an urban form that shortens trip distances
2. planning for efficient transport, including freight
3. encouraging energy-efficient urban design principles
4. reduction of energy waste
5. avoiding impacts on the ability to operate energy infrastructure efficiently.

16.3 Policies

16.3.1 Efficient use of energy

To promote the efficient end-use of energy.

16.3.4 Reliable and resilient electricity transmission network within Canterbury

To encourage a reliable and resilient national electricity transmission network within Canterbury by:

1. having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;

2. avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;
3. enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where;
 - (a) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and
 - (b) other adverse effects on the environment are appropriately controlled.

Policy 16.3.5 — Efficient, reliable and resilient electricity generation within Canterbury

To recognise and provide for efficient, reliable and resilient electricity generation within Canterbury by:

1. avoiding subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained;
2. enabling the upgrade of existing, or development of new electricity generation infrastructure, with a particular emphasis on encouraging the operation, maintenance and upgrade of renewable electricity generation activities and associated infrastructure:
 - (a) having particular regard to the locational, functional, operational or technical constraints that result in renewable electricity generation activities being located or designed in the manner proposed;
 - (b) provided that, as a result of site, design and method selection:
 - (i) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable remedied, mitigated or offset; and
 - (ii) other adverse effects on the environment are appropriately controlled.
3. providing for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation;
4. maintaining the generation output and enabling the maximum electricity supply benefit to be obtained from the existing electricity generation facilities within Canterbury, where this can be achieved without resulting in additional significant adverse effects on the environment which are not fully offset or compensated.