

SELWYN DISTRICT PLAN REVIEW
RE005 BULK AND LOCATION
PREPARED FOR SELWYN DISTRICT COUNCIL
May 2018



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REVISION SCHEDULE

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Executive Summary

The purpose of this report is to provide an evaluation of the extent to which the Operative Selwyn District Plan (District Plan) provisions achieve Selwyn District Council's objectives with respect to residential bulk and location, summarise the approaches undertaken by other Councils, and provide initial recommendations as to the rules that could be removed, amended or introduced.

This report is divided into two separate sections which cover the following matters:

- **Sections 1-7: Background** – This section of the report provides an evaluation of the suite of rules applying to the bulk and location of residential buildings within a site in the Living Zones; and
- **Sections 8-9: Recommendations** – this section of the report identifies the types of rules that could be included in the Proposed District Plan.

To achieve the above, this report focuses on the residential bulk and location rules of the Township Section of the District Plan contained within the Living 1, 2, X, WM and Z Zones. Consideration of the Living 3 Zone provisions and Alpine Villages has been excluded from the scope of this Report as they are being addressed in separate scopes of work.

Current Plan Provisions

The term "bulk and location" is used to describe the dimensions of a building and its location on a site and includes:

- height;
- width;
- length;
- shape;
- orientation on a site;
- distance from the boundaries;
- floor area; and
- percentage of the site occupied by buildings.

There are no specific outcomes attributed to residential bulk and location provisions in the District Plan. Instead, the District Plan's objectives seek to maintain the existing quality of the environment by ensuring that the District's townships are pleasant places to live and work, and addressing the quality of the environment and amenity values that may make a township an unpleasant place to live or work. The general residential environment objectives are then implemented by policies which provide a higher level of specificity, although only for medium density residential development, such as Policy B3.4.3. There are no policies applicable to more general residential developments that have this level of guidance for bulk and location. Instead, policies are more general and seek to provide pleasant places to live in.

The above aspects are managed through bulk and location rules relating to:

- height;
- recession planes;
- setbacks;
- private open space; and
- site coverage.

Feedback from Council on the Current Plan

An analysis of the existing Living Zone bulk and location rules and discussions with Council staff identified a number of issues, primarily relating to how the rules are written, and the overall ease of interpretation. Recommendations include:

Item	Recommendation
Rule formatting	Consistent style, and approach and numbering
Terminology	Use consistent terminology
Cross-Referencing	Activity status able to be determined without needing to transverse separate sections of the plan
Rule Structure	Intuitive structure with a clear relationship between the rule and any associated standards, controls or matters of control or discretion
Measurability	Standards need to be measurable
Overly Restrictive Rules	Reconsider activity status to ensure rules are not overly or unreasonably restrictive. Ensure there is a logical activity status cascade where there is non-compliance with a standard.
General Comments	<ul style="list-style-type: none"> • Undertake scenario testing • Ensure rule references are correct • Insert figures into the rules • Remove unnecessary references • All zones must be described and defined in the plan • Apply standards to structures, instead of activities • Objectives and policies must be robust and traceable to their relevant rules
Additional rules to consider/ rules to be removed	<ul style="list-style-type: none"> • Reconsider rules relating to Step In Plans as these are not used. This may be because the situation very rarely arises where these rules would be applied • Fencing rules • Amend the description of temporary activities to include shipping containers
Definitions	<p>Council may wish to consider adding or amending the following definitions:</p> <ul style="list-style-type: none"> • Development – amend • Net area - add • Setback - add • Outdoor living space - add • Front building façade – amend • Infill Development – add • Site coverage - add • Intensification - add • Medium Density - amend • Comprehensive residential development - amend <p>Some of these terms are identified in the Ministry for the Environment Discussion Paper on Definitions, and therefore may be defined in National Planning Standards rather than district plans.</p>

Managing Residential Bulk and Location

In terms of the intent of the rules, the standards for site coverage, setbacks, recession planes, and height contribute towards achieving Council's amenity objectives, and should be retained as an effective method for managing residential bulk and location.

The current objective regarding residential development is broad and could be interpreted in a number of ways. It is recommended that the objectives be reviewed with consideration given to more specificity about the residential environment that is intended.

The policies are also broad with regards to general residential development. By comparison Policy B3.4.3 is highly specific about new medium density residential developments identified in Outline Development Plans. This approach could be replicated for general residential development to guide how the objectives will be achieved.

In terms of the residential bulk and location rules themselves, the comparison against Waimakariri District Plan and Christchurch District Plan indicated a high level of alignment. The standards where Selwyn District Plan had a noticeably different approach were in the following areas:

- larger front yard setbacks from the road boundary where the garage door is not facing the road;

- the 1m garage and accessory building setback from side and rear boundaries whereas the other district plans could reduce this to 0;
- slightly higher site coverage for general residential development, but aligned for medium density residential development;
- larger requirements for outdoor living areas for comprehensive residential developments; and
- absence of service court requirements for medium density residential developments.

As residential areas intensify over time, greater controls are needed to ensure that residential amenity is maintained.

Alternative bulk and location standards that are tailored to the style of residential development are supported. For multi-unit developments and developments on smaller sites (i.e. less than 400m²), the restricted discretionary process allows consideration of the design holistically by removing yard requirements and recession plane requirements for internal boundaries. Although terraced house developments are not generally provided within the District, increases in height to 10m (from 8m) and site coverage to 55% (from 45%) is typical of many terraced house developments in other parts of New Zealand, allowing for a third storey without compromising the style or design of the development. A site coverage of 50-60% is also typical of many terrace, multi-unit developments, but should not go higher than 60%.

Areas for potential change include the use of the front yard for car parking on smaller sites, and rules which enable a more efficient use of space than 1m side yards. Allowing garages to encroach into the side yard would allow for the efficient use of land without creating any adverse effects on adjoining properties. If designed correctly, it would provide additional, useable outdoor living space.

While private open space is important, there is no need for specific standards on sites greater than 400m² as there is adequate space left by the site coverage requirements. The size and location of private open space does become more important with the smaller sites however. DCM Urban considers that between 400m² and 600m² there is still sufficient room for outdoor living space and there will be no need to change to a different type of house typology. In general the properties will appear the same as the properties over 600m² in size, for all intents and purposes if the existing bulk and location rules are applied. For corner sites, given the site has two road frontages or a road and a public reserve, greater controls are required to ensure good design outcomes are achieved. For corner sites DCM Urban recommends a threshold of 500m² is adopted with the same private open space requirements as sites below 400m². This is due to the site having two frontages making the positioning of private open space more problematic, but not impossible. North, west or east facing private open space should always take precedence over whether the private open space is in the front yard or not.

The comparison with the Waimakariri and Christchurch District Plans highlighted the high level of complexity of the Selwyn District Plan residential provisions. For residential sites (i.e. detached dwellings on sites greater than 400m²), a standardised set of general residential provisions with consistent bulk and location standards is recommended. Simplification of the current Living Zones is also recommended to provide consistent setbacks, heights and site coverage through all Living Areas, as minor variations to the standards do not have a discernible influence.

Notwithstanding the drafting changes recommended in the table above, the rules would also benefit from re-structuring. The Waimakariri and Christchurch District Plans were intuitive in their structure – it was easy to find the residential building standards and they were structured in a logical way. The provisions were separated into their zones so users of the plans only needed to find the zone chapter and all the relevant rules relevant to that zone were in one location. While this may result in duplication within the Plan, there is more certainty for users that all relevant rules have been located.

Bulk and Location for Housing Typologies

The housing typologies likely for Selwyn in the future include:

- Detached dwelling, single or two storey
- Duplex and terraced houses
- Low-rise apartments (three storey maximum, limited provision of this typology)
- Minor dwellings

The following are recommended approaches to bulk and location standards for housing typologies, and includes some aspects of design as requested by Council. Because minor dwellings are secondary to the

principal dwelling, the recommendations for minor dwellings are generally covered by the recommended approaches to detached dwellings (e.g. site coverage). However, there are bulk and location standards specific to minor dwellings and these are set out in the paragraphs following this table.

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
Height	The 8m height limit is appropriate.	The 8m height limit in the Selwyn District Plan comfortably allows for two storey residential development. Minor protrusions into the height standard should remain such as chimneys and aerals.	A 10m height limit would allow for the development of 3 storey dwellings in town centres where additional height is exceeded. Minor protrusions into the height standard should remain such as chimneys and aerals.
Recession planes	Applicable to all boundaries.	Applicable zone boundaries Recommended that recession planes do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed. Enable a gable end, dormer roof or chimney to protrude through the recession planes. The height in relation to boundary standard should not apply to existing or proposed internal boundaries within a site.	Applicable zone boundaries. Recommended that recession planes do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed. Enable a gable end, dormer roof or chimney to protrude through the recession planes. The height in relation to boundary standard should not apply to existing or proposed internal boundaries within a site.
Setbacks from site boundaries	2m but allow garages to be built on side/rear. 3m front boundary where the garage door is not facing the road. Eaves are exempt from the setback requirements.	Side setbacks apply only to boundaries with lower density residential zones. Setbacks from the road will manage the streetscape and the way the buildings frame the road. Eaves are exempt from the setback requirements.	Side setbacks apply only to boundaries with lower density residential zones. Setbacks from the road will manage the streetscape and the way the buildings frame the road. Eaves are exempt from the setback requirements.
Outdoor living space	No standards required for sites greater than 400m ² . Standards for outdoor living space are recommended for sites:	Outdoor living space standards are essential. The standards should include area, minimum dimension and location for sunlight (i.e. north of east or west bearing). The outdoor living space should also be accessed from the dwelling to which	Outdoor living space standards are essential. The standards should including a specified area for each unit, minimum dimension and location for sunlight (i.e. north of east or west bearing). The outdoor living space should also be accessed from the

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
	<ul style="list-style-type: none"> less than 400m² or sites larger than 400m² that are corner sites with two road frontages. <p>The standards should include area, minimum dimension and location for sunlight (i.e. north of east of west bearing). The outdoor living space should also be accessed from the dwelling to which it relates, ideally from living areas and dining rooms.</p>	<p>it relates, ideally directly from living areas and/or dining rooms.</p> <p>Enable a portion of the outdoor living space to be located in the road setback where this is north facing.</p>	<p>dwelling to which it relates, ideally directly from living areas and/or dining rooms.</p> <p>Standards are needed for each residential space as well as communal space.</p> <p>Enable balconies above ground level to contribute to outdoor living space and include minimum size requirements of balconies.</p>
Site coverage	Retain 40%.	50% is appropriate.	Increase the site coverage standard to 55%
Landscaping	No standards required	<p>Area - minimum percentage area of landscaping is required such as 30%.</p> <p>Outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.</p> <p>The location of the landscaped area is also important, with the treatment of the area between the dwelling and road boundary contributing to the amenity of the public realm and the amenity of the site.</p>	<p>Area - minimum percentage area of landscaping is required such as 30%.</p> <p>Outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.</p> <p>The location of the landscaped area is also important, with the frontage being important</p>
Fencing	<p>Maximum height for visually impervious fences (i.e. less than 50% visually open).</p> <p>Increased maximum height for fences with greater than 50% transparency.</p>	<p>Not permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard.</p> <p>It is recommended that the fencing standards are consistent within each residential zone and are reflective of the dominant housing typology in that zone, rather than specific</p>	<p>Not permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard.</p>

Commented [JL1]: Can you explain more?

Commented [CW2]: I agree and text added to outline the issue.

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
		standards for each housing typology.	
Outdoor storage	No standards required.	Standards regarding size and location to enable storage / screening of rubbish bins in a location convenient to the dwelling but not visible from a public space or adjoining residential unit.	Standards regarding size and location to enable communal storage of rubbish. The standards should ensure that the space is: <ul style="list-style-type: none"> convenient to the apartment not visible from a public space or adjoining residential unit. Easily accessible by a rubbish truck, taking into consideration turning circles for a truck. Individual storage facilities for rubbish should be discouraged.
Privacy	Standards for two storied dwellings that control two aspects above ground level: <ul style="list-style-type: none"> Balconies; and Windows. <p>The only issue is where these features are facing a side or rear boundary. In these instances, the standards could require an increased setback from the boundary or design features of the windows such as opaque glazing or a higher sill height.</p>	Ensure privacy through: <ul style="list-style-type: none"> location of the outdoor living area screening of outdoor living areas controlling the placement of balconies above ground level to ensure that they are facing onto an open area such as the road frontage or a communal open space. controlling the placement of windows at floors above ground level – particularly those that face a side or rear boundary. <p>This matter is most effectively managed by a</p>	Ensure privacy through: <ul style="list-style-type: none"> location of the outdoor living area screening of outdoor living areas from adjoining units controlling the placement or type of windows adjacent to a private outdoor living area. This can be controlled within the design of the apartment building itself, as well as ensuring that the new building does not affect the quality and privacy of private outdoor living areas on adjoining sites. controlling the placement of balconies above ground level to

Commented [JL3]: How can you control the placement of neighbouring windows? Currently address this by way of Rule 4.9.24.1 in some locations. Should the application of this rule be expanded across the district?

Commented [CA4]: Have re-worded to acknowledge only control what is in site. We can't find Rule 4.9.24.1

Commented [JL5]: My mistake – it is Rule 4.9.29.1. Similar comment – this rule currently only applies in some locations. Is the recommendation that it only apply now to this typology or is it equally relevant to any development more than 1 storey high?

Commented [CW6]: The standards in this current rule will be effective. Two of the typologies are likely to go through a consent process so the question is whether it is worth including standards to this effect, or whether this is more effectively covered as a matter of discretion.

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
		specific matter of discretion.	<p>ensure that they are facing onto an open area such as the road frontage or a communal open space.</p> <ul style="list-style-type: none"> controlling the placement of windows at floors above ground level – particularly those that face a side or rear boundary. <p>This matter is most effectively managed by a specific matter of discretion.</p>
Balconies	Standards not required	<p>Enable part of the outdoor living space to be accommodated through balconies.</p> <p>The privacy aspect of balconies is most effectively managed through matters of discretion.</p>	<p>Enable part of the outdoor living space to be accommodated through balconies.</p> <p>The privacy aspect of balconies is most effectively managed through matters of discretion.</p>
Garage doors – position facing roads	5.5m to allow for on-site parking in front of a garage.	<p>Encourage garaging to be at the rear of developments, or accessed via a rear accessway.</p> <p>On accessways, garage doors could open directly onto the lane.</p> <p>Matters of discretion should include streetscape and the pedestrian realm.</p>	<p>Encourage the use of communal parking areas, e.g. to the rear of a development.</p> <p>Matters of discretion should include streetscape and the pedestrian realm.</p>
Windows at first floor level	Where there a second storey, a 4m offset from side and rear boundaries to ensure privacy is maintained	<p>Ensure a principal habitable room overlooking the street. This is to contribute to safety of the public realm as well as ensuring the building does not have blank walls facing the street.</p> <p>4m offset from side and rear boundaries to ensure privacy is maintained.</p>	<p>Ensure a principal habitable room overlooking the street. This is to contribute to safety of the public realm as well as ensuring the building does not have blank walls facing the street.</p> <p>4m offset from side and rear boundaries to ensure privacy is maintained.</p>
Windows of habitable rooms	On the ground floor – no restriction.	Where there are yards, a matter of discretion to avoid windows of	Where there are yards, a matter of discretion to

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
	As above for second storey windows.	adjacent houses being aligned. On the ground floor – no restriction As above for first floor windows. Ensure at least one habitable room is oriented towards the street to provide opportunities for passive surveillance of the street.	avoid windows of adjacent houses being aligned. On the ground floor – no restriction As above for first floor windows. Ensure at least one habitable room is oriented towards the street to provide opportunities for passive surveillance of the street.
Common walls	Not applicable	Allow for common or fire walls between residential units. This would complement the absence of side yard requirements.	Allow for common or fire walls between residential units. This is necessary to enable this form of housing typology.
Length of walls and steps in plan	A standard is not required.	15m maximum length before a step or material change is required to visually break up linear buildings. Encourage the placement of windows in end elevations	15m maximum length before a step or material change is required to visually break up linear buildings. Encourage the placement of windows in end elevations
Suggested matters of discretion associated with bulk and location	Not applicable	Effects on adjoining properties: <ul style="list-style-type: none"> • shadowing • overlooking • privacy The effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: <ul style="list-style-type: none"> • building intensity, • scale, • location, • form and • appearance Design of parking and access Safety of the street	Effects on adjoining properties: <ul style="list-style-type: none"> • shadowing • overlooking • privacy The effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: <ul style="list-style-type: none"> • building intensity, • scale, • location, • form and • appearance Design of parking and access Quality of the living environment including: <ul style="list-style-type: none"> • safety of the street • landscaping

Minor dwellings are recommended by the report RE004 Density and Typology and this form of housing is an effective way of increasing the range of housing options and choices. Key standards for controlling the bulk and location of minor dwellings (in addition to those applicable to the overall site) are:

1. Maximum floor area
2. Maximum height
3. Outdoor living space

Minor infringements of Bulk and Location Standards

The changes introduced to Section 87BA of the Resource Management Act (RMA) through the Resource Legislation Amendment Act 2017 changed the way that minor breaches of standards are managed.

Section 87BA now requires councils to treat boundary activities as permitted if written approval is given by the relevant neighbour(s), and certain information is supplied to the council. There are specific definitions related to boundary activities in the RMA, with Sections 87AAB(1) and (2) defining certain terms such as "boundary activity". Boundary exemptions cannot be granted for rule breaches that affect a public boundary which includes a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by a council or by the Crown.

If a person applies for a boundary activity exemption and the council is satisfied that the activity is a boundary activity and all of the necessary information is provided, the council must provide a written notice to the person, stating that the activity is permitted. The council has 10 working days to provide this notice.

Councils may exempt activities from needing a resource consent for 'marginal or temporary' rule breaches. Section 87BB has been included into the RMA which provides a discretionary power for councils to treat an activity as permitted if there is only a 'marginal or temporary' rule breach. A council can give notice of this either after receiving an application for a resource consent for the activity, or on its own initiative.

These changes to the RMA do not necessarily require any amendments to the District Plan, although it would be helpful if Council identified the rules to which Section 87BA applies. It would also be helpful if Council prepared guidance on the application of Section 87BB. This would need to sit outside the district plan as the application of Section 87BB requires a subjective analysis to determine whether the activity can be considered as a permitted activity. It would be difficult to write a rule which provided absolute certainty of activity status for these scenarios.

District Plan Review – Bulk & Location Provisions (RE005)

CONTENTS

Executive Summary	i
Stage 1A: Background	15
1. Purpose and Structure of this Report	15
1.1 Purpose	15
1.2 Structure of this Report	16
2. Council Meetings and Site Visit	16
3. Bulk and Location Provisions	17
4. Existing Provisions – Ease of Interpretation and Administration	20
4.1 Overview	20
4.2 Ease of Interpretation	21
4.3 Ease of Administration	26
5. Residential Amenity and Growth	28
5.1 Canterbury Regional Policy Statement	28
5.2 Selwyn 2031: District Development Strategy and Area Plans	29
5.3 Mahaanui Iwi Management Plan	30
6. Case Studies	31
6.1 Selwyn District Plan	31
6.2 Waimakariri District	33
6.3 Christchurch District Plan	20
6.4 Comparison of the Structure of the Plans	22
6.5 Comparison of Bulk and Location Standards	22
7. Best Practice	23
7.1 Urban Design	23
7.2 Methods to achieve SDC residential amenity objectives	30
7.3 Possible New Provisions	31
8. High Level Recommendations	32
8.1 Objectives and Policy Framework	33
8.2 Standards	33
9. Bulk and Location Approaches for Housing Typologies	35
9.1 Housing Typologies	35
9.2 Recommended Bulk and Location Standards for Each Housing Typology	36
9.3 Minor Dwellings	45
9.4 Minor Breaches of Standards	45
9.5 Conclusion	46

LIST OF TABLES

Table 4-1: Criteria used to determine well-written and poorly-written rules	21
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Stantec

Status: Final for client | Project No.: 8050 9752 | Our ref: RE005 24 May 2018 Final Report.docx

Table 4-2: Summary of key points	26
Table 5-1: Themes and Principles that inform the Area Plans	30
Table 7-1: Alignment of Selwyn District Plan rules with urban design principles	24
Table 8-1: High level recommendations	32
Table 9-1 Recommended standards for housing typologies	37
Table 9-2: Ellesmere 2031: Ellesmere Area Plan / Mahere-ā-Rohe o Waihora	52
Table 9-3: Malvern 2031: Malvern Area Plan / Mahere-ā-Rohe	52
Table 9-4: Relevant policies from the Mahaanui Iwi Management Plan	55
Table 9-5: Waimakariri Residential Zone Descriptions	58
Table 9-6: Christchurch Residential Zone Descriptions	60

APPENDICES

Appendix A	Existing Rules Table
Appendix B	Minutes
Appendix C	Objective & Policies – Residential bulk, location and amenity
Appendix D	Description of Living Zones
Appendix E	Area Plans
Appendix F	Mahaanui Iwi Management Plan
Appendix G	Waimakariri District Plan
Appendix H	Christchurch District Plan
Appendix I	Comparison of Bulk and Location Standards
Appendix J	Urban Design Analysis

Stage 1A: Background

1. Purpose and Structure of this Report

1.1 Purpose

This Stage 1A Report provides background information and research regarding residential bulk and location provisions in the Township Volume of the Operative Selwyn District Plan (District Plan).

The purpose of this report is to provide an evaluation of the extent to which the existing provisions achieve Council's objectives with respect to residential bulk and location, summarise the approaches undertaken by other councils, and provide initial recommendations as to the rules that could be removed, amended or introduced.

To achieve the above, this report focuses on the residential bulk and location rules of the Township Volume of the District Plan contained within the Living Zones, and includes (in part):

- An assessment of the ease of interpretation and administration of the existing rules;
- Identification of any rules which may adversely affect achievement of efficient use of land within a site;
- Comment on the extent to which the rules are consistent with urban design best practice;
- Consideration of the extent to which the rules may achieve Council objectives as expressed through Selwyn 2031 and the Ellesmere and Malvern Area Plans in relation to residential amenity;
- Identification of rules which could be removed to avoid duplication and/or unnecessary regulation; and
- A summary of the approaches undertaken by Waimakariri District and Christchurch City to the management of building bulk and location in Living Zones in their respective district plans.

Consideration of the Living 3 Zone provisions and Alpine Villages has been excluded from the scope of this Report.

The Project Team for this workstream comprises planners from Stantec and urban design expertise from DCM Urban. In undertaking the above assessment, the Project Team has drawn from their experience and involvement in the preparation and use of district plans across New Zealand, from their conversations with Council, site visits, and from the urban design analysis undertaken by DCM Urban.

This report is part of a wider review of the District Plan. There are a number of other workstreams being progressed, and while there is the need for alignment with other workstreams, this report primarily focuses on residential bulk and location provisions. In particular, there is potential for cross-over and duplication with the residential character and amenity workstream, as bulk and location provisions contribute towards character and amenity.

Having said that, the Scope of Works for RE005 requested advice on a number of aspects of residential design (rather than purely bulk and location) as part of this workstream including:

- Landscaping
- Fencing
- Outdoor living space
- Outdoor storage
- Site coverage
- Privacy
- Balconies
- Height
- Setbacks from site boundaries

- Windows at first floor level
- Windows of habitable rooms
- Garage doors – position facing roads
- Recession planes
- Common walls
- Length of walls and steps in plan
- Vehicle crossings.

These matters are the focus of Section 9 of this report.

1.2 Structure of this Report

This report is structured as follows:

Section	Title	Description
Section 2	Council Meetings and Site Visit	A summary of the Project Team's meeting with Council staff and site visit findings
Section 3	Bulk and Location Provisions	This section establishes what aspects of the residential built form comprise bulk and location, and summarises the approach of the Selwyn District Plan to this matter
Section 4	Existing Provisions	Overview of the policy framework relating to the Living Zones, and commentary on the ease of interpretation and administration of the rules
Section 5	Best Practice Urban Design	This section considers the built environment created by the existing bulk and location rules and evaluates the extent to which they align with urban design principals
Section 6	Residential Amenity	Identification of the outcomes relating to residential amenity values as noted in the Selwyn 2031: District Development Strategy, Area Plans and the Mahaanui Iwi Management Plan
Section 7	Case Studies	Comparison of the approach undertaken in the Christchurch City and Waimakariri District Plans with respect to the management of building bulk and location
Section 8	High Level Recommendations	Initial recommendations as to the rules that could be removed, amended or introduced, and possible approaches to the management of building bulk and location to be considered by Council
Section 9	Bulk and Location Approaches for Housing Typologies	Bulk and location recommendations for the range of housing typologies recommended in the report "Residential Density and Housing Typology".

2. Council Meetings and Site Visit

In September 2017, Stantec met with the following Council staff members to discuss the ease of interpretation of the existing rules, compliance issues and urban design:

- Benjamin Rhodes – Team Leader Strategy and Policy
- Jocelyn Lewes – Strategy and Policy Planner

- Gabi Wolfer – Senior Urban Designer
- Rachael Carruthers – Resource Management Planner
- Billy Charlton – Regulatory Manager
- Simon Thompson – Compliance Officer
- Susan Atherton – Compliance Officer

During the meetings, a number of issues were raised with respect to both the ease of interpretation of the rules, as well as compliance with them. Subsequent to these meetings, a site visit to the various Living Zones was undertaken to ensure familiarity with the existing residential and built environment, and to get a visual understanding of the issues identified during the previous day's meetings. The site visit included the following townships:¹

- Leeston
- Lincoln
- Prebbleton
- Rolleston

The issues identified by Council (including photos), along with those issues identified by the Project Team, are discussed in Sections 4.2 and 4.3 of this Report. The full assessment of the ease of interpretation for each rule is provided in Appendix A of this Report, and the minutes to this meeting are contained as Appendix B.

3. Bulk and Location Provisions

The term "bulk and location" is used to describe the dimensions of a building and its location on a site and includes:

- height;
- width;
- length;
- shape;
- orientation on a site;
- distance from the boundaries;
- floor area; and
- percentage of the site occupied by the building.

There are many other aspects of design which relate to character and amenity such as landscaping and fences but these are addressed in the workstream "Residential Character and Amenity". The scope of the Residential Bulk and Location workstream are those elements associated with buildings.

The bulk and location of residential buildings can be managed two ways through district plans:

1. standards for permitted activities. Standards controlling maximum dimensions such as maximum height can apply to permitted residential buildings meaning that resource consent is not required so long as the proposed building complies with the standards. Standards can also be applied to activities that require a resource consent; and
2. matters of control or discretion. This approach is often used for higher density developments or comprehensive developments that involve more than two dwellings. Bulk and location (and the effects thereof) can be a matter of control or discretion depending on the activity status.

¹ As recommended by Council staff

In terms of the objectives, there is no specific outcome attributed to residential bulk and location. Instead, the District Plan's objectives seek to maintain the existing quality of the environment, by ensuring that the District's townships are pleasant places to live and work, and addressing the quality of the environment and amenity values that may make a township an unpleasant place to live or work.²

With respect to bulk and location, Council has identified the size of buildings, the ratio of building to land area, the number of green areas, access to sunlight, outlooks and the "built up" nature of an area as those conditions that may influence environmental quality and people's perception of the overall pleasantness of an area.³

There are other objectives which are implemented through bulk and location policies and rules, although their primary focus is to manage other effects. An example of this is Objective B2.1.2 which seeks an integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks to avoid reverse sensitivity effects on the operation of transport networks. This objective is implemented through Policy B2.1.9 which seeks to ensure buildings are set back a sufficient distance from road boundaries and rules for setbacks of buildings from road boundaries. Thus, objectives such as this do have an impact on bulk and location outcomes in certain areas.

The general residential environment objectives are then implemented by policies which provide a higher level of specificity (which is to be expected), although only for medium density residential development, such as Policy B3.4.3. This policy requires new medium density residential developments to be designed in accordance with the following design principles which have a bulk and location component:

- block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;
- streets are aligned to take advantage of views and landscape elements;
- section proportions are designed to allow for private open space and sunlight admission;
- a subdivision layout that minimises the number of rear lots;
- layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;
- a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;
- a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;
- any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.

There are no policies applicable to more general residential developments that have this level of guidance for bulk and location. Instead, policies are more general and seek to provide pleasant places to live in. Policy B3.4.23 establishes the approach to bulk and location however in that it allows people freedom in their choice of the design of buildings or structures except where building design needs to be managed to avoid, remedy or mitigate adverse effects on adjoining sites.

Policy B3.4.25 highlights two key aspects of bulk and location by ensuring that all buildings (irrespective of zone) do not shade adjoining properties, and maintain a predominantly low rise skyline.

The above aspects are managed through bulk and location rules relating to:

- Height;
- Recession planes;
- Setbacks;
- Private open space; and
- Site coverage.

² B3.4 (Issues), Objective B3.4.1 and B3.4.2

³ B3.4 (Issues)

While a full suite of the provisions is contained in Appendix A, in order to give context we summarise the key bulk and location provisions from the District Plan.

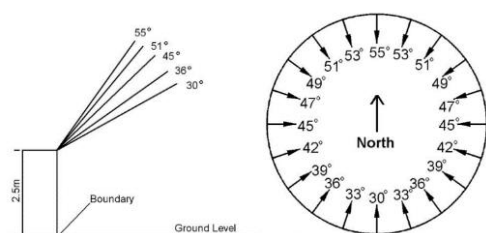
Height:

Building heights up to 8m are permitted within all residential zones (Rule 4.8.1). Within the Living Z Zone in specific parts of Lincoln ODP 7 which enables medium density developments, building height between 8-11m is a restricted discretionary activity (Rule 4.8.2). In all other areas, heights greater than 8m are a discretionary activity.

Buildings that do not comply with either of these standards are classed as discretionary activities.

Recession Planes:

A single recession plane diagram is contained in Appendix E11 and all rules refer to that.



Setbacks:

The yard requirements are set out in Rules 4.9.1 to 4.9.33. The setbacks are complex with a range of different requirements which are specific to particular areas. In terms of general setbacks, Table C4.2 applies:

Building Type	Metres from Boundary	
	Internal	Road (or shared access where specified)
Dwelling or principal building	2 m	4 m
Garage: Wall length 7m or less and vehicle door faces road or shared access	1 m	5.5 m
Garage: Wall length 7m or less and vehicle door faces internal boundary	1 m	2 m
Garage: Wall length greater than 7m and Vehicle door faces road or shared access	2 m	5.5 m
Garage: Wall length greater than 7m and Vehicle door faces internal boundary	2 m	4 m
Accessory Building with wall length not more than 7m	1 m	2 m
Accessory Building with wall length greater than 7m	2 m	4 m
Utility Structures	0m	0m

Where a garage is proposed on a corner site i.e. has two road frontages, only one wall may be located up to 2m from a road boundary, provided that that wall does not contain a vehicle door and is less than 7m in length. All other walls are to be set back at least 4m from the road boundary, with walls containing a vehicle door set back 5.5m from the road boundary

Additional setbacks for habitable buildings are required for specified areas adjoining State Highways, ranging from 20m to 100m from the edge of the sealed carriageway (Rules 4.9.3 - 4.9.6).

There are also setback requirements for specific areas including:

- Prebbleton: ranges from 3m – 48.2m (Rules 4.9.10-4.9.19)
- Shands Road: 25m for traffic noise attenuation (Rule 4.9.19)
- West Melton: ranges from 6-40m (Rules 4.9.20-4.9.21)
- Leeston: 20m from the Business Zone boundary (Rule 4.9.22)

Small lot medium density development located within an outline development plan also has setback requirements set out in Rules 4.9.23 – 4.9.29. These rules require dwellings and principal buildings to be set

back 3m from road boundaries and 5.5m where garage doors face the road. Within these rules, there are reduced setback requirements for Lincoln.

Rules 4.9.32 – 4.9.36 contain alternative setback requirements for outline development plans and Special Character Low Density Areas, although this is for the purpose of managing specific reverse sensitivity effects (noise and odour).

Where these standards are not complied with, the activity is classed as a restricted discretionary activity and the Council restricts its discretion to:

- Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter
- Internal boundary, including any adverse effects on the:

privacy

outlook

shading; or

amenity values

of the adjoining property, its occupiers and their activities; and

- Road boundary, including any adverse effects on:

the character of the street

safety and visibility of pedestrians, cyclists and motorists, and

shading of the road or footpath in winter;

methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and

- Any reverse sensitivity issues
- Consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.

Site Coverage

The site coverage standards across the District are similar although there is duplication with standards stated for various areas. Many of the site coverage standards are expressed as percentages of the site as well as specific areas, and the standard is whichever is the lesser of these numbers. Many of the standards are expressed as "including garaging", with a different site coverage standard "excluding garaging".

Rule 4.7.1 contains site coverage rules for most of the Living Zones and ranges from 10% in some rural residential zones through to 50% for emergency services in some townships. Most are 40% maximum site coverage.

Activities which do not comply with these standards are classified as restricted discretionary (Rule 4.7.3) if it complies with a higher site coverage standard.⁴ If the activity can not comply with the restricted discretionary activity standard, it is classified as a non-complying activity (Rule 4.7.5).

4. Existing Provisions – Ease of Interpretation and Administration

4.1 Overview

To understand whether the existing provisions are effective, this section begins by providing an overview of the policy framework contained in the District Plan as it relates to residential bulk and location, as well as the effects that Council are seeking to manage. This section concludes by providing a summary of issues relating to the ease of interpretation and administration of these provisions.

⁴ Higher standards applies to specific locations/forms of development.

4.1.1 Policy Framework and the Living Zone

Part B3.4 of the District Plan identifies the objectives and policies that seek to manage issues relating to the quality of the environment, with particular emphasis on the effects which make townships or areas within townships less pleasant places to live or work in (refer to Appendix C). The approach adopted by the plan is to enable activities whilst maintaining the environmental qualities and amenity values associated with existing residential areas through the identification of zones based on these existing qualities. The resulting zone (the Living Zone) is one that is not defined by the types of activities that would typically occur within them (i.e. residential), but instead on its typical characteristics. The Living Zone (the principal zone) is divided into a number of sub-zones, each of which has slightly different characteristics (refer to Appendix D).

With respect to bulk and location, the relevant rules are contained within Part C4 (Buildings). These rules set out the relevant activity status by topic (i.e. setback, site coverage) and subsequently identify the sub-zone(s) in which the activity status applies.

4.2 Ease of Interpretation

The “ease of interpretation” of the Living Zone rules has been considered from both the viewpoint of the lay person reading the plan (how easy is the rule to understand?) and from a plan-drafting perspective (are there any structural issues that need to be addressed?). This has been done to provide an understanding of what issues may need to be addressed at both the micro and macro levels during the plan-drafting process.

4.2.1 Approach

Well written rules are easy to interpret by all persons reading the rule, particularly a layperson who is reviewing a plan to see what rules will apply to their property. The following table details the criteria which generally indicate well-written versus poorly written rules. In addition to these criteria, the Stantec team has used their plan-writing experience to identify issues with respect to the interpretation.

Table 4-1: Criteria used to determine well-written and poorly-written rules

Good Practice	Poor Practice
<p>Generally speaking, a well-written rule is one that meets the following criteria:</p> <ul style="list-style-type: none">• Enforceable;• Measurable;• Clearly traceable back to the relevant objectives and policies of the Plan;• Written in plain language, and is clear and easy to understand and interpret by a layperson;• Written so that it can be clearly determined from reading the rule itself, without having to cross-reference other sections of the Plan;• The terminology, choice of words and formatting used in the rule is consistent throughout the Plan;• If the rule requires any standards or conditions to be met, these are defined within the plan;• Where an activity cannot meet the permitted criteria/requirements/standards, it is clear as to what activity status it would fall into;	<p>A rule is considered to be poorly written if it meets the following criteria:</p> <ul style="list-style-type: none">• It is difficult to measure;• It creates uncertainty as to when or where it needs to be applied;• It is unclear as to what activities or effects the rule applies to;• If it conveys an element of discretion where none is intended;• If there is the potential for doubt as to what exactly the threshold or trigger point is, or how it is to be measured, if the rule is a standard/threshold or triggers another consent or activity class;• If it gives powers of determination (such as whether an activity will be classified as permitted or not) to a third party such as a neighbour;⁵• For controlled or restricted discretionary activities, if it is unclear or there is ambiguity

⁵ It is noted that Section 87BA of the RMA now allows boundary activities that are approved by neighbours on infringed boundaries to be permitted activities.

Good Practice	Poor Practice
<ul style="list-style-type: none"> There is certainty as to how the rule is to be applied; and The rule and its relationship with other relevant rules is easy to understand and is intuitive. 	<ul style="list-style-type: none"> over which matters the council has retained control or discretion; It uses bullet points for sub-clauses (including standards to be met); A rule that duplicates / conflicts with one or more other rules; It includes requirements to comply with other Acts or regulations; and The rule is overly onerous/restrictive with respect to the effects being managed.

4.2.2 Summary of Issues

Many of the rule-specific issues that have been identified relate primarily to formatting, consistency of language and terminology, and the ease in which an activity status can be determined. However, there are some broader issues relating to the development of rules that should be addressed in the drafting of the new plan. The following section summarises these issues, and where relevant, provides a general recommendation.

4.2.2.1 Inconsistent formatting

The following rules demonstrate the inconsistency in formatting that can be found throughout the Living Zone rules.⁶

Rule 4.2.1	Permitted standards are bulleted: •
Rule 4.2.2	Permitted standards are numbered as follows: i.
Rule 4.2.3	Permitted standards are numbered as follows: (i)
4.9.1.1	Permitted standards are numbered as follows: (a)
4.9.37	Permitted standards are numbered as follows: i)
4.9.14	Permitted standards are numbers as follows: 4.9.14.1

Bullet points should be avoided, as they create issues for both the Council and the applicant in correctly identifying the standard(s). With respect to numbering the rules would benefit from adopting a consistent style and approach, as it will lead to a more readable and user-friendly plan.

Rules where the above applies are identified as "inconsistent formatting" in Appendix A to this report.

4.2.2.2 Inconsistent terminology

There are a number of rules that use inconsistent terminology when referring to plans, areas, guides, and terms that are defined in the plan.⁷ The following excerpts are an example of where a term is used inconsistently, and could result in confusion as to where the rule should be applied.

4.11.1	... In the Living 1A5 Zone in Prebbleton, comprehensive residential development shall be a discretionary activity where Council shall take into account, but not be limited to, the following...
4.7.3.3	... The site is located in a Living Z Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is...

⁶ Rules 4.2.1, 4.2.3, 4.2.5, 4.6.1, 4.6.4, 4.7.3, 4.8.3, 4.9.1, 4.9.9, 4.9.14, 4.9.21, 4.9.21.1, 4.9.36, 4.9.44, 4.9.46, 4.11.1, 4.12.2, 4.13.4, 4.14.1, 4.14.2, 4.15.1 and 4.17.2

⁷ Rules 4.6.1, 4.7.3, 4.9.23, 4.9.26, 4.12.1, 4.12.2, 4.14.2 and 4.17.1

- (c) ... part of a **comprehensive residential development** of four or more adjoining lots under 350m² in size, in which case the maximum site coverage shall be 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot...

The term "comprehensive residential development" is used both in the Living L1A5 zone and the Living Z zone. However, as noted in the definition of "comprehensive residential development," it specifically applies to the L1A5 zone:

Comprehensive Residential Development shall only apply to the Living L1A5 zone in Prebbleton. In Prebbleton it means 8 or more residential units clustered, planned and designed in an integrated and comprehensive manner. Comprehensive residential development applies where all required land use and subdivision consents are submitted concurrently or where the required landuse consent for comprehensive residential development is submitted and approved prior to a subdivision consent being submitted for the same.

As such, the reference in Rule 4.7.3.3 can cause confusion for the reader as it relates to a separate zone. Rules where the above applies are identified as "**inconsistent terminology**" in Appendix A to this report.

4.2.2.3 Cross-Referencing

There are a number of rules that require activities to comply with conditions and standards set out in an Outline Development Plan area.⁸ This affects the overall ease of interpretation of the rules, and makes for confusing and difficult reading of the plan as readers are required to cross-reference various sections of the plan in order to determine what standards and/or conditions apply to their activity.

Rule 4.8.2	The erection of any building within the area shown as "Medium Density (potential 11m height area)" within Lincoln ODP 7 which has a height of between 8m and 11m shall be a restricted discretionary activity.
Rule 4.9.1	Except in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;
Rule 4.2.3	Any Fencing in the Living 3 Zone, and the Living 2A Zone in Darfield, as identified in Appendix 47, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;
Rule 4.9.35	In ODP Area 3 and ODP Area 8 in Rolleston, no dwellings shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1
Rule 4.6.4.7	Within the Lowes Road Outline Development Plan Area, that the siting of the dwelling does not preclude the establishment of any roads or indicative walkways as shown in Appendix 34.
Rule 4.6.2.1	The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (Appendix 20A) for this zone.
Rule 4.6.2.1	The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (Appendix 20A) for this zone.

Rules should be written so that the activity status can be clearly determined from reading the rule itself, without having to cross-reference other sections of the Plan. Rules where the above applies are identified as "**cross referencing**" in Appendix A to this report.

4.2.2.4 Rule Structure

The following provides an example of a poorly structured rule where the format could be changed to improve clarity. Rule 4.6.3 and each associated matter of discretion beneath 4.6.4 (4.6.4.1 – 4.6.4.7)

⁸ Rules 4.2.1, 4.2.3, 4.6.2, 4.6.2.1, 4.6.4, 4.8.2, 4.9.1, 4.9.13, 4.9.16, 4.9.20, 4.9.23, 4.9.24, 4.9.26, 4.9.33, 4.9.35, 4.9.53, 4.12.1 and 4.15.1

appears to be a rule, making it appear as though there are a number of rules when in actual fact there is only one rule and seven matters of discretion.

Rule 4.6.3	Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.
Rule 4.6.4	The Council shall restrict the exercise of its discretion to:
Rule 4.6.4.1	Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and
Rule 4.6.4.2	Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and
Rule 4.6.4.3	Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and
Rule 4.6.4.4	The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and
Rule 4.6.4.5	Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and
Rule 4.6.4.6	The need for a 'step in plan' to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property. The Step shall be sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.
Rule 4.6.4.7	Within the Lowes Road Outline Development Plan Area, that the siting of the dwelling does not preclude the establishment of any roads or indicative walkways as shown in Appendix 34.
<i>Note: Building density and site coverage rules both apply.</i>	

Rules need to be structured so that they are intuitive; that is, their inter-relationship between the rule and any associated standards, controls or matters of discretion is clear to the reader. Re-formatting the structure of the rule will make it easier to understand and interpret:

Rule 4.6.3 (1) Except as provided in Rule 4.6.6, the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.

(2) The Council shall restrict the exercise of its discretion to:

(a) Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling...

This occurs within a number of rules in the Living Zone.⁹ Rules where the above applies are identified as "rule structure" in Appendix A to this report.

4.2.2.5 Rules are overly restrictive

There are some instances in which an activity status will "jump" to a more restrictive class than may be necessary for the activity. These are noted in the following examples:

Example 1:

Rule 4.7.3 (a **restricted discretionary** activity) outlines the standards and terms for setbacks in medium density areas

Rule 4.7.5 states that any activity which does not comply with Rule 4.7.3 shall be a non-complying activity.

Example 2:

⁹ Rules 4.2.5, 4.6.3, 4.6.4, 4.7.3, 4.8.2, 4.8.3, 4.9.29, 4.9.29.1, 4.9.43, 4.9.44, 4.9.45, 4.9.46, 4.9.47, 4.9.48, 4.9.49, 4.9.50, 4.12.1, 4.12.2, 4.13.3, 4.13.4, 4.14.2 and 4.17.2

Rule 4.9.28 (a **permitted** activity) outline the permitted standards for garage and accessory building setbacks in medium density areas.

Rule 4.9.52 states that any dwelling which does not comply with Rule 4.9.28 shall be a non-complying activity.

For the activities identified above, a non-complying activity status may be too restrictive, given that these activities and associated effects are anticipated in the zone, and the effects can be understood.

If Council wishes to retain a non-complying activity status, then it should ensure that these activities are clearly traceable back to the relevant objectives and policies of the plan (which has been identified as an issue). This can be done by including reference to the relevant provisions in the rule.

Another example is Rule 4.2.1. Non-compliance with the permitted standards triggers the activity being deemed a discretionary activity under Rule 4.2.4

Rule 4.2.1 ...any principal building shall be a permitted if the area between the road boundary and the principal building is landscaped with shrubs and

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

A discretionary activity status is helpful in instances where an activity cannot meet any or all of the standards, and where the potential adverse effects are uncertain and standards to manage the effects cannot be predetermined by Council. Because of this uncertainty, Council would use its full discretion and consider the activity against the relevant objectives and policies of the plan, requiring a comprehensive application by the applicant.

With respect to the rule above, the potential effects associated with non-compliance with the permitted standards are relatively narrow (amenity and landscape/visual effects). In light of this, Council may wish to consider a change of status from "discretionary" to "controlled" or "restricted discretionary" and reviewing other similar rules. Rules where the above applies are identified as "**overly restrictive**" in Appendix A to this report.¹⁰

4.2.2.6 Other issues identified

- Rule having two activity statuses¹¹
- Outline Development Plan Areas referenced in the rule do not match Council's maps (eMap)¹²
- There are no figures used to assist readers understand and interpret the rules¹³
- Rules that reference property titles¹⁴
- Rules that may affect property rights and cause compliance issues¹⁵
- Zones not described or defined in the plan¹⁶
- Standards applying to activities (i.e. dwellings) instead of the structure in which the activity will occur¹⁷
- Rules are not easily traceable back to their relevant objectives and policies¹⁸

¹⁰ Rules 4.2.1, 4.2.4, 4.6.6, 4.7.5, 4.9.29.1 and 4.9.52

¹¹ Rule 4.9.28 is both a restricted discretionary activity under Rule 4.9.45, and a non-complying activity under Rule 4.9.52

¹² Rule 4.6.47

¹³ For setback rules, recession plane rules, net area rules

¹⁴ Rule 4.9.8 ; It is not clear how an applicant will determine where Lots 1 and 2 DP 22544 are, as you cannot search by parcel in Council's eMap

¹⁵ Rule 4.9.35; if the house is 40m away and road is widened...

¹⁶ Living WM Zone: There is a policy for this zone, but it is not defined/described in Part A4.5: Living C Zone: The plan states that sub-zones with an "A" or "B" have special rules or requirements associated with them. No similar description is provided for Living C Zones

¹⁷ Rules 4.6.2.1, 4.6.4, 4.9.12, 4.9.13, 4.9.14, 4.9.15, 4.9.16, 4.9.20, 4.9.21, 4.9.22, 4.9.23, 4.9.24, 4.9.27, 4.9.32, 4.9.33, 4.9.35, 4.9.36, 4.9.41, 4.12.2, and 4.15.1

¹⁸ Rules 4.2.4, 4.6.5, 4.6.6, 4.7.5, 4.9.52, 4.9.53, 4.11.1, 4.12.3 and 4.15.2

4.3 Ease of Administration

To determine the ease of administration with the rules, Stantec met with Selwyn District Council's compliance and consenting team (as discussed above). From an administration point of view, rules relating to fencing, landscaping and outdoor storage were identified as being the most problematic.

The following table sets out the key points for each topic considered in this scope of works.

Table 4-2: Summary of key points

Topic	Comment
Landscaping	No specific issues with the landscaping provisions were identified, however, Council's stated preference was to remove these rules from the plan. The reason for this being that once a fence is built on a boundary, no one will see what is happening on site.
Fencing	<p>Fencing was by far the subject that received the most discussion. Council noted that there were a number of issues with administration of the fencing rules, being:</p> <ul style="list-style-type: none"> - Residents are confused as to why a neighbour's fence height can be higher than theirs, particularly in those areas where an Outline Development Plan Area is located adjacent to a Living 1 zone; - The various rules causes confusion for the compliance team, particularly when these rules are at the boundary of two zones; - Fencing at corner sites where a building has both a primary and secondary road boundary creates a complicated fencing situation and poor design outcomes (i.e. tapering at ends). This situation also requires that the applicant work closely with the neighbour to find a solution; - A bulk of the compliance teams time (approximately 10 per cent) is devoted to dealing with complaints on fencing; - Questions were raised as to whether fencing controls were necessary.
Outdoor Living Space	Council noted that these rules are aimed at differentiating Selwyn from Christchurch, and maintaining the existing residential amenity values associated with the Living Zone. No issues were specifically identified, but it was noted that the location of open space in medium density areas is becoming more difficult to implement.
Outdoor Storage	<p>Council is seeing a rise in the use of shipping containers on residential sites, alongside a rise in complaints from both politicians and Councillors. It is understood that these may be used for temporary short-term storage during construction, sheds for permanent storage on site, for small business purposes (i.e. coffee stop) and possibly to live in while construction is being undertaken on site. At present, there are no specific rules around the use and placement of shipping containers on site, rather they could be included in the definition of "building" and therefore subject to the same use and placement requirements as all other buildings.</p> <p>Council also noted that there are issues relating to the position of sheds within the property boundary, in that there is no setback from adjacent boundaries for these. There are set back provisions in the Plan related to accessory buildings. The advice from Council staff is that any issues are easily addressed within the current framework of rules (including Building Act/Code where sheds are exempt).</p> <p>In terms of service areas for medium density residential developments, Council officers are seeing bins being stored in front of the dwelling as there is insufficient room to store waste bins either inside the garage or down the side of dwelling. As Council runs a three 240L bin system, these can take up a significant area. Rule 10.10.1.3 requires outdoor storage areas be screened but</p>

Topic	Comment
	it is not clear if this extends to rubbish bins. Building position provisions may increase prevalence of bins in front yards in medium density residential areas.
Site Coverage	With respect to site coverage, the issue identified has been how site coverage is calculated. Depending on the plans received, and the level of detail provided, how site coverage is calculated can differ between applications.
Privacy	No specific issues with privacy have been identified.
Balconies	No specific issues with balconies were noted.
Height	No issues with respect to height were noted.
Setback from site boundaries, including eaves	Similar to the site coverage issues, Council stated that there is some difficulty in defining where setbacks are to be measured from, as the place of measurement is not defined or specified in the plans. In medium density developments, there are examples where the eaves between buildings almost touch.
Windows at first floor level	No specific issues were noted. However, Council indicated the need to ensure that these aspects are considered with respect to infill housing and medium density developments, due to the "perception" issue of neighbouring properties.
Windows of Habitable Rooms	No issues were identified with respect to the windows of habitable rooms.
Garage Doors – Position facing road	This is a specific matter that Council wishes to address, as they do not want garage doors to be the prominent feature on a site. Council indicated some issues with respect to garage doors, including general interpretation issues for sites at rear lots (i.e. at what point is a garage facing the road?), and the lack of controls outside medium density areas.
Recession Planes	Council noted that the height limit rules contain exemptions for chimneys, aerials, vents, etc., but the recession plane rules do not. As such, minor infringements for these items under the recession plane rules trigger a consent.
Common Walls	No issues were noted.
Step in Plans	Step in Plans apply to infill housing, where a wall is 20m in length. Council noted that this has not been a particularly useful rule, and has only been applied once in the last thirteen years. Council does not see the need for these plans. In addition, the current rule refers to second dwellings but this could be broadened to medium density developments if it were to be retained.
Definitions	<p>Feedback from Council officers was that the following definitions would be either useful to include, or be amended. These terms are used in the provisions and it would be helpful to users of the Plan if they were defined.</p> <ul style="list-style-type: none"> - Development – The definition is currently worded only to apply for the purposes of determining development contributions. It does not recognise the wide range of buildings and land use activities that could constitute development. - Net area – there is no current definition for this, but it would be helpful for subdivisions and development controls. - Outdoor living space – there is no definition for this in the operative plan. It would be useful to outline the purpose of this and some of the exclusions so that they do not need to be repeated as a standard e.g. must be clear of any parking or manoeuvring areas and may include building eaves. - Front building façade (with respect to fencing) – the current definition contains confusing language such as "elevation". The current definition applies to rear sites (i.e. rights of way) but the front building façade is not relevant to these.

Topic	Comment
	<ul style="list-style-type: none"> - Infill Development – the inclusion of this term may be helpful, but only if the term is used in the plan. - Intensification - the inclusion of this term may be helpful, but only if the term is used in the plan. - Site Coverage - there is no definition for this in the operative plan. It would be useful to outline the purpose of this and some of the exclusions so that they do not need to be repeated as a standard e.g. does not include building eaves, or permeable decks. - Setback – while there is a definition for this, it could be clearer. - Medium Density – there are two subsets of the definition which creates confusion; small-lot medium density and comprehensive medium density. Consider using different terms or simplifying the definition. - Comprehensive residential development – the current definition is limited to specific zones. There is no clarity on what the development is if it comprises less than 8 dwellings. <p>Some of these terms are identified in the Ministry for the Environment Discussion Paper on Definitions, and therefore may be defined in National Planning Standards rather than district plans.</p>

5. Residential Amenity and Growth

The following section details the residential amenity aspirations as contained within the Canterbury Regional Policy Statement, Selwyn 2031: District Development Strategy and the Area Plans, as well as those identified in the Mahaanui Iwi Management Plan. While the focus of this report is residential bulk and location, this is often couched in the term “residential amenity”, and these three documents have been reviewed in this context.

5.1 Canterbury Regional Policy Statement

While the Canterbury Regional Policy Statement does not contain objectives and policies specifically addressing residential bulk and location, there are provisions which more generally address the quality of living environments, of which residential bulk and location standards would contribute. The following provisions are relevant to residential bulk and location:

Objective 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

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:

...

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

5.3.3 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.

Section 5.4 sets out as an anticipated environmental result:

3. New urban and rural residential development maintains and improves the functioning and qualities of the existing urban areas.

Objective 6.2.1 recognises the importance of quality urban design in the recovery and development of key Activity Centres, of which Rolleston is one:

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

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;

Objective 6.2.3 recognises the importance of quality living environments:

Objective 6.2.3 Sustainability

Recovery and rebuilding is undertaken in Greater Christchurch that:

1. provides for quality living environments incorporating good urban design;

Policy 6.3.2 provides detailed guidance on the principles of good urban design:

Policy 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.

5.2 Selwyn 2031: District Development Strategy and Area Plans

The purpose of this strategic plan is to provide an overarching strategic framework for achieving sustainable growth across the Selwyn district to 2031, so that Selwyn can achieve its vision to “grow and consolidate Selwyn District as one of the most liveable, attractive and prosperous places in New Zealand for residents, businesses and visitors.”¹⁹

The preparation of an Area Plan for Malvern and Ellesmere was identified as an action in the Selwyn 2031: District Development Strategy. These Area Plans are a non-statutory long-term strategic urban growth plans

¹⁹ Selwyn 2031 (p. 8)

covering a wide geographic area and incorporating a number of townships. The primary purpose of these plans is to provide high-level planning direction to guide the growth and sustainable management of the townships identified through to the year 2031, to assist in the delivery of the Selwyn 2031: District Development Strategy.

These plans are guided by the growth assumptions concepts outlined in Selwyn 2031, and have been developed in accordance with a series of principles that fall into four broad themes. Of relevance for residential amenity²⁰ are:

Table 5-1: Themes and Principles that inform the Area Plans

Theme	Principles that inform the theme
Urban form, growth and intensification	<p>Promote settlement patterns and facilitate growth that:</p> <ul style="list-style-type: none"> - Is directed to existing townships and the amount of growth is consistent with the Selwyn 2031 Township Network - Achieve consolidated settlement patterns with clear township boundaries - Is well integrated with town centres and neighbourhoods - Avoid adverse effects on rural activities and strategic infrastructure - Avoid or mitigate natural hazard risks
Communities and local character	<p>Identify, support and enable:</p> <ul style="list-style-type: none"> - Prosperous and diverse communities - Sense of place and local identity for each township - Strong social networks - Economic diversity and opportunity - Community facilities and public spaces consistent with the Selwyn 2031 Township Network

Although no specific objectives on residential amenity are identified in the Area Plans, there is some high level commentary on the amenity of each of the different townships as it relates to the themes in the table above, including the:

- Provision of a **high amenity residential environment** and primary services to rural townships and surrounding rural areas;
- Creation of **high amenity** and well-connected neighbourhoods; and
- **Protection of current amenity** attributed to village and townships, by managing the scale of development.

The excerpts for each township as contained within the Ellesmere and Malvern Area Plans is provided in Appendix E to this Report.

The Selwyn 2031: District Development Strategy and Area Plans are high level strategic documents which seek to provide a high amenity residential development but do not go down to the level of identifying bulk and location methods to achieve this outcome.

5.3 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan 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

²⁰ Amenity Values are defined in the Area Plans as meaning: those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū."²¹ Although no specific policies relating to bulk and location or residential amenity are specified in the plan, there is some discussion on urban design outcomes as it relates to subdivision and development, and policies around ensuring that new development plans and strategies recognise and provide the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites. To summarise:

- Ngāi Tahu should be involved during the development of plans and strategies (including urban planning, design guides, etc.) to recognise and provide for the connection between Ngāi Tahu culture, identity and place in the urban environment;
- The Ngāi Tahu Subdivision and Land Development Guidelines should be used as a framework for new developments, as these specifically identify issues of importance to Ngāi Tahu, and state the desired outcomes for protecting tāngata whenua interests on the landscape. These guidelines state (in part) that new developments should incorporate low impact urban design and sustainability options to reduce the development's footprint on infrastructure and the environment;
- The framework also states that urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.

These policies are contained in full in Appendix F.

6. Case Studies

The following section considers the broad approach taken by the Selwyn, Waimakariri and Christchurch District Plans with respect to the bulk and location provisions for residential areas, and how these plans are structured.

6.1 Selwyn District Plan

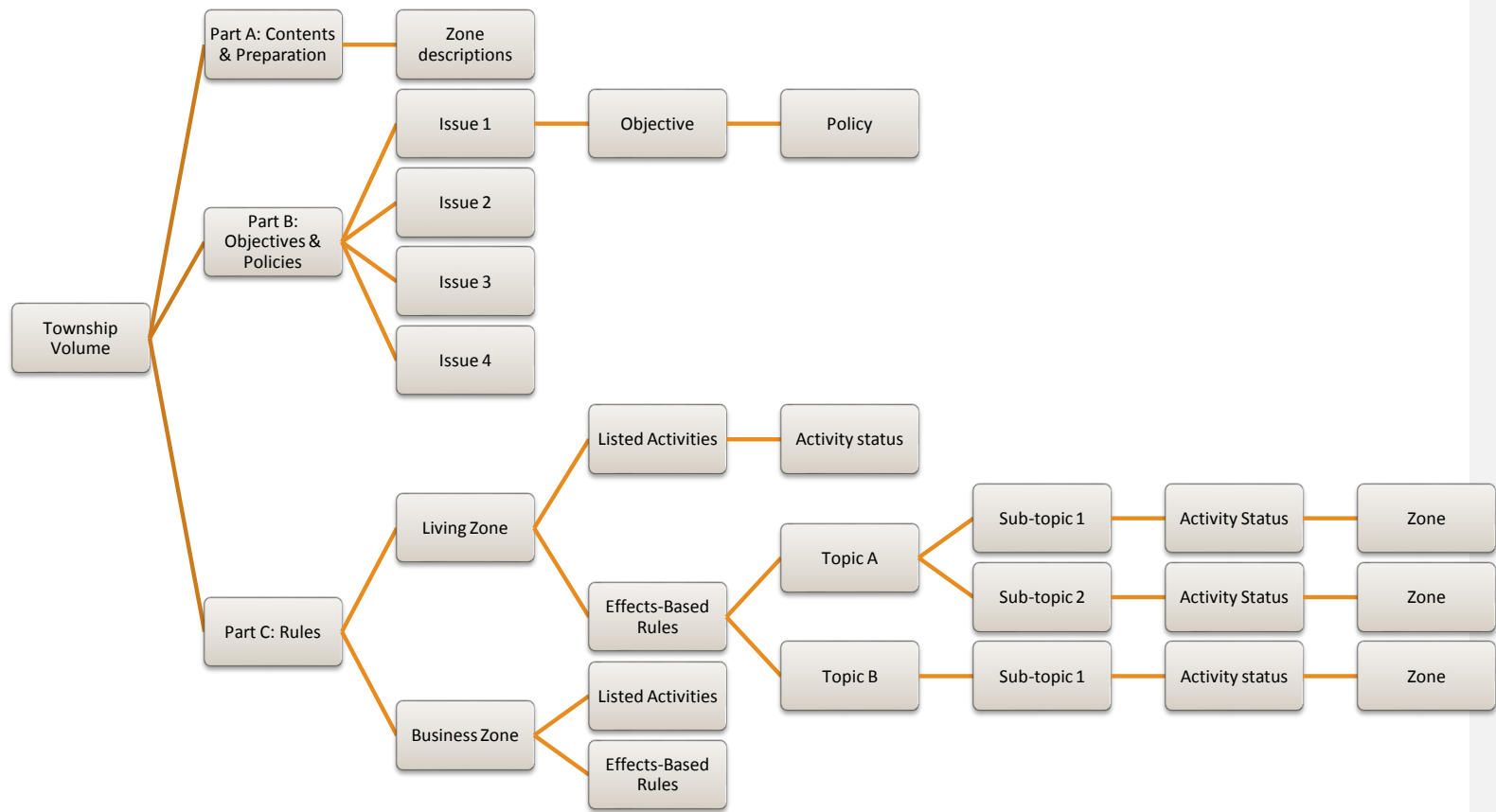
In the Township Volume of the plan, the objectives and policies address issues relating to natural and physical resources, people's health, safety and values, and the growth of townships across the district. As discussed in Section 4.1.1 above, the Selwyn District Plan defines the Living Zone by typical characteristics, and the objectives and policies of the plan seek to maintain these characteristics. These are set out in Part B of the plan.

The Living Zone and its sub-zones are described in Part A, and rules are contained in Part C. These are arranged by topic and sub-topic, with the sub-topics relating to those matters that Council has identified as having an effect on environmental qualities and amenity values. These include:

- | | |
|---------------------|-----------------------------|
| • Height | • Internal and Road setback |
| • Size of buildings | • Site coverage |
| • Recession planes | • Outdoor living space |
| • Streetscene | • Outdoor storage |
| • Fencing | |

Under each of these sub-topics, the rules set out the relevant activity status by sub-topic (i.e. setback, site coverage) and subsequently identify the sub-zone(s) in which the activity status applies. The diagram on the following page provides a high-level overview of the general structure of the plan.

²¹ P. 17 Mahaanui Iwi Management Plan



6.2 Waimakariri District

Chapter 17 (Residential Zones) of the Waimakariri District Plan contains the objectives, policies and methods. The key issue framing this chapter is effects of growth and development on the existing residential zones within the district, and the potential loss of the characteristics of the residential zone that provide for well-being, health and safety of residents and visitors.²² This is similar in approach to the Selwyn District Plan. A description of each of these zones is provided in Appendix G.

The rules for the various residential zones are contained primarily across Chapter 31 (Health Safety and Wellbeing) and Chapter 32 (Subdivision). The Waimakariri Plan identifies permitted, controlled, discretionary (restricted), discretionary, non-complying and prohibited activities, followed by the conditions that the activities must meet to be considered under their relevant status.

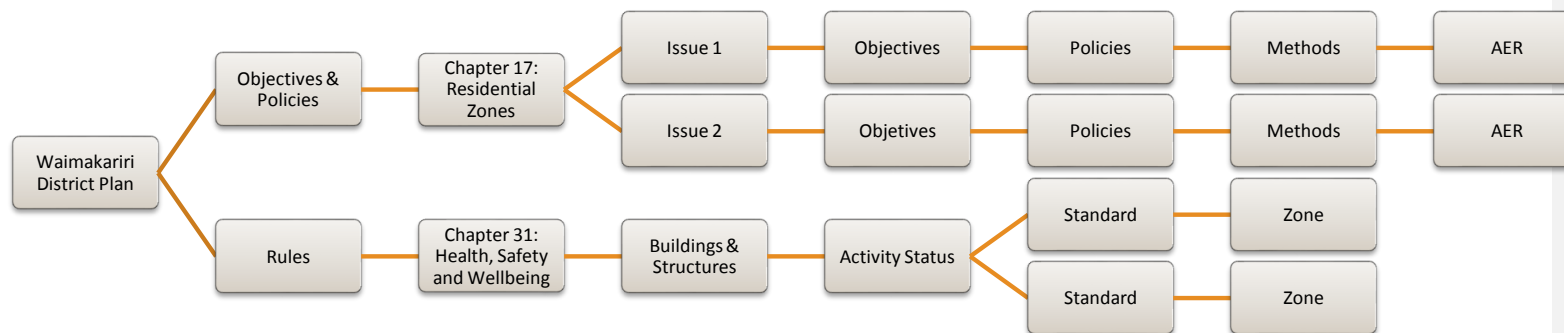
The relevant built form standards follow the activity table, and address the following

- Site density
- Tree and garden planting
- Building height
- Site coverage
- Outdoor living space
- Daylight recession planes
- Minimum setbacks from internal boundaries and railway lines
- Minimum setback for balconies and living space windows from internal boundaries
- Road boundary building setback
- Street scene amenity and safety – fences
- Water supply for fire fighting
- Service, storage and waste management spaces

With respect to urban design, the policy framework seeks to ensure that the design of comprehensive residential developments in the district implements urban design best practice through structure location and relationship to other structures; choice of construction materials, positioning of windows and doors, size, scale and character; availability and access to open space; and energy efficiency and use of natural light.

The diagram over illustrates the structure of the Waimakariri District Plan.

²² Issue 17.1



6.3 Christchurch District Plan

Chapter 14 of the Christchurch District Plan contains the objectives, policies, rules, standards and assessment criteria relating to residential activities. There are ten (10) different residential zones, each containing provisions that seek to manage the scale and character of new development within each. A description of each of these zones is provided in Appendix H.

Unlike the Selwyn and Waimakariri District Plan, each zone is given its own chapter. Each chapter begins with an activity status table which identifies the activity, the activity status and the standards which apply; and is followed by the standards for each class of activity.

The relevant built form standards follow the activity table, and address the following:

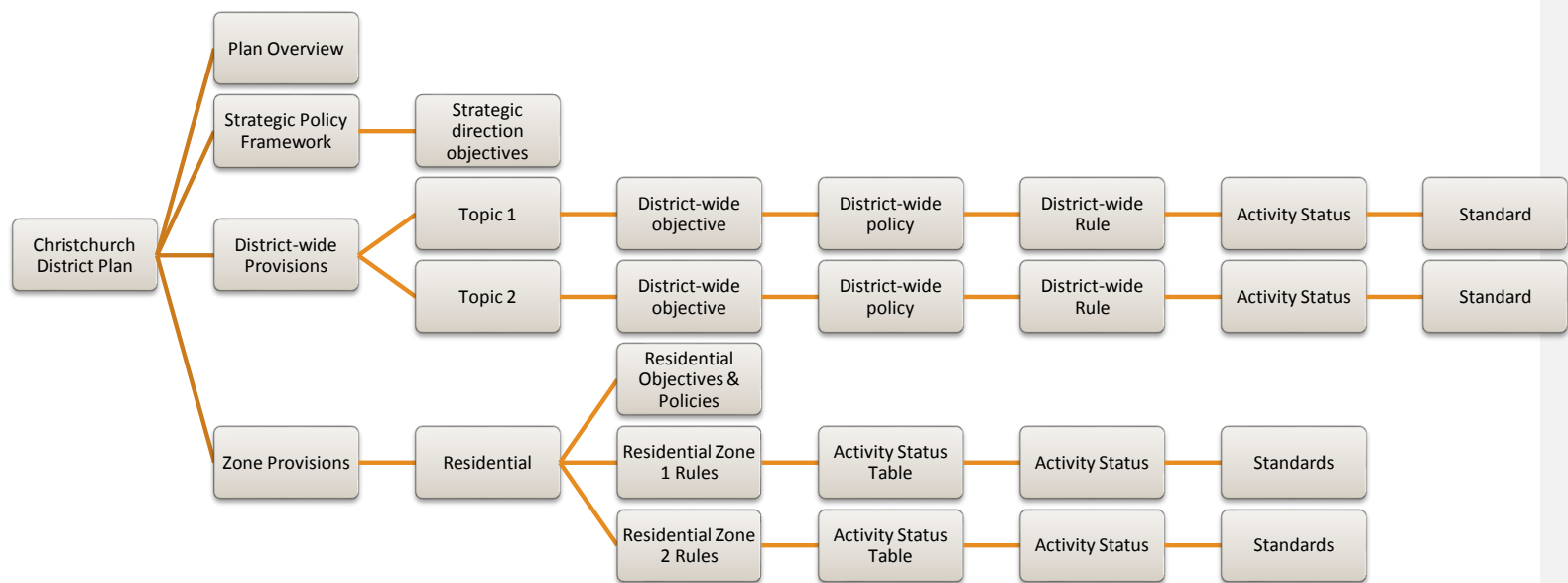
- Site density
- Tree and garden planting
- Building height
- Site coverage
- Outdoor living space
- Daylight recession planes
- Minimum setbacks from internal boundaries and railway lines
- Minimum setback for balconies and living space windows from internal boundaries
- Road boundary building setback
- Street scene amenity and safety – fences
- Water supply for fire fighting
- Service, storage and waste management spaces

Urban design is considered through matters of control and discretion in the Residential Central City Zone, the Specific Purpose (Lyttelton Port) Zone, Residential Guest Accommodation Zone and Commercial Core Zone, and through requirements for an urban design assessment within the Core of the Commercial Central City Business Zone²³ and the Residential Medium Density Zone²⁴.

The diagram over illustrates the structure of the Christchurch District Plan.

²³ Policy 15.2.6.3(a)

²⁴ Policy 14.2.1.1



6.4 Comparison of the Structure of the Plans

Of the three Plans reviewed, the Christchurch District Plan structure was the easiest to use and the most intuitive in its layout. The Plan is organised primarily by either zone (e.g. Residential Zone) or topic (e.g. Utilities and Energy) and is a clear and effective layout. The structure enables very quick identification of the most relevant chapters.

Having objectives and policies located in the same chapter as the rules for each zone (in the case of Residential Zone) enables a direct cascade from objectives to policies to rules (activity status, performance standards and matters of control / discretion). The consequence of this structure is that objectives and policies are focused on the zone or topic of the chapter in which they are located, and there is no confusion as to which objectives and policies are the most relevant.

The table form for the activity status and activity specific standards was intuitive and logical. Grouping activities by their activity status was also logical, in that users begin with the permitted activities and work their way through increasingly more restrictive activity statuses. The table format also enabled matters over which Council reserves control or discretion to link directly to the appropriate activity, rather than needing to go elsewhere in the Plan.

6.5 Comparison of Bulk and Location Standards

While the specific details of the residential bulk and location provisions in the Selwyn District Plan, Waimakariri District Plan and Christchurch District Plan are contained in Appendix I, this section summarises and compares the approaches. In all three district plans, there were a large number of residential zones, many with only minor differences in the standards. For the purposes of this comparison, two zones / forms of development were chosen:

- a) general residential zone which comprises the majority of residential development; and
- b) medium density residential.

There was a high degree of alignment between the three district plans for maximum height with 8m being a common standard for general residential zones. The maximum height for medium density residential zones was quite different with some higher density zones having no specified maximum height limits and others being highly specific to particular locations e.g. 30m maximum height limit for Residential Medium Density Higher Height Limit Overlay at Carlton Mill Road in Christchurch. It must be recognised that recession planes also have a role in determining maximum height.

The approach to setbacks from the road boundary were also reasonably similar. All three district plans required a greater minimum setback of 5.5m if the garage was the closest part of the building to the road, and the garage door faced the road. Waimakariri District Plan made this distinction for comprehensive residential developments, but not for general residential developments. The rationale behind this is that it provides sufficient space for a car to be parked in front of the garage door without overhanging the front boundary. However if the garage door is oriented away from the road boundary, the front setback can be reduced to 2m in the case of both Waimakariri and Christchurch District Plans. This contrasts with 4m for Selwyn District Plan, although this can be reduced to 2m if the wall length along the road boundary is no more than 7m. The Christchurch District Plan also has an intermediate setback of 3.5m where the garage door is automated and sectional and faces the road. In all three district plans, the setback to the road boundary did not go closer than 2m.

The side and rear boundaries could be reduced to 0m in Waimakariri and Christchurch District Plans. Christchurch District Plan was explicit that this absence of side and rear yards could apply to accessory buildings, whereas Waimakariri District Plan was silent on the requirement, and by implication there is no requirement for rear or side yards. This approach contrasts with Selwyn District Plan where there is a minimum 1m requirement. This can be reduced to 0m where there are common walls and smaller accessory buildings in small lot medium density. Christchurch District Plan had an additional rule which was more about the setback between buildings than the distance from the boundaries - the rule requires 1.8m between buildings with opening windows in the medium density residential zone.

Each of the district plans had additional setbacks to manage reverse sensitivity effects particular to their district. These included additional setbacks from state highways, rail corridors, Transpower National Grid and business zones.

The recession planes in all three district plans were also relatively similar. Selwyn and Waimakariri had a 2.5m vertical starting point, whereas Christchurch has a slightly lower 2.3m vertical starting point. The recession planes for Christchurch are the most restrictive in terms of angles on the southern boundary at

26° for general residential zones, whereas Selwyn is 30° and Waimakariri is 35° on the southern boundary. All three district plans require an angle of 55° on the northern boundary.

Rule 4.9.1.1 in the Selwyn District Plan requires a recession plane of 4m + 45° on any internal boundary in a Living Z medium density area shown on an Outline Development Plan except for a lot on a boundary with a low density area or the boundary of the Outline Development Plan area as a whole. In these cases, recession plane reverts to 2.5m + applicable angle. The result of this approach is that recession planes apply in the Living Z area to internal boundaries (side and rear) but not to external (front/road). For medium density residential, Waimakariri District Plan is the most lenient with a recession plane of 5.7m as its starting point.

Site coverage requirements vary across the three district plans. The maximum site coverage is medium density housing developments in Waimakariri District Plan with up to 60% site coverage and Christchurch District Plan is the lowest with 35% for general residential zones. Selwyn District Plan sits in the middle with 40% for general residential and 50% for comprehensive residential developments.

Although private outdoor areas is not management of the building dimensions per se, it does have the effect of managing the built form. Neither Selwyn District Plan nor Waimakariri District Plan have outdoor living area controls on general residential development, but all three district plans have specific standards for more intensive residential developments. The outdoor living area requirements generally comprise of two measurements – minimum area and minimum dimension. Waimakariri District Plan has the smallest requirement for medium density residential developments with 16m², while Selwyn District Plan is the largest with a requirement of 50m². With the higher residential developments, there are also specific requirements for service courts by Waimakariri and Christchurch District Plans of 5m² and 2.25m² respectively.

Only Christchurch District Plan contains outdoor living space minimum dimensions for general residential development, however all three Plans contain minimum dimensions for higher density residential development. In the higher density residential developments in Selwyn and Christchurch the minimum dimension for outdoor living spaces is 4m, but this is reduced to 3m in Waimakariri.

Overall there is a high degree of alignment between the bulk and location standards contained in the three district plans. The standards where Selwyn District Plan has a noticeably different approach is in the following areas:

- larger front yard setbacks from the road boundary where the garage door is not facing the road and the wall length of the garage exceeds 7m;
- the 1m setback from side and rear boundaries whereas the other district plans could reduce this to 0m²⁵;
- slightly higher site coverage for general residential development, but aligned for medium density residential development;
- larger requirements for outdoor living areas for medium density residential development; and
- absence of service court requirements for medium density residential developments.

7. Best Practice

7.1 Urban Design

The purpose of this section is to evaluate the extent to which the rules are consistent with urban design best practices, as they relate to amenity. The full assessment from DCM Urban is contained in Appendix J.

Urban design is the art of making places for people. It includes the way places work and matters such as community safety, as well as how they look. It concerns the connections between people and places, movement and urban form, nature and the built fabric, and the processes for ensuring successful villages, towns and cities.²⁶

This section focuses on the bulk and location provisions that apply to permitted residential activities. DCM Urban consider that the most influential rules determining bulk and location are building height, site coverage, recession planes and yard set-backs. We have limited our consideration to these aspects to reduce the amount of cross over and duplication with the character and amenity workstream.

²⁵ It is noted this may be reduced to 0m in the Selwyn District Plan under certain circumstances.

²⁶ [By Design: Urban design in the planning system: towards better practice](#)

7.1.1 The extent to which existing rules achieve best practice urban design outcomes

In order to be able to evaluate the extent to which existing rules achieve this outcome, it is necessary to define what constitutes best practice urban design outcomes. Christchurch based company DCM Urban was engaged for their expertise in this area of best practice urban design. In order to create a best practice residential development for the Selwyn District, DCM Urban recommends using urban design principles based on the seven 'c's of the New Zealand Urban Design Protocol as a starting point.

The purpose and scope of these best practice principles is to encourage walkability, and efficient use of land, improve the relationship between buildings and the street, recognise Crime Prevention Through Environmental Design (CPTED) principles, and support designs which create diversity and variation. In relation to the Selwyn District Plan, these principles can be used to ensure that future developments maintain these best practice principles to ensure sustainable design, and increase the wellbeing of those living there. These principles have been considered when evaluating each component of the rules controlling bulk and location and are summarised in the table below.

Table 7-1: Alignment of Selwyn District Plan rules with urban design principles

Urban Design Principle	Relevant Rules in the Selwyn District Plan	Alignment and Analysis
Context This principle refers to the relationships between buildings, places, spaces, activities and networks. It also recognises that towns and cities are part of a constantly evolving relationship between people, land, culture and the wider environment. It is the ability of a building to relate to its wider surroundings.	<ul style="list-style-type: none"> Maximum height of 8m Setbacks to the front boundary range between minimum 3m for higher density living to minimum of 5.5m if the garage door faces the road Larger setbacks for properties with frontage to a state highway Minimum side and rear setbacks of 2m for dwellings and 1m for accessory buildings Recession planes Generally a maximum of 40% maximum site coverage No specific outdoor space requirements except for higher density residential developments Construction of two dwellings on an allotment is a restricted discretionary activity and matters of discretion include: <ul style="list-style-type: none"> adequate outdoor living space for the exclusive use of that dwelling direct sunlight on the shortest day of the year to the 	<p>Context is important in tailoring rules and standards to the receiving environment in which they will sit. While there are similarities between most residential areas, and it is beneficial to have a consistent approach, sometimes variations are required. Bulk and location rules typically ensure there are no cross-boundary issues between neighbours but this can be at the expense of development yield.</p> <p>Outdoor living space requirements become more important in higher density areas while they are not a concern on larger residential lots where there is sufficient space available. The current approach is in line with Best Practice, where larger sites do not require specific outdoor living space but more intensive residential development does.</p>

	<p>outdoor living space</p> <ul style="list-style-type: none"> - adequate privacy between the habitable rooms of the two dwellings erected on the same allotment - The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building - Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area - 'Step in plan' to be provided at each 20 metre interval along a continuous building wall 	
<p>Character</p> <p>This principle is focused on character and culture of the urban environment. It ensures new buildings and spaces are unique, are appropriate to their location and compliment their historic identity, adding value to our towns and cities. Buildings reflects the unique identity of each town, city and neighbourhood and strengthens the positive characteristics that make each place distinctive. This principle seeks to protect and manage heritage aspects, including buildings, places and landscapes.</p>	<p>This principle is focused on historic places and buildings, however the residential building standards contribute to and create a residential character. In particular, the bulk and location standards that contribute to character from public spaces:</p> <ul style="list-style-type: none"> • Maximum height of 8m • Setbacks to the front boundary range between minimum 3m for higher density living to minimum of 5.5m if the garage door faces the road • Larger setbacks for properties with frontage to a state highway • Minimum side setbacks of 2m for dwellings and 1m for accessory buildings • Recession planes • Generally a maximum of 40% maximum site coverage • Construction of two dwellings on an 	<p>Front setbacks and the placement of garages can have a significant effect on the character of a neighbourhood. The intention of rules relating to garages is to minimise their visual dominance of the streetscape and minimising their effect on the walkability of a neighbourhood through having to cross behind cars parked in front of the garages. Like the explanation above for Context, as densities become higher, and the size of lots becomes smaller, but not necessarily with a smaller house, it is important that car movements and garaging do not adversely affect the character of a neighbourhood.</p> <p>Urban Design best practice is to have open street frontages as far as practical with smaller setbacks. This can be achieved through wider streets or wider berms.</p>

	<p>allotment is a restricted discretionary activity and matters of discretion include:</p> <ul style="list-style-type: none"> - The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building - Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area - 'Step in plan' to be provided at each 20 metre interval along a continuous building wall 	
<p>Choice</p> <p>Quality urban design enables diversity and offers people choice. This can include a variety of densities, building types, transport options, and activities. This principle values seeks to provide urban environments appropriate for all people at various stages of life and mobility. It also encourages a diversity of activities within mixed use developments and neighbourhoods.</p>	<ul style="list-style-type: none"> • Maximum height of 8m • Setbacks to the front boundary range between minimum 3m for higher density living to minimum of 5.5m if the garage door faces the road • Larger setbacks for properties with frontage to a state highway • Minimum side and rear setbacks of 2m for dwellings and 1m for accessory buildings • Recession planes • Generally a maximum of 40% maximum site coverage • No specific outdoor space requirements except for higher density residential developments • Any development that does not comply with the standards is a discretionary activity. 	<p>For residential developments, Choice is about providing diversity in dwelling types and sizes. Not all people want, or need, a 3-bedroom dwelling on a 600m² section. There is demand for 1 and 2-bedroom units as well 5 or 6-bedroom dwellings. It is important for developments to include variation, which provides choice.</p> <p>The current SDC Bulk and Location rules do not restrict Choice but they do not encourage it either. The current SDC rules follow Urban Design Best practice by providing different standards for different densities.</p>
<p>Connections</p> <p>Quality urban design recognises how all networks - streets, railways, walking and cycling routes, services, infrastructure,</p>		<p>This is more of a macro issue across developments and the wider District, rather than a matter which can be addressed by bulk and location standards.</p>

and communication networks - connect and support healthy neighbourhoods, towns and cities. This principle values good connections between activities, and provides a variety of transport mode choices.		
Creativity This principle enables and encourages creative and innovative approaches.	<ul style="list-style-type: none"> • Maximum height of 8m • Setbacks to the front boundary range between minimum 3m for higher density living to minimum of 5.5m if the garage door faces the road • Larger setbacks for properties with frontage to a state highway • Minimum side and rear setbacks of 2m for dwellings and 1m for accessory buildings • Recession planes • Generally a maximum of 40% maximum site coverage • No specific outdoor space requirements except for higher density residential developments • Any development that does not comply with the standards is a discretionary activity. 	While the standards create minimum expectations for development, there is opportunity for creativity. This can either be achieved within the permitted building envelope created by the standards or through a resource consent process if a design does not comply with one or more of the standards.
Custodianship Custodianship recognises the lifetime costs of buildings and infrastructure, and aims to hand on places to the next generation in as good or better condition. Stewardship of our towns includes the concept of kaitiakitanga. It creates enjoyable, safe public spaces, a quality environment that is cared for, and a sense of ownership and responsibility in all residents and visitors. This principle can be demonstrated through various ways including using resources carefully, through environmentally responsive and sustainable design solutions, renewable energy. This	<ul style="list-style-type: none"> • Maximum height of 8m • Setbacks to the front boundary range between minimum 3m for higher density living to minimum of 5.5m if the garage door faces the road • Recession planes 	Custodianship is typically a 'given' with standalone dwellings and people fencing their yards to provide a clear demarcation between private and public areas. The exception to this is front yards where it is desired to have open front yards to provide passive surveillance over the streetscape as well as encouraging residents to maintain grass berms outside their house. Avoiding the installation of front fences encourages residents to 'adopt' the street space outside their house. However it is recognised that fences may be desired to ensure safety such as enabling small children to play safely and containing dogs on the site. Fences between the road and the front of the building should be limited in height and where they

principle also supports buildings, spaces, places and transport networks that are safer, with less crime and fear of crime.		are over-height should be visually permeable to strike a balance between function and streetscape.
Collaboration This principle encourages good communication and co-ordinated actions from all decision-makers: central government, local government, professionals, transport operators, developers and users.		This principle is less relevant to bulk and location of residential development.

It must be acknowledged that bulk and location rules often control other effects. For example, limiting site coverage not only influences character and amenity, but it contributes towards managing stormwater through permeability of the site (bearing in mind that site coverage is not the same as impermeable surface controls). Limiting site coverage also ensures there is private open space, and for the larger sites it enables sufficient space for on-site parking and vehicle manoeuvring.

7.1.2 Building Height

The 8m height limit in the Selwyn District Plan comfortably allows for two storey residential development. This is a common building height restriction nationwide, and similar to the height regulations stated in the Waimakariri and Christchurch District Plans for Residential Areas. Although this is the case, it is rarely fully utilised in the Selwyn District with most developments being single storey and typically 5-6m in height. The height limit enables sufficient variety and diversity of design while ensuring that the dwellings are not excessively tall. Particularly in smaller sites and more intensive residential developments, enabling two-storey dwellings will be particularly important so that adequate floor area can be achieved without compromising site coverage.

7.1.3 Site Coverage

A maximum site coverage is often the 'aspect' which can influence the built form of larger dwellings. It should be recognised that site coverage rules control the coverage of the site by buildings, not the level of impermeable surface. It has the effect of limiting the floor area or encouraging development to build up (e.g. second storey). Increasing the permitted site coverage on standard residential sections would have the effect of compromising the amount of outdoor living space available at ground level, and result in little variation in housing stock.

The permitted site coverage levels in the Selwyn District Plan are slightly higher when compared with other district plans for low density residential development (typical), with most being around the 30-40% level as a permitted activity. It is considered that this level of site coverage does not unnecessarily constrain diversity and variety of design, but does ensure a balance of open space and building on each site, as well as ensuring privacy and access to outdoor living areas. If site coverage limits are permitted to be too high on larger lots, it can lead to a predominance of single storey dwellings with large footprints, and potentially limited useable outdoor space. Limiting site coverage can have built form benefits as it encourages dwellings to be multi-storey, which can indirectly lead to better outdoor living space.

7.1.4 Recession Planes

Recession planes have three purposes: they ensure adequate sunlight and light, and protect privacy and also increase the setback from the boundary for taller dwellings.

The recession planes used by the Selwyn District Plan for residential areas are reasonably consistent with other district plans including Waimakariri District Council, Timaru District Council, Queenstown Lakes and Christchurch City Council. They are responsive to the orientation of the boundary which ensures access to sunlight for those in the dwelling, and ensures shadows do not dominate the streetscape or adjoining sites. These district plans have different recession angles depending on orientation, but others have simplified diagrams with a constant angle such as Hutt City.

7.1.5 Yard Set-backs

In terms of viewing from public spaces, the front yards and side yards are the most visible. Front setbacks often have the following purposes:

- a) landscaping;
- b) entry statements;
- c) vehicle and pedestrian entry; and
- d) car parking.

There are three components to yard set-backs: width, depth and use.

Reducing the front yard and bringing dwellings closer to the street creates a different streetscape to dwellings set further back from the front boundary, but the setback should reflect the context of the receiving environment. It is more common for higher density residential development, to frame the street and maximise use of the site, creating a more active edge. Bringing the dwellings closer to the street creates more potential interaction along the street frontage, increasing passive surveillance from the dwellings, engaging with the street more than dwellings set further back. It also provides the opportunity to locate the garage at the rear of the property if the frontage is of sufficient width, giving the hierarchy pedestrian entranceways more importance.

The role and dominance of the use of the front yard changes with greater intensity dwellings. Larger lots have a wider street frontage, whereas smaller lots have a narrow street frontage. As intensification occurs, rules for the placement of car parking usually become more important. Narrow sites will result in numerous crossings, reducing the potential for street trees to be planted in a berm or on-street carparking.

On larger lots with deeper front yards, cars parked in the front yard can be easily accommodated and are unlikely to dominate the streetscape.

Garaging, large areas of driveway and vehicles parked in clear view of the street can have a significant adverse visual impact on the quality and appearance of a development, as well as affect the capacity of on-street parking. With increased density also comes the need for more efficient land use, including more creative responses to on-site parking. Communal or shared facilities are one response as urban areas start to intensify, but must be designed well. Safe and convenient access for pedestrians and in larger developments, such as subdivisions, for cyclists and service vehicles should also be provided. Providing a rear laneway in higher density developments can be a positive outcome with shared access ways reducing the number of potential conflict points with pedestrians walking along the street, and improving a building's relationship to the street. On street carparking is also a consideration and responds positively to a reduction in the number of driveway crossings, and allowing for a greater opportunity to plant street trees. This approach should be investigated at the master planning stage when lot layout and density types are being developed. It is almost impossible to develop laneways at a later stage or for a site-specific development.

Side yards provide separation between buildings, however when coupled with a closed board fence, the 1m side yard is not an efficient use of space. While the setback may contribute towards other outcomes such as increasing the light availability and access to the dwelling for maintenance purposes, there are limited uses for a 1m strip, as seen in many modern suburban and rural houses in the Selwyn District. Many district plans, including Christchurch City, allow for garages and accessory building to be positioned on the boundary, subject to building code requirements, without creating adverse effects as recession planes are still in force.

4.9.7

Buildings may be sited along an internal boundary of the site if the building shares a common wall with another building

4.9.28

No set back is required for any garage or accessory building from an internal boundary, provided that the total length of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided those garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary, except when the site is on the boundary of a low density area or another Living zone, in which case Rule 4.9.2 applies

7.1.6 Overall

The general bulk and location requirements do not limit or restrict most residential development types from being developed. They do not encourage 'choice' in housing stock but this is usually driven by market demand. As some of Selwyn's towns mature, particularly those close to Christchurch, and intensify to a degree, greater housing variation and choice will occur to meet the price point of buyers. At present, the main housing choice in the Selwyn District tailors to families or first home buyers in low density subdivisions or developments. There is little choice in terms of townhouses, apartments, or higher density developments which although the District Plan allows for, there is little of. The bulk and location rules provide sufficient control to minimise any potential conflicts between adjoining properties without restricting development unnecessarily. Key matters for closer consideration to better align with good urban design principles include the use of the front yard for car parking and on-site car manoeuvring on smaller lots, and rules which enable a more efficient use of space than 1m side yards.

7.2 Methods to achieve SDC residential amenity objectives

The most relevant objectives to residential bulk and location are as follows:

Quality of the Environment - Objectives

- | | |
|-------------------------|---|
| Objective B3.4.1 | <i>The District's townships are pleasant places to live and work in.</i> |
| Objective B3.4.2 | <i>A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.</i> |
| Objective B3.4.4 | <i>Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.</i> |

Residential Density - Objectives

- | | |
|-------------------------|--|
| Objective B4.1.1 | <i>A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.</i> |
| Objective B4.1.2 | <i>New residential areas are pleasant places to live and add to the character and amenity values of townships.</i> |

There are other objectives which are implemented through bulk and location policies and rules, although their primary focus is to manage other effects. An example of this is Objective B2.1.2

An integrated approach to land use and transport planning to manage and minimise adverse effects of transport networks on adjoining land uses, and to avoid "reverse sensitivity" effects on the operation of transport networks.

The way this objective is implemented is through Policy B2.1.9 which seeks to ensure buildings are set back a sufficient distance from road boundaries and rules for setbacks of buildings from road boundaries. Thus, objectives such as this do have an impact on bulk and location outcomes in certain areas.

The objectives are very broad – they are not specific as to what the intended outcome is. For example "pleasant places to live" as contained in Objectives B4.3.1 and B4.1.2 could mean a range of things to different people. A number of the objectives are pitched at a higher strategic level around where residential development occurs and the type of living environments enabled and have little relevance to bulk and location at the scale of individual sites. Despite the broad nature of the objectives, DCM Urban have considered how each of the aspects of bulk and location contribute to the objectives.

At its simplest level there are two main responses of a district plan to an objective such as this. At one end of the spectrum is a highly regulated approach with a multitude of bulk and location standards with which residential development is required to comply. The risk with such an approach is that it does not allow for variation or housing choice. At the other end of the spectrum is a less regulated approach with few standards. While this approach enables maximum choice and flexibility, it does not manage the effects on adjoining properties or the public space. It also creates uncertainty as landowners have no certainty as to what could be built on adjoining properties.

Objective B3.4.4 seeks to provide housing choices. We do not consider any of the bulk and location standards unreasonably constrain housing choice, or housing design. Instead they create an envelope within which a dwelling can be designed. Current development does not provide diversity either in terms of housing choice and types, but this is the result of market conditions and land availability as opposed to the Bulk and Location standards.

DCM Urban consider site coverage is potentially the most influential rule to achieve the Council's objectives of providing a variety of living environments and housing choices for residents which are spacious and pleasant spaces, but limiting large, single storey dwellings on smaller sections. Providing smaller sites, as well as larger, will create diversity of building stock. DCM Urban consider this aspect can directly impact on the size of the dwelling, density, outdoor living space provision and building height as well as management. Managing site coverage ensures adequate outdoor living space and is an important urban design outcome to provide healthy and functional homes.

7.3 Possible New Provisions

The focus of this section is to consider possible new provisions to ensure good urban design outcomes are achieved and potential adverse effects on residential amenity are appropriately managed. We consider that the standards for site coverage, setbacks, recession planes, and height contribute towards achieving Council's amenity objectives, and should be retained as building standards. These elements have tangible adverse effects on the living environment of neighbouring properties to create less busy and more spacious residential areas than metropolitan centres. However as residential areas intensify over time, greater controls are needed to ensure that residential amenity is maintained.

- 1) We support alternative bulk and location standards that are tailored to the style of residential development. For multi-unit developments and developments on smaller sites (i.e. less than 400m²), the restricted discretionary process for Comprehensive Development works well and allows consideration of the design holistically by removing yard requirements and recession plane requirements for internal boundaries, but retaining design control through a consent process. Increases in height to 10m (from 8m) and site coverage to 55% (from 45%) are typical of many terraced house developments, allowing for a third storey without compromising the style or design of the development. A site coverage of 50-60% is also typical of many terrace, multi-unit developments, but should not go higher than 60% as it becomes hard to provide sufficient outdoor living space for each dwelling along with on-site parking/manoeuvring without compromising amenity. It is important to note that where a Comprehensive Medium Density site adjoins other lots that are larger than 400m² and that are not identified for medium density residential through the subdivision consent, then the usual recession plane rules should apply to ensure boundary issues are contained. In the case of Small Lot Medium Density developments, standalone, semi-detached or duplex houses on small lots no less than 400m², recession planes should apply for boundaries adjoining other sites, but not boundaries within the development.
- 2) The adoption of a restricted discretionary process for multi-unit developments where the average lot size will be less than 400m² and more than 2 units are proposed. This would help to ensure good design outcomes can be achieved with each unit having sufficient access to outdoor space; garaging and carparking are designed so that they do not visually dominate the streetscape and are designed efficiently and not at the expense of pedestrians. While not a bulk and location issue and more related to character and amenity, it is possible for each unit to have a degree of variance to avoid monotony and a lack of legibility; and service areas are screened from public spaces.
- 3) For residential lots (i.e. detached dwellings on lots greater than 400m²) and with a frontage wider than 12m, a standardised general residential zone with consistent bulk and location standards is recommended. Simplification of the current Living Zones to provide consistent setbacks, heights and site coverage through all Living Areas is also recommended, as it is considered minor variations to the standards do not have a discernible influence. The current bulk and location standards have resulted in a certain residential type of development and there is nothing inherently flawed with these standards. For example, if a side yard setback is 1.0m or 1.5m there is little difference in the resultant built outcome as effects are mitigated by recession planes.

DCM Urban considers that between 400m² and 600m² there is still sufficient room for outdoor living space and there will be no need to change to a different type of house typology. In general the properties will appear the same as the properties over 600m² in size, for all intents and purposes if the existing bulk and location rules are applied. For corner sites, given the site has two road frontages or a road and a public reserve, greater controls are required to ensure good design

outcomes are achieved. For corner sites DCM Urban recommends a threshold of 500m² is adopted with the same controls as sites below 400m².

- 4) As outlined above, areas for potential change include whether consolidating the number of vehicle crossing, potential visual dominance of garaging and the use of the front yard for car parking on smaller sites is appropriate, and rules which enable a more efficient use of space than 1m side yards. Allowance of garages to locate into the side yard would allow for the efficient use of land without creating any adverse effects on adjoining properties as recession planes protect sunlight issues. If designed correctly, it would provide additional useable outdoor living space elsewhere on the lot.
- 5) While private open space is important, there is considered no need for specific open space standards on lots greater than 400m² as there is adequate space left by the site coverage requirements. A 40% site coverage on a site of 400m² equates to 160m² of building. This leaves 240m² for yards, vehicle parking/turning and private open space. For this reason, specific private open space standards are not required. The size and location of private open space does become more important with the smaller lots however. The outdoor living space is likely to be a dwelling's primary space for entertainment, relaxing and recreation. Its quality and accessibility can have a significant impact on its amenity. For the smaller slots it should be directly accessible from the dwelling to which it relates, and ideally from internal living areas. Dwellings should connect with a useful outdoor space which has a reasonable level of privacy from adjoining dwellings, good access to sunlight, shelter from prevailing winds, and a sense of openness and independence. In some developments, a dwelling's outdoor living space may be located in the front yard to receive direct sunlight. By linking outdoor areas with the main indoor living areas of a dwelling, e.g. living areas and dining rooms, it encourages their use, provides a pleasant outlook and allows greater flexibility for outdoor spaces by allowing them to function as extensions to the indoor areas of the house. It is recommended that each dwelling has a minimum of 30m² of outdoor living space which is directly linked to indoor living areas and receives direct sunlight from either the east, north or west. South facing outdoor spaces should be avoided where possible

8. High Level Recommendations

As discussed in this report, the current provisions are enabling the efficient use of sites in the Living zones, and are achieving the outcomes identified in the Operative District Plan. Notwithstanding this, a number of issues have been identified with respect to the rules themselves, primarily relating to how they are written, and the overall ease of interpretation.

The following table summarises our high-level recommendations, which will be discussed further in Section 9 of this Report:

Table 8-1: High level recommendations

Item	Recommendation
Rule formatting	With respect to numbering the rules would benefit from adopting a consistent style and approach, as it will lead to a more readable and user-friendly plan.
Terminology	Use consistent terminology throughout the rules (and the plan).
Cross-Referencing	Cross-referencing to Appendices and Outline Development Plan Areas is common throughout the Living Zone. Rules should be written so that the activity status can be determined by reading the rule itself, without the reader having to traverse separate sections of the plan.
Rule Structure	Rules need to be structured so that they are intuitive; that is, their inter-relationship between the rule and any associated standards, controls or matters of control and discretion is clear to the reader. Re-formatting the structure of the rule will make it easier to understand and interpret.
Measurability	Some rules will need to be re-written so that it is clear how the rule will be measured, and what the thresholds/triggers are.
Overly Restrictive Rules	Reconsider activity status to ensure rules are not overly or unreasonably restrictive. Ensure there is a logical activity status cascade where there is non-compliance with a standard.
General Comments	<ul style="list-style-type: none"> Ensure that scenario testing is undertaken so that any rule having two activity statuses is identified early and addressed;

Item	Recommendation
	<ul style="list-style-type: none"> • Ensure that all rule references match what is provided for in the District Planning Maps (consistency with the name of zones, etc.) • Insert figures into the rules themselves to assist readers understand and interpret the rule (for example, with net area, setbacks and recession plane rules); • Remove references that cannot be found in the plan (for example, property titles and design guides) • Ensure that all zones are described and defined in the plan • Apply standards to structures, instead of activities; • Ensure that the objectives and policies of the plan are robust and traceable to their relevant rules. This may require a restructuring of the Living Zones themselves and the overall structure of the plan
Additional rules to consider/ rules to be removed	<ul style="list-style-type: none"> • Reconsider rules relating to Step In Plans as these are not used. This may be because the situation very rarely arises where these rules would be applied. • Fencing rules. • Amend the description of temporary activities to include shipping containers.
Definitions	<p>Council may wish to consider adding or amending the following definitions:</p> <ul style="list-style-type: none"> • Development – amend • Net area - add • Setback - add • Outdoor living space - add • Front building façade – amend • Infill Development – add • Site coverage - add • Intensification - add • Medium Density - amend • Comprehensive residential development - amend <p>Some of these terms are identified in the Ministry for the Environment Discussion Paper on Definitions, and therefore may be defined in National Planning Standards rather than district plans.</p>

8.1 Objectives and Policy Framework

We consider that the standards for site coverage, setbacks, recession planes, and height contribute towards achieving Council's amenity objectives, and should be retained as an effective approach to managing residential bulk and location. These elements have tangible effects on the living environment of neighbouring properties to create less busy and more spacious residential areas than metropolitan centres, which is in accordance with Policy B3.4.3.

The current objectives regarding residential development are broad and could mean all things to all people. Assessing the achievement of the objectives would be difficult to undertake because of the general nature of the objectives. It is recommended that the objectives be reviewed with consideration given to more specificity about the residential environment that is intended.

The policies are also broad with regards to general residential development. By comparison Policy B3.4.3 is highly specific about new medium density residential developments identified in Outline Development Plans. This approach could be replicated for general residential development to guide how the objectives will be achieved.

8.2 Standards

In terms of the residential bulk and location rules themselves, the comparison against Waimakariri District Plan and Christchurch District Plan indicated a high level of alignment. The standards where Selwyn District Plan had a noticeably different approach was in the following areas:

- larger front yard setbacks from the road boundary where the garage door is not facing the road for larger garages;
- the 1m setback from side and rear boundaries whereas the other district plans reduce this to 0m. It is noted that Selwyn District Plan already allows this in some circumstances;

- slightly higher site coverage for general residential development, but aligned for medium density residential development;
- larger requirements for outdoor living areas for medium density residential developments; and
- absence of service court requirements for medium density residential developments.

However as residential areas intensify over time, greater controls are needed to ensure that residential amenity is maintained.

Alternative bulk and location standards that are tailored to the style of residential development are supported for multi-unit developments and developments on smaller sites (i.e. less than 400m²). It is recommended that the restricted discretionary process for Comprehensive Development be retained to allow consideration of the design holistically. It is recommended that the yard requirements and recession plane requirements for internal boundaries are removed for Comprehensive Residential Development. An increase in height to 10m (from 8m) and site coverage to 55% (from 45%) will allow for a third storey without compromising the style or design of the development, but should not exceed 60%.

Areas for potential change include the use of the front yard for car parking on smaller sites, and rules which enable a more efficient use of space than 1m side yards. We consider allowance of garages into the side yard would allow for the efficient use of land without creating any adverse effects on adjoining properties. If designed correctly, it would provide additional, useable outdoor living space.

While private open space is important, there is no need for specific standards on sites greater than 400m² as there is adequate space left by the site coverage requirements. The size and location of private open space does become more important with the smaller sites however. For the smaller sites it should be directly accessible from the dwelling to which it relates, ideally from internal living areas. Linking outdoor areas with the main indoor living areas of a dwelling, e.g. living areas and dining rooms, encourages their use, provides a pleasant outlook and allows greater flexibility for outdoor spaces by allowing them to function as extensions to the indoor areas of the house. Buildings should connect with a useful outdoor space which has a reasonable level of privacy from adjoining dwellings, good access to sunlight, shelter from prevailing winds, and a sense of openness and independence.

There are also inconsistencies with the way exemptions for structures such as chimneys are managed in the Plan. Height is defined in the plan and states that no account shall be taken of certain structures, including chimneys. The definition for setbacks also allow for chimneys to extend into the setback area. However these exemptions are not reflected in the recession planes. While a chimney can breach the height and setback provisions as a permitted activity, it would currently need consent as it protruded through the recession plane. It is recommended that the same exemptions should apply to recession plane rules to align with those allowed in terms of height and setback. It is unlikely that structures such as chimneys would have any significant effect on daylight and sunlight, and therefore such an exclusion will not have an adverse effect.

The comparison with the Waimakariri and Christchurch District Plans highlighted the high level of complexity of the Selwyn District Plan residential provisions. For residential sites (i.e. detached dwellings on sites greater than 400m²), we recommend a standardised general residential with consistent bulk and location standards. We recommend simplification of the current Living Zones to provide consistent setbacks, heights and site coverage through all Living Areas, as minor variations to the standards do not have a discernible influence. The current bulk and location standards have resulted in a certain type of development and there is nothing inherently flawed with these standards.

Notwithstanding the drafting changes recommended at the start of this section of the report, the rules would also benefit from re-structuring. The Waimakariri and Christchurch District Plans were intuitive in their structure – it was easy to find the residential building standards and they were structured in a logical way. The provisions were separated into their zones so users of the plans only needed to find the zone chapter and all the relevant rules relevant to that zone were in one location. While this may create duplication, users of the Plan would have more certainty that all the relevant rules have been located.

9. Bulk and Location Approaches for Housing Typologies

Stantec has prepared a report titled “Residential Density and Housing Typology”²⁷ which assessed density provisions in the District Plan and reviewed on-the-ground density and housing typologies. This report identified a range of housing typologies for future population needs and outlined options for housing density.

The purpose of this Section of the report is to consider the range of housing typologies recommended in that report and identify the types of rules that could be included in the proposed district plan.

9.1 Housing Typologies

A review of Building Consents granted between 2007 and 2017 showed that the dominant housing typology across the Selwyn District is the single storey detached dwelling, making up 98 per cent of Building Consents issued for this period. There is a need to provide more housing within the Selwyn District in order to keep up with the growth in population through to 2046. The current stock of single storey detached dwellings in the Selwyn District is unlikely to suit the full demographic profile however, such as elderly persons, one person households or couples without children.

Not surprisingly, households of certain ages tend to occupy one type of housing. This suggests that different types of housing have different characteristics that appeal to households at different ages and life stages. While the range of sizes and shapes will vary with each type of dwelling, the housing typologies likely for Selwyn in the future include the following (as described in report RE004 Density and Typology²⁸):

Detached dwellings

- standalone/not attached to other dwellings;
- up to two storeys;
- can be part of a larger masterplanned development.



²⁷ RE004 Density and Typology, Stantec New Zealand, 2018

²⁸ RE004 Density and Typology, Stantec New Zealand, 2018

<p>Duplex²⁹</p> <ul style="list-style-type: none"> • Two side-by-side dwellings contained within one building; • One dwelling is usually the mirror image of its partner; • Two or three storeys in height. <p>Terraced houses³⁰</p> <ul style="list-style-type: none"> • Row of identical or very similar attached dwellings that are joined on one or both sides of other houses; • The 'end terrace' house can be different to the rest of the terrace; • Sometimes can be joined by garages between houses and can either be built into the terrace and accessed from the front or can be accessed by a rear laneway; • Two or three storeys in height. 	
<p>Low-rise apartments³¹</p> <ul style="list-style-type: none"> • Apartments are usually single storey self-contained units within a larger building, but sometimes apartments have more than one storey • Usually there is common access to a core stairwell • Private open space is a courtyard or garden on ground floor or on balconies on upper floors • Often rubbish storage is communal and post boxes are in one central place. 	
<p>Minor dwelling³²</p> <ul style="list-style-type: none"> • Is secondary to the principal dwelling on the site; • Occupation is not limited to family members. 	

9.2 Recommended Bulk and Location Standards for Each Housing Typology

Building on the recommendations in Sections 7 and 8 of this report, the following table contains recommendation for the bulk and location requirements for each housing typology. The following are recommended approaches to bulk and location standards for housing typologies, and includes some aspects of design as requested by Council.

Please note that because minor dwellings are secondary to the principal dwelling, the recommendations for minor dwellings are generally covered by the recommended approaches to detached dwellings (e.g. site coverage). However, there are bulk and location standards specific to minor dwellings and these are set out in Section 9.3.

²⁹ Definition as per Medium-density housing in New Zealand, Ministry for the Environment, 2016

³⁰ Ibid

³¹ Definition as per Medium-density housing in New Zealand, Ministry for the Environment, 2016

³² Definition as per Auckland Unitary Plan 2016 (Operative in part)

Table 9-1 Recommended standards for housing typologies

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
Height	The 8m height limit is sufficient for this form of housing. It is rarely fully utilised in the Selwyn District with most developments being single storey and typically 5-6m in height.	The 8m height limit in the Selwyn District Plan comfortably allows for two storey residential development. Minor protrusions into the height standard should remain such as chimneys and aerials as these do not materially affects the perception of bulk of a building.	A 10m height limit would allow for the development of 3 storey dwellings in town centres where additional height is exceeded. 10m allows for variation in roof forms and does not squeeze developments into a lower form. Minor protrusions into the height standard should remain such as chimneys and aerials as these do not materially affects the perception of bulk of a building.
Recession planes	Applicable to all boundaries. They ensure shadows do not dominate the streetscape or adjoining sites, and there is sufficient daylight for the dwelling and those adjoining sites.	Applicable at zone boundaries. Recommended that recession planes do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed. Enable a gable end, dormer roof or chimney to protrude through the recession planes. The size of the permitted protrusion of a gable end or dormer should be specified for clarity. The height in relation to boundary standard should not apply to existing or proposed internal boundaries within a site.	Applicable at zone boundaries. Recommended that recession planes do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed. Enable a gable end, dormer roof or chimney to protrude through the recession planes. The size of the permitted protrusion of a gable end or dormer should be specified for clarity. The height in relation to boundary standard should not apply to existing or proposed internal boundaries within a site.
Setbacks from site boundaries	2m but allow garages to be built on side/rear boundary subject to building code requirements. This is to avoid redundant, unusable space being created.	It is recommended that side setbacks only be applied to boundaries with lower density residential zones. Setbacks with the road are recommended to manage the	It is recommended that side setbacks only be applied to boundaries with lower density residential zones. Setbacks with the road are recommended to manage the

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
	<p>3m front boundary where the garage door is not facing the road.</p> <p>It is recommended that eaves are exempt from the setback requirements. An exemption for eaves could either be included as a standard or in the definition for "setback". If setbacks include eaves, there is a risk that designs do not provide eaves which results in less than optimal designs and building durability.</p>	<p>streetscape and the way the buildings frame the road.</p> <p>It is recommended that eaves are exempt from the setback requirements. An exemption for eaves could either be included as a standard or in the definition for "setback". If setbacks include eaves, there is a risk that designs do not provide eaves which results in less than optimal designs and building durability.</p>	<p>streetscape and the way the buildings frame the road.</p> <p>It is recommended that eaves are exempt from the setback requirements. An exemption for eaves could either be included as a standard or in the definition for "setback". If setbacks include eaves, there is a risk that designs do not provide eaves which results in less than optimal designs and building durability.</p>
Outdoor living space	<p>No standards required for sites greater than 400m² as the site is generally large enough and the site coverage low enough to ensure this is provided. On sites larger than 400m² it is possible to design a dwelling with sufficient outdoor living as site coverage controls restrict the amount of space occupied by buildings.</p> <p>Standards for outdoor living space are recommended for sites:</p> <ul style="list-style-type: none"> less than 400m² or sites larger than 500m² that are corner sites with two road frontages. <p>The standards should include area, minimum dimension and location for sunlight (i.e. north of east or west bearing). The outdoor living space should also be accessed from the dwelling to which it relates, ideally from living areas and dining rooms.</p>	<p>Outdoor living space standards are essential. The standards should include a specified area for each unit, minimum dimension and location for sunlight (i.e. north of east or west bearing). The size of the area is to reflect the average household density of 2.7 people per household; rather than the number of bedrooms.³³</p> <p>The outdoor living space should also be accessed from the dwelling to which it relates, ideally directly from living areas and/or dining rooms.</p> <p>Enable a portion of the outdoor living space to be located in the road setback where this is north facing.</p>	<p>Outdoor living space standards are essential. The standards should include a specified area for each unit, minimum dimension and location for sunlight (i.e. north of east or west bearing). The size of the area is to reflect the average household density of 2.7 people per household; rather than the number of bedrooms.</p> <p>Standards are needed for each residential space as well as communal space.</p> <p>Enable balconies above ground level to contribute to outdoor living space and include minimum size requirements of balconies.</p>

³³ 2013 census information, Statistics New Zealand

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
Site coverage	Retaining 40% is sufficient for this form of housing.	50% is appropriate. If site coverage limits are permitted to be too high on larger lots, it can lead to a predominance of single storey dwellings with large footprints, and potentially limited useable outdoor space. Limiting site coverage to 50% as opposed to higher encourages dwellings to be multi-storey, which can indirectly lead to better outdoor living spaces.	More flexibility could be provided by increasing the site coverage standard to 55% for this form of housing. Low-rise apartments are likely to be located in the towns and 55% site coverage will enable more efficient use of the site.
Landscaping	Not required, but similarly no limitations. This enables maximum flexibility for personal choice and enables variation.	<p>As the residential intensity increases, the size and quality of open spaces becomes more important. It is recommended that a minimum percentage area of landscaping is required such as 30%. While the outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.</p> <p>The location of the landscaped area is also important, with the frontage being important from a streetscape / public realm perspective. It is recommended that a minimum portion of the landscaping between the building and the road boundary.</p> <p>It is noted that a requirement for landscaping may not be appropriate where there is a commercial use at the ground floor.</p>	<p>As the residential intensity increases, the size and quality of open spaces becomes more important. It is recommended that a minimum percentage area of landscaping is required such as 30%. While the outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.</p> <p>The location of the landscaped area is also important, with the frontage being important from a streetscape / public realm perspective. It is recommended that a minimum portion of the landscaping between the building and the road boundary.</p> <p>It is noted that a requirement for landscaping may not be appropriate where there is a commercial use at the ground floor.</p>
Fencing	Maximum height for visually impervious fences (i.e. less than 50% visually open). This is to provide privacy for dwellings while enabling opportunities for passive surveillance of the street. The standard needs to be of an appropriate height to	Fencing in the front yard should not be permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard. In this instance, the front door should be readily visible from the street	Fencing in the front yard should not be permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard. In this instance, the front door should be readily visible from the street

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
	<p>safely contain activities such as children playing, dogs and swimming pools.</p> <p>Increased maximum height for fences with greater than 50% transparency.</p>	<p>with access possible without having to access through a gate</p> <p>There is the potential for inconsistent fencing requirements between the typologies if they occur in the same zone. For example, in a Residential Zone duplex developments may sit alongside a detached dwelling, and the streetscape and road frontage would start to look piecemeal with different fencing requirements for each housing typology. For this reason, it is recommended that the fencing standards are consistent within each residential zone and are reflective of the dominant housing typology in that zone, rather than specific standards for each housing typology.</p>	<p>with access possible without having to access through a gate</p>
Outdoor storage	No standards are required due to the site size and form of dwelling.	Standards regarding size and location are recommended to enable storage / screening of rubbish bins in a location convenient to the dwelling but not visible from a public space or adjoining residential unit.	<p>Standards regarding size and location are recommended to enable communal storage of rubbish. The standards should ensure that the space is:</p> <ul style="list-style-type: none"> convenient to the apartment not visible from a public space or adjoining residential unit. Easily accessible by a rubbish truck, taking into consideration turning circles for a truck. Individual storage facilities for rubbish should be discouraged.
Privacy	<p>Standards for two storied dwellings that control two aspects above ground level:</p> <ul style="list-style-type: none"> Balconies; and 	<p>Ensure privacy through:</p> <ul style="list-style-type: none"> location of the outdoor living area 	<p>Ensure privacy through:</p> <ul style="list-style-type: none"> location of the outdoor living area

Commented [JL7]: Creates conflict where detached dwelling is next to duplex – one can fence but the other can't.
Is fencing better addressed at zone level regardless of typology?

Commented [CA8]: We consider this is acceptable as they are different typologies and therefore have a different relationship with the street

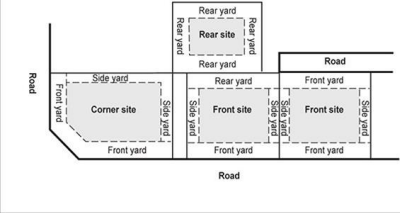
Commented [JL9]: Can you explain more?

Commented [CW10]: I agree and text added to outline the issue.

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
	<ul style="list-style-type: none"> Windows. <p>The only issue is where these features are facing a side or rear boundary. The standards are to ensure that each dwelling has sufficient privacy. This can be achieved through increasing the distance between the dwellings (i.e. an increased setback from the boundary of the second storey where there is a window or balcony facing a rear or side boundary above ground level), or ensuring privacy through the design of the window such as opaque glazing or a higher sill height.</p>	<ul style="list-style-type: none"> screening of outdoor living areas controlling the placement of balconies above ground level to ensure that they are facing onto an open area such as the road frontage or a communal open space. controlling the placement of windows at floors above ground level – particularly those that face a side or rear boundary. <p>This can be managed through standards, for example the Auckland Unitary Plan manages this through “outlook spaces” for a principal living room, a principal bedroom and other habitable rooms. For Selwyn, it is recommended that this matter is most effectively managed by a specific matter of discretion (rather than complex standards) to enable flexibility in design and innovation.</p>	<ul style="list-style-type: none"> screening of outdoor living areas from adjoining units controlling the placement or type of neighbouring windows adjacent to a private outdoor living area. This can be controlled within the design of the apartment building itself, as well as ensuring that the new building does not affect the quality and privacy of private outdoor living areas on adjoining sites. controlling the placement of balconies above ground level to ensure that they are facing onto an open area such as the road frontage or a communal open space. controlling the placement of windows at floors above ground level – particularly those that face a side or rear boundary. <p>This can be managed through standards, for example the Auckland Unitary Plan manages this through “outlook spaces” for a principal living room, a principal bedroom and other habitable rooms. For Selwyn, it is recommended that this matter is most effectively managed by a specific matter of discretion (rather than complex standards) to enable flexibility in design and innovation.</p>

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
Balconies	No specific standards required.	Enable part of the outdoor living space to be accommodated through balconies. The privacy aspect of balconies is most effectively managed through matters of discretion rather than standards to enable innovative design and consideration.	Enable part of the outdoor living space to be accommodated through balconies. The privacy aspect of balconies is most effectively managed through matters of discretion rather than standards to enable innovative design and consideration.
Garage doors – position facing roads	5.5m to allow for on-site parking in front of a garage.	Encourage garaging to be at the rear of developments, or accessed via a rear accessway to avoid the streetscape being dominated by rows of garage doors. On accessways, garage doors could open directly onto the lane. Matters of discretion should include streetscape and the pedestrian realm.	Encourage the use of communal parking areas, either e.g. to the rear of a development. Matters of discretion should include streetscape and the pedestrian realm.
Windows at first floor level	No standards for single storey required due to the form of the dwelling. Safety on the street was not identified by Council as an issue. Where there a second storey, a 4m offset from side and rear boundaries to ensure privacy is maintained. Note corner sites have two frontages as illustrated in this diagram below. ³⁴	Ensure a principal habitable room overlooking the street. This is to contribute to safety of the public realm as well as ensuring the building does not have blank walls facing the street This standard is most effective if the definition of "habitable room" does not include bedrooms. With this form of housing, a more active relationship with the street is encouraged through passive surveillance opportunities. 4m offset from side and rear boundaries to ensure privacy is maintained (note corner sites have two frontages)	Ensure a principal habitable room overlooking the street. This is to contribute to safety of the public realm as well as ensuring the building does not have blank walls facing the street This standard is most effective if the definition of "habitable room" does not include bedrooms. With this form of housing, a more active relationship with the street is encouraged through passive surveillance opportunities. 4m offset from side and rear boundaries to ensure privacy is maintained. (note corner sites have two frontages)

³⁴ Source: Fig J1.4.7 from Auckland Unitary Plan

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
			
Windows of habitable rooms	No standards required. The use of rooms changes over time and having no restriction allows for future flexibility of use.	<p>Where there are yards, a matter of discretion is the most effective approach to avoid windows of adjacent houses being aligned.</p> <p>On the ground floor – no restriction</p> <p>As above for first floor windows.</p> <p>Ensure at least one habitable room is oriented towards the street to provide opportunities for passive surveillance of the street.</p>	<p>Where there are yards, a matter of discretion is the most effective approach to avoid windows of adjacent houses being aligned.</p> <p>On the ground floor – no restriction</p> <p>As above for first floor windows.</p> <p>Ensure at least one habitable room is oriented towards the street to provide opportunities for passive surveillance of the street.</p>
Common walls	Not applicable	Allow for common or fire walls between residential units. This would complement the absence of side yard requirements.	Allow for common or fire walls between residential units. This is necessary to enable this form of housing typology.
Length of walls and steps in plan	A standard is not required due to the building form.	<p>15m maximum length before a step or material change is required. This is to avoid continuous uninterrupted lengths of walls and encourage variation.</p> <p>Feedback from Council indicates that these current rules have not been applied. This could be due mostly to this form of residential development not being utilised. This may change in the future to accommodate growth and enable different forms of residential</p>	<p>15m maximum length before a step or material change is required. This is to avoid continuous uninterrupted lengths of walls and encourage variation.</p> <p>Feedback from Council indicates that these current rules have not been applied. This could be due mostly to this form of residential development not being utilised. This may change in the future to accommodate growth and enable different forms of residential</p>

	Detached dwelling	Duplex and terraced houses	Low-rise apartments
		<p>development to cater for the full demographic spectrum.</p> <p>Encourage the placement of windows in end elevations</p>	<p>development to cater for the full demographic spectrum.</p> <p>Encourage the placement of windows in end elevations</p>
Suggested matters of discretion associated with bulk and location	Not applicable as this form of housing typology is recommended to be a permitted activity.	<p>Effects on adjoining properties:</p> <ul style="list-style-type: none"> • shadowing • overlooking • privacy <p>The effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:</p> <ul style="list-style-type: none"> • building intensity, • scale, • location, • form and • appearance <p>Design of parking and access</p> <p>Visual dominance</p> <p>Safety of the street</p>	<p>Effects on adjoining properties:</p> <ul style="list-style-type: none"> • shadowing • overlooking • privacy <p>The effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:</p> <ul style="list-style-type: none"> • building intensity, • scale, • location, • form and • appearance <p>Design of parking and access</p> <p>Visual dominance</p> <p>Quality of the living environment including:</p> <ul style="list-style-type: none"> • safety of the street • landscaping

9.3 Minor Dwellings

Minor dwellings are recommended by the report RE004 Density and Typology³⁵ and this form of housing is an effective way of increasing the range of housing options and choices. Minor dwellings also accommodate different demographic parts of the community and provide more living choices such as the aged population.

Minor dwellings require management through bulk and location standards, particularly as the purpose of these is to be secondary to the principal dwelling. Minor dwellings are likely only to occur on sites with a detached dwelling. Key standards for controlling the bulk and location of minor dwellings are:

1. Maximum floor area – this is important for ensuring the minor household is secondary to the principal dwelling. The maximum floor area of minor units in district plans ranges in size from 50m² – 80m² in residential zones.
2. Maximum height – if the minor unit is structurally attached to the principal dwelling then a specific height limit is not required. If the minor unit is separate from the principal dwelling, then a maximum height to match that of accessory buildings is recommended to avoid a tall building with a small footprint. Accessory buildings are commonly between 4-6m maximum height in the residential zones.
3. Outdoor living space – this is to ensure that the minor dwelling has adequate quality outdoor living space separate from the principal dwelling. The important aspects of outdoor living space for minor dwellings are the area, location in relation to the minor dwelling and orientation so that it receives sunlight.
4. Distance from the principal dwelling – this is only required where the minor dwelling is physically separate from the principal dwelling. In these cases, the minimum distance should be 1m.

It is recommended that the above controls apply in addition to those applicable to the overall site e.g. site coverage and setbacks will apply to the entire site irrespective of whether or not there is a minor dwelling.

9.4 Minor Breaches of Standards

The changes introduced to Section 87BA of the Resource Management Act (RMA) through the Resource Legislation Amendment Act 2017 changed the way that minor breaches of standards are managed. Many resource consents are required because of breaches to plan rules that are very minor and of a technical nature. In other instances, a proposal may breach a rule where the only potential adverse effects are extremely localised and the affected neighbour has provided written approval. In these cases, the environmental effects are essentially little different from those associated with permitted activities and the objectives and policies of the plan will not be compromised.

Section 87BA now requires councils to treat boundary activities as permitted if written approval is given by the relevant neighbour(s), and certain information is supplied to the council. The intent of this change is to increase time and cost efficiencies, and improve the proportionality of the consenting system.

There are specific definitions related to boundary activities in the RMA, with Sections 87AAB(1) and (2) defining the term as follows:

(1) An activity is a boundary activity if—

(a) the activity requires a resource consent because of the application of 1 or more boundary rules, but no other district rules, to the activity; and

(b) no infringed boundary is a public boundary.

(2) In this section,—

boundary rule means a district rule, or part of a district rule, to the extent that it relates to—

(a) the distance between a structure and 1 or more boundaries of an allotment; or

(b) the dimensions of a structure in relation to its distance from 1 or more boundaries of an allotment

infringed boundary, in relation to a boundary activity,—

³⁵ RE004 Density and Typology, Stantec New Zealand, 2018.

(a) means a boundary to which an infringed boundary rule applies:

(b) if there is an infringement to a boundary rule when measured from the corner point of an allotment (regardless of where the infringement is to be measured from under the district plan), means every allotment boundary that intersects with the point of that corner:

(c) if there is an infringement to a boundary rule that relates to a boundary that forms part of a private way, means the allotment boundary that is on the opposite side of the private way (regardless of where the infringement is to be measured from under the district plan)

public boundary means a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown.

A 'boundary rule' is a district plan rule relating to the distance between a structure and a property boundary (or boundaries), or the dimensions of a structure in relation to its distance from a boundary. Common examples include yard setbacks, recession planes or fence rules where these relate to the boundary. This definition excludes general land use rules that do not relate to a boundary (for example, overall building site coverage or maximum height restrictions).

For boundary activities, written approval is needed from the owner of the property (or owners of the properties) with an 'infringed boundary', which is a boundary that the rule infringement applies to. In these cases, councils do not need to undertake a wider assessment to determine if any other people are affected.

The definition of 'infringed boundary' also means, if there is an infringement to a boundary rule:

- when measured from the corner point of an allotment, written approval is needed from the owners of every property with a boundary that intersects with the point of that corner
- next to a 'private way' (defined in the RMA), written approval is required from the neighbour on the opposite side of that private way.

Boundary exemptions cannot be granted for rule breaches that affect a public boundary which includes a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by a council or by the Crown.

If a person applies for a boundary activity exemption and the council is satisfied that the activity is a boundary activity and all of the necessary information is provided, the council must provide a written notice to the person, stating that the activity is permitted. The council has 10 working days to provide this notice.

Councils may exempt activities from needing a resource consent for 'marginal or temporary' rule breaches. Previously any activity that breached a rule in a district plan required a resource consent, regardless of the scale of the environmental effects of the infringement. A new Section 87BB has been included into the RMA which provides a discretionary power for councils to treat an activity as permitted if there is only a 'marginal or temporary' rule breach. A council can give notice of this either after receiving an application for a resource consent for the activity, or on its own initiative.

These changes to the RMA do not necessarily require any amendments to the District Plan, although it would be helpful if Council identified the rules to which Section 87BA applies. It would also be helpful if Council prepared guidance on the application of Section 87BB. This would need to sit outside the district plan as the application of Section 87BB requires a subjective analysis to determine whether the activity can be considered as a permitted activity. It would be difficult to write a rule which provided absolute certainty of activity status for these scenarios.

9.5 Conclusion

The recommendations in Sections 8 and 9 of this report will ensure that the bulk and location of residential buildings are reflective of the built form. They are a balance between providing certainty for communities, as well as enabling innovation and creativity in design. Together with the subdivision standards (which are the focus of another report), the bulk and locations standards will help to create functional and safe residential environments. The standards and approach outlined in this report is also an effective and efficient way to give effect to the Canterbury Regional Policy Statement objectives and policies seeking quality living spaces and quality urban design of residential development.

Appendices



Appendix A Existing Rules Table

(as at 1 November 2017)

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Rule 4.2.1 Permitted Activities - Buildings and Landscapes	Permitted	<p>Except for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and</p> <ul style="list-style-type: none"> Planted in lawn, and/or Paved or sealed, and/or Dressed with bark chips or similar material. 	<p>Inconsistent formatting</p> <p>Cross referencing</p>	
Rule 4.2.3 Permitted Activities - Buildings and Landscapes	Permitted	<p>Any Fencing in the Living 3 Zone, and the Living 2A Zone in Darfield, as identified in Appendix 47, shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, traditional sheep, deer fencing, solid post and rail or post and wire only;</p> <p>Except that nothing in the above controls shall preclude:</p> <ul style="list-style-type: none"> (i) the use of other fencing types when located within 10m of the side or rear of the principal building. Such fence types shall not project forward of the line of the front of the building. (ii) fencing required by an Outline Development Plan and/or rule in this Plan as a noise barrier. <p>Note: Except that fences on boundaries adjoining reserve areas, cycleways or pedestrian accessways identified in the Outline Development Plan for Lincoln in Appendix 18 and for the Living 1A6 Zone in Prebbleton shall not exceed 1.2m in height.</p>	<p>Inconsistent formatting</p> <p>Cross referencing</p>	
Rule 4.2.4 Discretionary Activities - Buildings and Landscapes	Discretionary	Any activity which does not comply with Rule 4.2.1 or Rule 4.2.2 shall be a discretionary activity.	<p>Not easily traceable</p> <p>Overly restrictive</p>	Non-compliance with rules 4.2.1 and 4.2.2 require consent as a DA, whereas non-compliance with rule 4.2.3 can be considered an RDA – seems to be inconsistency in the approach here and overly onerous.
Rule 4.2.5 Restricted Discretionary - Buildings and Landscapes	Restricted Discretionary	<p>Any activity which does not comply with Rule 4.2.3 shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the consideration of:</p> <ul style="list-style-type: none"> 4.2.5.1 The extent to which the proposed fencing achieves high levels of visual transparency; 4.2.5.2 The extent to which the proposed fencing is in keeping with rural character elements; 4.2.5.3 Whether the proposed fencing is necessary as an integral part of a recreational facility such as a swimming pool or tennis court 4.2.5.4 Whether the proposed fencing is necessary for the care and management of specialist livestock. 	<p>Inconsistent formatting</p> <p>Rule Structure</p>	<p>Subjective criteria (how is high levels of visual transparency achieved)?</p> <p>"Specialist Livestock" not defined in the plan</p>
Rule 4.6.1 Permitted Activities – Buildings and Building Density	Permitted	<p>The erection on an allotment (other than a site at Castle Hill) of not more than either:</p> <ul style="list-style-type: none"> One dwelling and one family flat up to 70m in floor area; or One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in). 	<p>Inconsistent formatting</p> <p>Inconsistent terminology</p>	<p>"shall be" should be on a new line</p> <p>The language in this rule can be simplified.</p> <p>Note that "site, allotment and property" are used interchangeably, which can become confusing.</p>
Rule 4.6.2 Permitted Activities – Buildings and Building Density	Permitted	The erection of not more than one principal building on any site at Castle Hill shall be a permitted activity	Cross referencing	Language in this rule ("of not more than one") can cause confusion
Rule 4.6.2.1	Permitted	The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (Appendix 20A) for this zone.	Cross Referencing	

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Permitted Activities – Buildings and Building Density				
Rule 4.6.3 Restricted Discretionary Activities – Buildings and Building Density	Restricted Discretionary	Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.	Rule Structure	The language in this rule could be simplified ("not more than" is unnecessary) The matters of discretion should be included in the rule.
Rule 4.6.4 Restricted Discretionary Activities – Buildings and Building Density	Matters of Discretion	<p>The Council shall restrict the exercise of its discretion to:</p> <p>4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and</p> <p>4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and</p> <p>4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and</p> <p>4.6.4.4 The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and</p> <p>4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and</p> <p>4.6.4.6 The need for a 'step in plan' to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property. The Step shall be sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.</p> <p>4.6.4.7 Within the Lowes Road Outline Development Plan Area, that the siting of the dwelling does not preclude the establishment of any roads or indicative walkways as shown in Appendix 34.</p> <p>Note: Building density and site coverage rules both apply.</p>	Inconsistent formatting Cross Referencing Rule Structure Not measureable (4.6.4.6) Specialist Language	Use of specialist language ("well articulated façade that provides visual variety and relief") can be confusing to a lay person unfamiliar with urban design jargon
Rule 4.6.5 Discretionary Activities – Buildings and Building Density	Discretionary	Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones and the Living WM Zone.	Not Easily Traceable	
Rule 4.6.6 Non-Complying Activities – Buildings and Building Density	Non-Complying	<p>The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 zones.</p> <p>Note: There is no maximum number of accessory buildings allowed on an allotment, but Rule 4.7 – Site Coverage – applies to all buildings</p>	Overly Restrictive Not Easily Traceable	Non-compliance moves activity from permitted to non-complying
Rule 4.7.1 Permitted Activities – Buildings and Site Coverage	Permitted	Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.		<p>A diagram that demonstrates the calculation of net area would be helpful.</p> <p>Having a table is helpful. However, the table doesn't have headers in the middle column; additionally, the content in the middle column discusses structures, activities and locations.</p>

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation																																																																
		<table><tr><th>Zone</th><th></th><th>Coverage</th></tr><tr><td rowspan="3">Living 1</td><td>Including garage</td><td>40%</td></tr><tr><td>Excluding garage</td><td>40% minus 36m²</td></tr><tr><td>Emergency Services only</td><td>50%</td></tr><tr><td>Living 1a</td><td>Castle Hill</td><td>40%</td></tr><tr><td>Living 1a3</td><td>Lincoln</td><td>45%</td></tr><tr><td>Living 1a4</td><td>Lincoln</td><td>40%</td></tr><tr><td rowspan="4">Living Z</td><td>Including Garage</td><td>40%</td></tr><tr><td>Excluding garage</td><td>40% minus 36m²</td></tr><tr><td>Medium Density</td><td>Including garage 40% Excluding garage 40% minus 18m²</td></tr><tr><td>Comprehensive Medium Density</td><td>50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.</td></tr><tr><td>Living 1a2</td><td>Prebbleton</td><td>40%</td></tr><tr><td>Living 1a5</td><td>Prebbleton</td><td>40% For comprehensive residential development, site coverage shall be applied over the whole Living 1a5 Zone</td></tr><tr><td>Living 1a6</td><td>Prebbleton</td><td>40%</td></tr><tr><td rowspan="3">Living WM</td><td>Including garage</td><td>40%</td></tr><tr><td>Excluding garage</td><td>40 % minus 36m²</td></tr><tr><td>Emergency Services only</td><td>50%</td></tr><tr><td rowspan="3">Living 2 (all townships not otherwise listed) and Living 2a (Blakes Road, Prebbleton)</td><td>Including garage</td><td>Lesser of 20% or 500m²</td></tr><tr><td>Excluding garage</td><td>Lesser of 20% minus 36m² or 500m² minus 36m²</td></tr><tr><td>Emergency Services only</td><td>40%</td></tr><tr><td rowspan="2">Living 2a</td><td>Prebbleton and West Melton</td><td>10% and a maximum additional area in hardsurfacing of 10%</td></tr><tr><td>Emergency Services only</td><td>40%</td></tr><tr><td rowspan="2">Living 2a1</td><td>Darfield</td><td>10% and a maximum additional area in hardsurfacing of 10%</td></tr><tr><td>Emergency Services only</td><td>40%</td></tr><tr><td>Living 3</td><td></td><td>Lesser of 10% or 500m²</td></tr></table> <p>Note: the Living 2 requirement in Rule 4.7.1 does not apply to Dunsandel Primary School.</p>	Zone		Coverage	Living 1	Including garage	40%	Excluding garage	40% minus 36m ²	Emergency Services only	50%	Living 1a	Castle Hill	40%	Living 1a3	Lincoln	45%	Living 1a4	Lincoln	40%	Living Z	Including Garage	40%	Excluding garage	40% minus 36m ²	Medium Density	Including garage 40% Excluding garage 40% minus 18m ²	Comprehensive Medium Density	50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.	Living 1a2	Prebbleton	40%	Living 1a5	Prebbleton	40% For comprehensive residential development, site coverage shall be applied over the whole Living 1a5 Zone	Living 1a6	Prebbleton	40%	Living WM	Including garage	40%	Excluding garage	40 % minus 36m ²	Emergency Services only	50%	Living 2 (all townships not otherwise listed) and Living 2a (Blakes Road, Prebbleton)	Including garage	Lesser of 20% or 500m ²	Excluding garage	Lesser of 20% minus 36m ² or 500m ² minus 36m ²	Emergency Services only	40%	Living 2a	Prebbleton and West Melton	10% and a maximum additional area in hardsurfacing of 10%	Emergency Services only	40%	Living 2a1	Darfield	10% and a maximum additional area in hardsurfacing of 10%	Emergency Services only	40%	Living 3		Lesser of 10% or 500m ²		
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Rule 4.7.3 Restricted Discretionary Activities – Buildings and Site Coverage	Restricted Discretionary	<p>Any activity which does not comply with Rule 4.7.1 shall be a restricted discretionary activity if it complies with all of the following standards and terms:</p> <p>4.7.3.1 The site is located in a Small Lot Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:</p> <p>(a) 45% - including a garage; or</p> <p>(b) 45% - 18m - excluding a garage; or</p> <p>4.7.3.2 Where a site forms part of a comprehensive residential development the maximum site coverage shall be 55% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.</p> <p>4.7.3.3 The site is located in a Living Z Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:</p> <p>(a) 45% - including a garage; or</p> <p>(b) 45% - 18m - excluding a garage; or</p> <p>(c) part of a comprehensive residential development of four or more adjoining lots under 350m² in size, in which case the maximum site coverage shall be 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.</p>	<p>Inconsistent formatting</p> <p>Inconsistent terminology</p> <p>Rule Structure</p>	<p>No matters of discretion are identified in the rule.</p> <p>See note below with respect to comprehensive "residential" and "medium density" development</p>																																																																
Rule 4.7.4 (RDA) Restricted Discretionary Activities –	Restricted Discretionary	<p>Under Rule 4.7.3, any resource consent application shall not be notified and shall not require the written approval of affected parties, and the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.7.4.1 The number of sites in the street or subdivision where the site coverage already exceeds</p> <p>(a) 40% for Small Lot Medium Density</p>	<p>Inconsistent formatting</p> <p>Rule Structure</p> <p>Not measurable</p>	<p>How measureable is open and spacious streetscene; and balance between hardsurfacing and landscaping/open space?</p>																																																																

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Buildings and Site Coverage		<p>(b) 50% for Comprehensive Medium Density.</p> <p>4.7.4.2 Any adverse effects, singularly or cumulatively, on the residential density or 'spaciousness' of the area, including:</p> <p>(a) the extent to which a complying outdoor living area and opportunities for tree planting and garden landscaping are to be provided;</p> <p>(b) whether there are any areas of communal or public open space in the immediate vicinity of the site;</p> <p>(c) the extent to which a balance is achieved between buildings and hardsurfacing, and landscaping and open space;</p> <p>(d) the avoidance of an appearance of cramped development that is out of keeping with an open and spacious streetscene; and</p> <p>(e) whether the visual effects of increased site coverage are offset by the provision of an attractive, well designed street frontage with good levels of architectural detailing and articulation and the siting of garaging and parking areas to the rear of the site.</p>		
Rule 4.7.5 Non-Complying Activities – Buildings and Site Coverage	Non-Complying	Any activity which does not comply with Rule 4.7.3 shall be a non-complying activity.	<p>Overly restrictive</p> <p>Not Easily Traceable</p>	
Rule 4.8.1 Permitted Activities – Buildings and Building Height	Permitted	The erection of any building which has a height of not more than 8 metres shall be a permitted activity.		
Rule 4.8.2 Restricted Discretionary Activities – Buildings and Building Height	Restricted Discretionary	The erection of any building within the area shown as “Medium Density (potential 11m height area)” within Lincoln ODP 7 which has a height of between 8m and 11m shall be a restricted discretionary activity.	<p>Cross referencing</p> <p>Rule Structure</p>	<p>Requires that reader go to a separate section of the plan to see if this rule is relevant for them</p> <p>Note that Rule 4.8.2 is under the “Permitted Activities” heading in the Plan.</p>
Rule 4.8.3 Restricted Discretionary Activities – Buildings and Building Height	Matters of discretion	<p>Under Rule 4.8.2 the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.8.3.1 The scale and bulk of the building in relation to adjacent sites, the street and the surrounding area.</p> <p>4.8.3.2 The extent to which the height would have any adverse effect on other sites in the surrounding area in terms of loss of privacy through being over-looked from neighbouring buildings.</p> <p>4.8.3.3 The extent to which the additional height will shade or physically dominate adjacent sites.</p> <p>4.8.3.4 The extent to which the non-compliance leads to a better or more efficient use of the site and/or creates a higher level of on-site amenity.</p>	<p>Inconsistent formatting</p> <p>Rule Structure</p>	
Rule 4.8.4 Discretionary Activities – Buildings and Building Height	Discretionary	<p>Any activity which does not comply with Rule 4.8.1 or Rule, 4.8.2 shall be a discretionary activity.</p> <p>Note 1. Any structure erected in the Living zones at Arthur's Pass or Castle Hill is also subject to Rule 11.1.</p>		There may be some zones where 8m or more may be acceptable.

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation																													
Rule 4.9.1 (PA) – Recession Planes	Permitted	<p>Except in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;</p> <p>4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is</p> <p>(a) not a boundary of a lot in a low density area; and</p> <p>(b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and</p> <p>4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.</p>	<p>Inconsistent formatting</p> <p>Cross referencing</p>	<p>Recession plane diagram should be included in the rule.</p> <p>4.9.1.1(b) says “and” at the end of it, implying that 4.9.1.2 should in fact be 4.9.1.1 (c) – should be rewritten to clarify</p> <p>In light of the above, it is unclear what zone this applies to. Appears that this rule only applies to the Living Z zone because of how 4.9.1.1 is written (4.9.1.2 is tied to 4.9.1.1 with the “and”)</p>																													
Rule 4.9.2 (PA) – Setbacks from Boundaries	Permitted	<p>Except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below</p> <table><tr><th rowspan="2">Building Type</th><th colspan="2">Metres from Boundary</th></tr><tr><th>Internal</th><th>Road (or shared access where specified)</th></tr><tr><td>Dwelling or principal building</td><td>2 m</td><td>4 m</td></tr><tr><td>Garage: Wall length 7m or less and vehicle door faces road or shared access</td><td>1 m</td><td>5.5 m</td></tr><tr><td>Garage: Wall length 7m or less and vehicle door faces internal boundary</td><td>1 m</td><td>2 m</td></tr><tr><td>Garage: Wall length greater than 7m and Vehicle door faces road or shared access</td><td>2 m</td><td>5.5 m</td></tr><tr><td>Garage: Wall length greater than 7m and Vehicle door faces internal boundary</td><td>2 m</td><td>4 m</td></tr><tr><td>Accessory Building with wall length not more than 7m</td><td>1 m</td><td>2 m</td></tr><tr><td>Accessory Building with wall length greater than 7m</td><td>2 m</td><td>4 m</td></tr><tr><td>Utility Structures</td><td>0 m</td><td>0 m</td></tr></table> <p>Note: Where a garage is proposed on a corner site i.e. has two road frontages, only one wall may be located up to 2m from a road boundary, provided that that wall does not contain a vehicle door and is less than 7m in length. All other walls are to be set back at least 4m from the road boundary, with walls containing a vehicle door set back 5.5m from the road boundary.</p>	Building Type	Metres from Boundary		Internal	Road (or shared access where specified)	Dwelling or principal building	2 m	4 m	Garage: Wall length 7m or less and vehicle door faces road or shared access	1 m	5.5 m	Garage: Wall length 7m or less and vehicle door faces internal boundary	1 m	2 m	Garage: Wall length greater than 7m and Vehicle door faces road or shared access	2 m	5.5 m	Garage: Wall length greater than 7m and Vehicle door faces internal boundary	2 m	4 m	Accessory Building with wall length not more than 7m	1 m	2 m	Accessory Building with wall length greater than 7m	2 m	4 m	Utility Structures	0 m	0 m		<p>How setbacks are measured should be defined, and a diagram included in the plan.</p> <p>This section begins with a table, then has 30 separate rules (for Outline Development Plan Areas, different zones, etc.) which need to be checked in addition to this table. This can be simplified</p>
Building Type	Metres from Boundary																																
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Utility Structures	0 m	0 m																															
Rule 4.9.7 (PA) Common Wall	Permitted	<p>Buildings may be sited along an internal boundary of the site if the building shares a common wall with another building</p>	<p>Unclear language, could be improved</p>																														
Rule 4.9.10 (PA) Prebbleton	Permitted	<p>Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.</p>	<p>Clear status</p> <p>Clear terminology</p>	<p>Landscaping requirements are embedded in this rule, which relates to setbacks</p>																													
Rule 4.9.11 (PA) Prebbleton	Permitted	<p>Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.</p>	<p>Clear status</p> <p>Clear terminology</p>																														
Rule 4.9.12 (PA) Prebbleton	Permitted	<p>Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.</p>	<p>Clear status</p> <p>Clear terminology</p>																														
Rule 4.9.13 (PA) PREBBLETON	Permitted	<p>For the Living 1A6 Zone in Prebbleton, no dwelling shall be sited within 5m of the north western common boundary with the Kingcraft Drive Existing Development Area, as identified in the ODP contained in Appendix 19.</p>	<p>Cross referencing</p> <p>Clear status</p> <p>Clear terminology</p>																														
Rule 4.9.14 (PA) Prebbleton	Permitted	<p>Any dwelling in the Living 2A Zone in Prebbleton shall have:</p> <p>4.9.14.1 A setback from any internal boundary other than the southern zone boundary of not less than 6 metres.</p> <p>4.9.14.2 A setback from the southern zone boundary of not less than 20 metres.</p>	<p>Inconsistent formatting</p> <p>Clear status</p> <p>Clear terminology</p>	<p>Rules 4.9.14, 4.9.15 and 4.9.16 have setbacks for the Living 2A zone, with 4.9.15 referencing “Living 2A (Blakes Road) Zone” which is not defined in the plan. Could be clearer</p>																													

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
			Consistent	signposting that the area is identified on the Planning Maps.
Rule 4.9.15 (PA) Prebbleton	Permitted	Any dwelling shall be set back not less than 15 metres from the north eastern boundary of the Living 2A (Blakes Road) Zone.	Clear status Clear terminology	The Living 2A is a zone, "Living 2A (Blakes Road) Zone" is not a zone.
Rule 4.9.16 (PA) Prebbleton	Permitted	Any dwelling shall be set back not less than 48.2m from the north eastern zone boundary of the Living 2A Zone in Prebbleton, as identified in Appendix 19.	Cross referencing Clear status Clear terminology	
Rule 4.9.20 (PA) Melton	Permitted	Any dwelling within the area shown in Appendix 20 (Living 1B and Living 2 zones) or Appendix 20A (Living WM Zone) shall be set back at least 40 metres from State Highway 73.	Cross referencing Clear status	
Rule 4.9.21 (PA) Melton	Permitted	Any dwelling in the Living 2A Zone at West Melton shall have: 4.9.21.1 A setback from any internal boundary of not less than 6 metres 4.9.21.2 A setback from any road boundary of not less than 10 metres.	Inconsistent formatting Clear status Consistent	
Rule 4.9.22 (PA) Leeston	Permitted	Any dwelling in the Living 2A Zone at Leeston shall have a setback from any Business Zone boundary of not less than 20 metres.		
Rule 4.9.23 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	Any dwelling or principal building shall be set back a minimum of 3m from any road boundary, with the exception of any comprehensive development within the Medium Density area of Lincoln ODP 7 where any dwelling or principal building shall be set back a minimum of 2m from any road boundary	Cross referencing Inconsistent terminology Clear status Clear terminology	
Rule 4.9.24 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	Where an allotment has legal access to a private Right of Way or shared access, any dwelling or principal building on that allotment shall be set back a minimum of 3m along the entire length of the boundary with that private Right of Way or shared access, with the exception of Medium Density area of Lincoln ODP 7 where any dwelling or principal building on that allotment shall be set back a minimum of 2m.	Cross referencing Clear status	
Rule 4.9.25 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	Any garage where a vehicle door faces the road, a private Right of Way or shared access shall be set back a minimum of 5.5m from the road boundary, private Right of Way, or shared access.		
Rule 4.9.26(a) (PA) Small Lot Medium Density Areas Located Within An	Permitted	No garage or accessory building is to be located between the front façade of the dwelling and the road boundary, or the rear service lane by which the allotment is accessed, where the lot does not have any other frontage to a public road.		

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Outline Development Plan				
Rule 4.9.26(b) (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	<p>If the site has a net area of less than 430m, garages with a total vehicle door width greater than 3m are to be accessed off a rear service lane only. (This rule does not apply to lots that gained subdivision consent prior to 30th June 2014).</p> <p>Please refer to the Medium Density guide for examples on garaging.</p>	<p>Inconsistent terminology</p> <p>Cross referencing</p>	
Rule 4.9.27 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	<p>Any dwelling or principal building, excluding garages or accessory buildings, shall be set back a minimum of 2m from any internal boundary. Buildings may however be sited along an internal boundary if the building shares a common wall with another building on an adjoining site.</p>		
Rule 4.9.28 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	<p>No set back is required for any garage or accessory building from an internal boundary, provided that the total length of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided those garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary, except when the site is on the boundary of a low density area or another Living zone, in which case Rule 4.9.2 applies</p>		<p>This rule should be broken down into its components and put in the relevant sections.</p>
Rule 4.9.29 (PA) Small Lot Medium Density Areas Located Within An Outline Development Plan	Permitted	<p>All balconies at first floor level and above may only be located in a façade that faces a road boundary or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes</p>	<p>Rule Structure</p>	
Rule 4.9.29.1 Small Lot Medium Density Areas Located Within An Outline Development Plan	Standard	<p>Any windows at first floor level or above must:</p> <ul style="list-style-type: none">• Face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or• Be set back a minimum of 10m from an internal boundary; or• Have a sill height of at least 1.6m above internal floor level; or• Be obscure glazed, and either non-opening or top- hinged, and be associated with a bathroom, toilet, or hallway.	<p>Inconsistent formatting</p> <p>Rule Structure</p> <p>Overly restrictive</p>	<p>Appears to be written like a condition.</p> <p>Overly restrictive in the sense that this rule specifies the type of window and glazing required. It does limit the design and placement of windows rather than enabling innovation and alternative designs.</p>
Rule 4.9.32 (PA) Setback From Lincoln Sewerage Treatment Plant	Permitted	<p>Any dwelling in the Living 1A and Living Z Zone at Lincoln shall be setback not less than 150 metres from the boundary of the area designated for the Lincoln Sewage Treatment Plant, as identified on Planning Maps 122 and 123.</p>		<p>Rule appears to address reverse sensitivity issues, rather than those relating to bulk and location</p>
Rule 4.9.33 (PA) Lincoln	Permitted	<p>Within the Living Z zone at Lincoln, ODP Area 5, Appendix 37}, no dwelling or principal building shall be constructed 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 noise expert and designed to achieve the noise standards contained in Rule 22.4.1.6 have been constructed.</p>	<p>Cross Referencing</p>	<p>As with Rule 4.9.32, this Rule appears to address reverse sensitivity issues, rather than those relating to bulk and location. However</p>

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
				as it is a rule managing setbacks, it is logical that it be grouped with other setback rules.
Rule 4.9.35 (PA) Rolleston	Permitted	In ODP Area 3 and ODP Area 8 in Rolleston, no dwellings shall be located closer than 40m (measured from the nearest painted edge of the carriageway) from State Highway 1	Cross Referencing	This Rule appears to address reverse sensitivity issues, rather than those relating to bulk and location. Additionally, rule requirements should relate to the site and the site boundaries, and not be subject to meeting requirements outside the site.
Rule 4.9.36 (PA) Rolleston	Permitted	<p>In ODP Area 3 and ODP Area 8 in Rolleston, for any dwelling constructed between 40m and 100m (measured from the nearest painted edge of the carriageway) from State Highway 1:</p> <ul style="list-style-type: none"> Appropriate noise control must be designed, constructed and maintained to ensure noise levels within the dwelling meet the internal design levels in AS/NZS2107:2000 (or its successor) – 'Recommended design and sound levels and reverberation times for building interiors' <p>Prior to the construction of any dwelling an acoustic design certificate from a suitable qualified and experienced consultant is to be provided to Council to ensure that the above internal sound levels can be achieved.</p>	Inconsistent formatting	Typically see internal noise standards where there are sensitive activities/receivers. As above, this Rule appears to address reverse sensitivity issues, rather than those relating to bulk and location.
Rule 4.9.40 (PA) Special Character Low Density Areas (Living 1c Zone)	Permitted	In Living 1C zoned areas, buildings shall have a setback from the road boundary of not less than 6m.		Note that the Living 1C zone is not identified or described in the plan as a zone (Chapter A4) and there are no objectives and policies associated with this zone. Any amendments to the Living 1 Zone are noted as being "A" and "B" only
Rule 4.9.41 (PA) Special Character Low Density Areas (Living 1c Zone)	Permitted	<p>Dwellings and family flats shall be positioned at least 6m from any existing dwelling or family flat (or footprint of a planned dwelling or family flat for which a building consent has been granted within the previous 2 years).</p> <p>An exception is where family flats are attached to the principal dwelling</p>		The existing environment would include consented activities.
Rule 4.9.43 (RDA) Buildings And Building Position	Restricted Discretionary	Any activity which does not comply with Rule 4.9.1, Rule 4.9.23 or 4.9.24 shall be a restricted discretionary activity.	<p>Rule Structure</p> <p>Not intuitive</p>	The matters of discretion are listed in both Rules 4.9.43 and 4.9.46
Rule 4.9.44 (RDA) Buildings And Building Position	Restricted Discretionary	<p>Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of</p> <p>4.9.44.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter</p>	<p>Inconsistent formatting</p> <p>Rule Structure</p> <p>Not intuitive</p>	4.9.44.1 could be integrated into the sentence above for ease of use to the reader, as should the matters of discretion in Rule 4.9.46, which also apply
Rule 4.9.45 (RDA) Buildings And Building Position	Restricted Discretionary	Any activity which does not comply with Rule 4.9.2 and Rules 4.9.4 to Rule 4.9.28 and Rule 4.9.30 to Rule 4.9.31 shall be a restricted discretionary activity.	<p>Rule Structure</p> <p>Not intuitive</p>	Matters of discretion are not listed until Rule 4.9.48
Rule 4.9.46 (RDA) Buildings And Building Position	Restricted Discretionary	<p>Under Rule 4.9.43 the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.9.46.1 Internal Boundary</p> <p>Any adverse effects on the:</p> <p>(a) privacy</p> <p>(b) outlook</p> <p>(c) shading; or</p> <p>(d) amenity values of the adjoining property, its occupiers and their activities; and</p> <p>4.9.46.2 Road Boundary</p>	<p>Inconsistent formatting</p> <p>Rule Structure</p> <p>Not intuitive</p>	

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
		<p>Any adverse effects on:</p> <ul style="list-style-type: none"> (a) the character of the street (b) safety and visibility of pedestrians, cyclists and motorists, and (c) shading of the road or footpath in winter; (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and <p>4.9.46.3 Any reverse sensitivity issues at the southern zone boundary of the Living 2A zone at Prebbleton</p>		
Rule 4.9.47 (RDA) Buildings And Building Position	Restricted Discretionary	Any activity which does not comply with 4.9.32 shall be a restricted discretionary activity	<p>Rule Structure</p> <p>Not intuitive</p>	Matters of discretion are not listed until Rule 4.9.50
Rule 4.9.48 (RDA) Buildings And Building Position	Restricted Discretionary	Under Rule 4.9.45 the Council shall restrict the use of its discretion to consideration of any reverse sensitivity issues at the eastern zone boundary with the Business 2B Zone.	<p>Rule Structure</p> <p>Not intuitive</p>	This should be included in Rule 4.9.45 for the sake of clarity to the reader, as this is where the matters of discretion apply
Rule 4.9.49 (RDA) Buildings And Building Position	Restricted Discretionary	Any activity which does not comply with Rules 4.9.38 or Rules 4.9.39 shall be a restricted discretionary activity.	<p>Rule Structure</p> <p>Unclear</p>	While this relates to Living 3 Zone and is outside the scope of this report, it is unclear as there are no matters of discretion identified in subsequent rules
Rule 4.9.50 (RDA) Buildings And Building Position	Restricted Discretionary	Under Rule 4.9.47 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.	<p>Rule Structure</p> <p>Not intuitive</p>	This should be included in Rule 4.9.47 for the sake of clarity to the reader, as this is the rule to which these matters of discretion relate
Rule 4.9.51 (DA) Buildings And Building Position	Discretionary	Any activity which does not comply with Rule 4.9.3 and Rule 4.9.33 to Rule 4.9.37 and Rule 4.9.40 and Rule 4.9.40(a) shall be a discretionary activity		
Rule 4.9.52 (NC) Buildings And Building Position	Non-Complying	Any dwelling which does not comply with Rule 4.9.28 shall be a non-complying activity.	<p>Overly restrictive</p> <p>Not easily traceable</p>	On reading this rule, and Rule 4.9.45, this rule is both a restricted discretionary and a non-complying activity. Based on our reading, it may have been intended that Rule 4.9.29 is the non-complying.
Rule 4.9.53 (NC) Buildings And Building Position	Non-Complying	Erecting any new dwelling in the Countryside Area or the 'Odour Constrained Area' identified on the Outline Development Plan in Appendix 39 and Appendix 40.	<p>Cross Referencing</p> <p>Not easily traceable</p>	Odour Constrained or Countryside Areas are not mapped.
Rule 4.11.1 (DA) Comprehensive Residential Development In Prebbleton	Discretionary	<p>In the Living 1A5 Zone in Prebbleton, comprehensive residential development shall be a discretionary activity where Council shall take into account, but not be limited to, the following:</p> <ul style="list-style-type: none"> 4.11.1.1 Effects associated with the width, location, form and layout of accesses and roads on the amenity of the area; 4.11.1.2 Effects of vehicle parking and garaging on the amenity of the area or the enjoyment of neighbouring properties; 4.11.1.3 The ability to provide adequate vehicle parking and manoeuvring on the site; 4.11.1.4 Impacts on the road network in traffic generation and traffic safety; 	<p>Inconsistent formatting</p> <p>Not easily traceable</p> <p>Use of specialist language</p>	

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
		<p>4.11.1.5 The extent to which levels of traffic generation or pedestrian activity will result that are incompatible with the character of the surrounding living environment;</p> <p>4.11.1.6 Effects on the sense and spaciousness of the immediate area and wider neighbourhood;</p> <p>4.11.1.7 The extent to which the scale, form, modulation, design, colours and materials of buildings will be compatible with other buildings in the surrounding area and will not result in visual dominance or incongruency;</p> <p>4.11.1.8 The extent to which site layout and buildings have been designed to avoid adverse effects on the privacy, outlook, access to sunlight and daylight and other amenity values of neighbouring properties;</p> <p>4.11.1.9 The amount of variety in design and size of dwellings on the site, in order to provide a choice of living accommodation;</p> <p>4.11.1.10 Whether the dwellings are clustered in larger or smaller groups and the extent to which the grouping or spacing of dwelling units on the site leads to an attractive and varied development rather than a monotonous one;</p> <p>4.11.1.11 The need for a 'step in plan' to be provided at 20 metre intervals along a continuous building wall in order to mitigate adverse effects of continuous 'building bulk' being close to the boundary of a neighbouring property;</p> <p>4.11.1.12 The attractiveness of the street frontages of the site;</p> <p>4.11.1.13 The extent to which mature vegetation is retained and the character of the site remains dominated by tree and garden plantings;</p> <p>4.11.1.14 Privacy between habitable rooms of neighbouring dwellings;</p> <p>4.11.1.15 The quality of landscaping and its effectiveness in mitigating adverse effects;</p> <p>4.11.1.16 Impacts on the sense of spaciousness of the immediate area and wider neighbourhood;</p> <p>4.11.1.17 The extent to which outdoor living space remains open and not contained or partitioned by fencing;</p> <p>4.11.1.18 Whether the amount of outdoor living space is accessible to, and adequate for, the occupants of all dwellings and whether it will receive direct sunlight on the shortest day of the year.</p>		
Rule 4.12.1 (RDA) Comprehensive Residential Development In Medium Density Areas Covered By An Outline Development Plan	Restricted Discretionary	<p>Within any comprehensive residential development shall be a restricted discretionary activity where there is at least one gap of a minimum of 6m between units for every 8 road-fronting residential units</p> <p>Please refer to the Medium Density guide for examples of the use of this gap and the design of short terraces</p>	<p>Inconsistent terminology</p> <p>Cross Referencing</p> <p>Rule Structure</p>	<p>The Medium Density Guide (also called "Medium Density Design Guide" in the Plan) is not contained in the plan.</p> <p>Note that this document is called the "Medium Density Housing Guide" on Council's website, and is actually titled both "Medium Density Housing Design Guide" and "Design Guide for medium density housing"</p> <p>Further, as noted above, comprehensive residential development applies only to the Living 1A5 Zone in Prebbleton. Medium Density Development (including comprehensive medium density) has to be located within a medium density area identified on an operative Outline Development Plan in a Living Z zone (or Business 1 zone). This rule seems to be referring to a comprehensive medium density development, but states in the rule title that it is for comprehensive residential development.</p>

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Rule 4.12.2 (RDA) Comprehensive Residential Development In Medium Density Areas Covered By An Outline Development Plan	Restricted Discretionary	<p>Any comprehensive residential development which comply with Rule 4.12.1 shall not be notified and shall not require the written approval of affected parties. Under Rule 4.12.2 the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.12.2.1 Context and Spaciousness</p> <p>The extent to which medium density development responds to the existing context through:</p> <ul style="list-style-type: none">(a) Providing compatibility in scale between the new development and any neighbouring buildings;(b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;(c) Providing dwellings which relate to each other and surroundings in terms of regularity of features such as window height and detailing and a consistency in roof slope and form.(d) Provide visual breaks by varying the alignment of dwellings and variation in dwelling type and form. In general the same design should not be used for more than 6 adjacent dwellings where they are an attached terrace, or more than 4 dwellings where they are detached or semi-detached townhouses.(e) Avoid long terraces or rows of dwellings in order to provide both visual separation and to facilitate if appropriate mid-block pedestrian access and/or vehicle access to rear service lanes. <p>4.12.2.2 Attractive street scene, Public Interface and External Appearance</p> <p>The extent to which the street scene, public interface and external appearance of buildings in medium density developments:</p> <ul style="list-style-type: none">(a) Provides dwellings with visual interest when viewed from any public spaces through articulation, roof form, openings and window location. In particular there should be regular steps-in-plan in the front façade along road frontages to support the individualisation and differentiation between dwellings;(b) Provides visible entry to the dwelling when viewed from the road or the main public access to the development;(c) Provides a good level of glazing and overlooking from habitable rooms towards the road and any adjacent public open spaces(d) Building design provides a balance of consistency and variety in the street scene;(e) Provides open frontages which will not be enclosed by fences over 1m in height. <p>4.12.2.3 Dwelling design, position and orientation</p> <p>The extent to which the dwelling design, position and orientation of buildings in medium density developments</p> <ul style="list-style-type: none">(a) Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;(b) Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;(c) Positions dwellings to capitalise on any views or natural features;(d) Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged;(e) Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection;(f) Provides attractive and efficient shared parking where required.(g) Windows of Living rooms and kitchens should be set back a minimum of 2m from internal boundaries.	<p>Inconsistent formatting</p> <p>Inconsistent terminology</p> <p>Rule Structure</p>	<p>There are a number of matters of discretion – Council may wish to consider a different activity status (discretionary). An alternative approach is to simplify the matters of discretion through reducing duplication.</p>

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
		<p>4.12.2.4 Visual and acoustic privacy</p> <p>The extent to which buildings in comprehensive developments achieve visual and acoustic privacy through:</p> <p>(a) Avoiding or minimising direct views from the windows of one dwelling into another at distances less than 20m through the use of the following design devices:</p> <ul style="list-style-type: none"> • The shape and position of the buildings • The location of windows e.g. offset windows and high sill windows • Intervening screening e.g. 1.8 metre high fences (not on road boundary or frontage with accessways), hedges, trees • Screening devices on balconies to ensure that they do not overlook windows or private spaces <p>(b) The provision of acoustic treatment between dwellings through enhancing separation between openings, effective solid acoustic screening and by locating noise sensitive spaces from noisy activities (e.g. separation of bedrooms from service areas and garages).</p> <p>4.12.2.5 Private outdoor living spaces</p> <p>The extent to which comprehensive developments provide private outdoor living spaces that:</p> <p>(a) Have the primary outdoor living space directly accessible from an internal living room;</p> <p>(b) Have any secondary outdoor living spaces such as balconies directly accessible from living rooms or bedrooms;</p> <p>(c) Are located so that the principal private outdoor living space will receive sunshine for a reasonable portion of the day in winter;</p> <p>(d) Are located so that the principal outdoor living space is not directly overlooked by windows or balconies of neighbouring dwellings;</p> <p>(e) The extent to which communal outdoor living space is provided within a comprehensively designed development and the functionality of that space for meeting the likely needs of future occupants;</p> <p>(f) Are located to the side or rear of the dwelling and not adjacent to the road boundary.</p> <p>4.12.2.6 Safety and security</p> <p>The extent to which comprehensive developments are designed to reduce the fear and incidence of crime through.</p> <p>(a) The avoidance of narrow alleyways and places of entrapment;</p> <p>(b) A clear definition between public and private spaces;</p> <p>(c) The ability to provide casual surveillance of public space from private property and vice versa.</p> <p>4.12.2.7 Accessibility and connectivity</p> <p>The extent to which comprehensive developments are designed for accessibility and connectivity through:</p> <p>(a) Providing for the safe and efficient movement of pedestrians, cyclists and motorised vehicles within and through the development and to surrounding residential areas and commercial and community facilities;</p> <p>(b) Providing direct pedestrian and cycle linkages from developments to and between any adjoining reserves and open spaces.</p>		
Rule 4.12.3 (DA)	Discretionary	Any activity which does not comply with Rule 4.12.1 shall be a discretionary activity	Not easily traceable	

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Discretionary Activities — Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan				
Rule 4.13.1 (PA) Permitted Activities — Buildings and Streetscene	Permitted	That any fence between the front façade of the dwelling and the street boundary or Private Right of Way or shared access over which an allotment has legal access which is parallel or generally parallel to that boundary shall be a maximum height of 1m. For allotments with frontage to more than one road, any fencing on the secondary road boundary is to be no higher than 1.8m.		Note that the Lowes Road and High Street, Southbridge ODP Areas are not identified on the planning maps. Consideration could be given to whether ODP appendices are the most efficient approach.
Rule 4.13.2 (PA) Permitted Activities — Buildings and Streetscene	Permitted	Any other fence shall be a maximum height of 1m if it is located within 3m of the street boundary or Private right of Way or shared access over which allotment has legal access.		
Rule 4.13.3 (RDA) Restricted Discretionary Activities - Buildings and Streetscene	Restricted Discretionary	Any activity which does not comply with Rule 4.13.1 shall be a restricted discretionary activity.	Rule Structure	
Rule 4.13.4 (RDA) Restricted Discretionary Activities - Buildings and Streetscene	Restricted Discretionary	Under Rule 4.13.1 the Council shall restrict the exercise of its discretion to consideration of: 4.13.4.1 The degree to which an open streetscene is maintained and views between the dwelling and the public space, private Right of Way or shared access are retained. 4.13.4.2 The extent to which the visual appearance of the site from the street, or private Right of Way or shared access over which the lot has legal use of any part, is dominated by garden planting and the dwelling, rather than front fencing. 4.12.4.3 The extent to which the proposed fence is constructed out of the same materials as the dwelling and incorporates steps in plan, landscaping, and see-through materials such as railings or trellis.	Inconsistent formatting Rule Structure Unclear	These matters of discretion should relate to Rule 4.13.3, however, Rule 4.13.1 is referenced in the rule
Rule 4.14.1 (PA) Permitted Activities — Buildings and Private Outdoor Living Space		Living Z Medium Density areas located within an Outline Development Plan (a) Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m and a minimum dimension of 4m. (b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space. (c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary	Inconsistent formatting	
Rule 4.14.2 (RDA)	Restricted Discretionary	Any activity which does not comply with Rule 4.14.1 shall be a restricted discretionary activity which shall not be notified and shall not require the written approval of affected parties. Under Rule [Link,4.389,Rule 4.14.1} the Council shall restrict the exercise of its discretion to consideration of:	Inconsistent formatting Inconsistent terminology Rule Structure	

Rule Reference	Status	Text	Issues identified (should be read in conjunction with Section 4 of this Report)	Additional Comment and notes on unnecessary regulation
Restricted Discretionary Activities — Buildings and Private Outdoor Living Space		<p>4.14.2.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.</p> <p>4.14.2.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the dwelling and the street, to the detriment of an open street scene.</p> <p>4.14.2.3 The degree to which large areas of public open space are provided within very close proximity to the site.</p> <p>4.14.2.4 The degree to which any communal outdoor living areas are proposed where individual dwellings form part of a comprehensive residential development.</p> <p>4.14.2.5 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site</p>		
Rule 4.15.1 (PA) Permitted Activities — Setbacks from Waterbodies	Permitted	<p>The siting of any dwelling or principal building or any other structure shall be a permitted activity if it is setback not less than either:</p> <p>4.15.1.1 20m from the edge of any waterbody listed in Appendix 12; or</p> <p>4.15.1.2 10m from the edge of any other waterbody (excluding aquifers).</p>	<p>Inconsistent formatting</p> <p>Cross Referencing</p>	
Rule 4.15.2 (DA) Discretionary Activities — Setbacks from Waterbodies	Discretionary	<p>Any activity which does not comply with Rule 4.15.1 shall be a discretionary activity</p> <p>Notes</p> <p>1 Rule 4.15 does not apply to walkway facilities; utility structures attached to existing buildings or structures; or signs which are permitted activities under Rule 7.</p> <p>2 The edge of any waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks".</p> <p>3 Rule 4.15 shall not apply on any allotment adjoining an esplanade reserve or strip along a waterbody where the reserve or strip has previously been vested in the Council.</p>	<p>Not easily traceable</p>	
Rule 4.17.1 (PA) Permitted Activities – Fences Adjoining Reserves	Permitted	<p>All development located within the Living Z zone that shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).</p>	<p>Inconsistent terminology</p>	<p>Note that the term "development" is only defined in the context of determining development contributions.</p>
Rule 4.17.2 (RDA) Restricted Discretionary Activities – Fences Adjoining Reserves	Restricted Discretionary	<p>Any activity which does not comply with Rule 4.17.1 shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the following:</p> <p>4.17.2.1 The extent to which the proposed fencing promotes passive surveillance to reduce the fear and incidence of crime;</p> <p>4.17.2.2 The extent to which the fencing design and materials complement the open space amenity of the reserve;</p> <p>4.17.2.3 The extent to which the orientation of the section and aspect of the outdoor living areas within the section is able to reduce the effects of the non-complying fence on the open space amenity on the adjoining reserve; and</p> <p>4.17.2.4 The need to avoid adverse cumulative effects arising from the number of non-complying fences being established along a reserve boundary and the extent to which the incremental reduction of the open space amenity of the reserve is mitigated through appropriate fencing design and construction materials and the layout of future dwellings and yard space.</p>	<p>Inconsistent formatting</p> <p>Rule Structure</p> <p>Not measureable</p>	

Appendix B Minutes

Rule Administration and Compliance

Selwyn District Council District Plan Review / RE005

Date/Time:	September 14, 2017 / Various
Place:	Selwyn District Council
Next Meeting:	N/A
Attendees:	Megan Couture, Stantec Benjamin Rhodes – Team Leader Strategy and Policy Jocelyn Lewes – Strategy and Policy Planner Gabi Wolfer – Senior Urban Designer Rachael Carruthers – Resource Management Planner Billy Charlton – Regulatory Manager Simon Thompson – Compliance Officer Susan Atherton – Compliance Officer
Absentees:	N/A
Distribution:	SDC Project Team

General Comments

The following table summarises key points made by Council staff during the meeting for the following topics:

- Landscaping
- Fencing
- Outdoor Living Space
- Setbacks
- Site Coverage
- Outdoor Storage
- Privacy
- Balconies
- Height
- Windows and habitable rooms
- Garage doors
- Recession planes
- Common Walls
- Step in Plans

Landscaping

- Preference is to remove these rules, as passersby will not be able to see what is going on within the site once a fence is erected.
- Questions arose as to whether this actually needs to be controlled in a residential area, and whether there are other provisions that can manage effects (amenity)

Fencing

- The team raised questions as to whether fencing rules should be included in the plan, given the issues relating to compliance and enforcement.
- There is not a lot of certainty around what "effect" fencing is mitigating.
- Rule clarity for applicants is a big issue, particularly in the Living Z zone (where the rule reference the front façade)
- The outcomes of the rules are not always ideal, particularly at corner sites where there is fencing on the corner site itself and the neighbouring property (result is tapering at the corner of the site, with landscaping – bushes – between fences)
- With fencing, residents are really seeking privacy for their outdoor living space
- With respect to compliance, different rules on different sites create a lot of friction and confusions for the compliance team – the team noted that ten per cent of their time is spent on fencing complaint (this doesn't include having to deal with non-complying fencing, which takes up additional time)
- Council team noted that fencing over 2m along an internal boundary is considered to be a building

Outdoor Living Space

- Key with outdoor living space, is that it is what differentiates Selwyn from Christchurch (the open space nature of the area and Living Zones). Council noted that people come to Selwyn to *not* be in Christchurch. This rule seeks to maintain this difference.
- Outdoor Living Space and the location of it, becomes an issue in medium density areas (Living Z Zones)
- Outdoor Living space is managed in other zones through site coverage rules. Back when the rule was established, approach was to allow for 35-40% site coverage, with any additional site coverage being considered as a restricted discretionary activity. Consent for an RDA became very common, so site coverage was increased to 40%. Now either permitted or non-complying.

Setbacks

- Primary and secondary frontages have setbacks for garages;
- Although not part of the scope of this report, it was noted that subdivision rules encourage rear access lanes, except the way the building rules work, the frontage in which you access the site is the point of the front façade;
- Having difficulty defining where setbacks are to be measured from. Clarity for the applicant (and Council) would be helpful.

<ul style="list-style-type: none"> Overall, Council is comfortable with the rule and the outcomes that it is achieving
Site coverage <ul style="list-style-type: none"> calculated different in rural and living (National standards), Questions arose as to how Council should calculate buildings with large eaves, porches and patios (how should the calculation be defined?) Council noted that consideration of pervious and impervious surfaces doesn't necessarily matter in this instance.
Outdoor Storage <ul style="list-style-type: none"> No major issues noted with respect to outdoor storage. Bins are managed (in medium density areas) through the consent process for comprehensive developments. Council and residents do not want to see trash bins on the roadside Compliance team noted that shipping containers are becoming an issue, and would like to see rules around their placement/use on-site put into the rules, although they noted that a bylaw may be appropriate Other structures to consider are children's play structures (non-outdoor storage) and sheds
Privacy <ul style="list-style-type: none"> Privacy addressed in medium density areas. Not too concerned about this issue, as there are not many two-story dwellings built (Prebbleton may have two two-story buildings; Lincoln might have ten) Controls are about ensuring that these areas are going to be nice places to live, when there are more than two homes on a property, and that there is adequate privacy between dwellings Council is seeking to enable infill – privacy may become more of an issue if not managed
Balconies <ul style="list-style-type: none"> No issues noted
Height <ul style="list-style-type: none"> No issues noted. Height is measurable; 8m across Living Zone
Windows and habitable rooms <ul style="list-style-type: none"> Council noted the need to ensure that these rules will work for both sites (when part of a comprehensive site / infill development) At present, there are some issues with infill housing, and the location of windows within the site
Garage doors <ul style="list-style-type: none"> Council noted interpretation issues when garages are located on rear lots (identification of the boundary), and when garage is facing diagonal to the road Garage location (whether it is forward of the front building façade) is only controlled in medium density areas) – Council do not want to see the garage "dominating" the site in any Living Zone.

In low density zones, garages are controlled through setback rules – however, this doesn't prevent residents who want side-entry garages from being forward on the site

- Setback rules for garages based on non-roller doors. Council today are regularly giving consent for 5m setbacks when a roller door is installed on site (as this will allow the car to pull off the road into the driveway)

Recession Plane

- Council noted that there are exemptions from height limits for things like chimneys, aerials; but if vent from luo goes above recession plane, then a consent is required; clarity around exceptions would be useful –
- Since height and setback rules would have similar exemptions, should these definitions be combined?

Common Walls

- Council noted that if the rules were not in place, then consent for non-complying activity would be required

Step in Plans

- Council noted that this has only been used once in the last 13 years; this rule only applies to infill housing and where there is a wall 20m in length (origins of this rule was around making sure that neighbours were not looking at a long, blank wall)
- Also noted was that this was not a particularly useful rule.

Appendix C Objective & Policies – Residential bulk, location and amenity

The following table lists the relevant objectives and policies as they relate to bulk, location and amenity:

Objective/Policy	Text of provision	Implementation method(s)
Quality of the Environment - Objectives		
Objective B3.4.1	The District's townships are pleasant places to live and work in.	
Objective B3.4.2	A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.	
Objective B3.4.4	Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.	
Residential Density - Objectives		
Objective B4.1.1	A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.	
Objective B4.1.2	New residential areas are pleasant places to live and add to the character and amenity values of townships.	
Quality of the Environment – Policies and methods		
Policy B3.4.1 (zones)	To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.	District Plan Maps <ul style="list-style-type: none"> Identify zones District Plan Provisions <ul style="list-style-type: none"> Zone policies Policies for quality of environment and amenity values in different zones Rules for effects in each zone Medium Density Design Guide Subdivision Design Guide Township Structure Plans
Policy B3.4.2 (zones)	To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.	
Policy B3.4.3	To provide Living zones which: <ul style="list-style-type: none"> are pleasant places to live in and provide for the health and safety of people and their communities; 	District Plan Rules <ul style="list-style-type: none"> Living zones

Objective/Policy	Text of provision	Implementation method(s)
	<ul style="list-style-type: none"> are less busy and more spacious than residential areas in metropolitan centres; have safe and easy access for residents to associated services and facilities; provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans; ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities; and ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following urban design principles: <ul style="list-style-type: none"> access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes; block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement; streets are aligned to take advantage of views and landscape elements; section proportions are designed to allow for private open space and sunlight admission; a subdivision layout that minimises the number of rear lots; layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings; a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community; a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and; any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community. 	<ul style="list-style-type: none"> Medium Density Design Guide Subdivision Design Guide
Policy B3.4.4(b)	<p>Rural residential living environments are to deliver the following amenity outcomes and levels of service:</p> <ul style="list-style-type: none"> Appropriate subdivision layouts and household numbers that allow easy and safe movement through and between neighbourhoods, and which in terms of their scale, density and built form achieves a degree of openness and rural character; Avoids the provision of public reserves, parks and peripheral walkways unless required to secure access to significant open space opportunities that benefit the wider community, assist in integrating the development area with adjoining urban development, or where located in an urban growth path where future intensification is likely; 	

Objective/Policy	Text of provision	Implementation method(s)
	<ul style="list-style-type: none"> Avoids suburban forms of services such as kerb and channel road treatments, paved footpaths, large entrance features, ornate street furniture and street lighting (unless at intersections); Provides fencing that is reflective of a rural vernacular, in particular fencing that is transparent in construction or comprised of shelter belts and hedging (see Appendix 43 for examples of such fencing). 	
Policy B3.4.4(c)	Rural residential areas in the adopted Selwyn District Council Rural Residential Strategy 2014 that are located within a township urban growth path identified in an adopted structure plan shall only be rezoned and developed for rural residential activities where robust methods are established to ensure that future comprehensive intensification of these areas to urban densities can be achieved. This includes methods to deliver functional and efficient infrastructure services for both the initial rural residential development and future urban intensification. Consideration shall be given to the methods referenced in Section 7 of the adopted Selwyn District Council Rural Residential Strategy 2014, including appropriate design techniques, servicing requirements and legal mechanisms developed in consultation with the Council.	
Policy B3.4.9	Where an existing activity, which is not a permitted activity in a zone, applies for a resource consent to alter or expand, consider the effects of the change in the activity on the character, quality of the environment and amenity values of the zone.	District Plan Policy <ul style="list-style-type: none"> To assess resource consent applications
Outdoor Storage		
Policy B3.4.20	Avoid adverse effects on the amenity or aesthetic values of Living and Business 1 Zones from the outdoor storage of goods on sites.	District Plan Rules <ul style="list-style-type: none"> Outdoor Storage of Goods (Living and Business zones)
Building Design		
Policy B3.4.23	Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to: <ul style="list-style-type: none"> Avoid, remedy or mitigate adverse effects on adjoining sites; or Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values; or Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone. 	District Plan Rules <ul style="list-style-type: none"> Height of Buildings (All Zones) Size of Buildings (Living zones) Recession Planes (All Living Zones and some Business Zones) Urban Design Guides
Policy B3.4.25	In all zones in townships, ensure buildings:	District Plan Rules

Objective/Policy	Text of provision	Implementation method(s)
	<ul style="list-style-type: none"> Do not shade adjoining properties; and Maintain a predominantly low rise skyline. 	<ul style="list-style-type: none"> Recession Planes (all Living Zones and some Business Zones) Building Height (all zones) Building Setbacks (all zones)
Policy B3.4.26	Ensure buildings are setback an appropriate distance from road boundaries to maintain privacy and outlook for residents and to maintain the character of the area in which they are located.	District Plan Rules <ul style="list-style-type: none"> Building Setbacks (all zones)
Policy B3.4.27	Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.	District Plan Rules <ul style="list-style-type: none"> Building Setbacks (Living zones and sites adjoining Living zones) Site Coverage (Living zones) Landscaping (Living zones) Building Height (Living zones) Building Size (Living zones)
Residential Density – Policies and Methods		
Policy B4.1.6	In Living 1, X Zones and Medium Density areas identified in an Outline Development Plan in Living Z zones, allow site coverage to exceed that for permitted activities, provided any adverse effects on the overall residential density of the area are avoided, remedied or mitigated.	District Plan Rules <ul style="list-style-type: none"> Site Coverage (Living zones)
Policy B4.1.7	Maintain the area of sites covered with buildings in Living 2 Zones, at the lesser of 20% or 500m and in the Living 3 Zone at the lesser of 10% or 500m, unless any adverse effects on the spacious character of the area will be minor.	District Plan Rules <ul style="list-style-type: none"> Site Coverage (Living zones)
Policy B4.1.8	Manage the number of sites with more than one dwelling in Living 1 or X Zones, to maintain the overall residential density of the zone.	District Plan Rules <ul style="list-style-type: none"> Number of Buildings per Site (Living Zones)
Policy B4.1.9	Avoid erecting more than one dwelling per site in low density living (Living 2 and 3) Zones.	District Plan Rules

Objective/Policy	Text of provision	Implementation method(s)
		<ul style="list-style-type: none"> Number of Buildings per Site (Living Zones)

Appendix D Description of Living Zones

Living Sub-Zone	Description
Living 1	Areas that are managed to maintain environments that are most pleasant for residing in. Activities in Living zones have effects which are compatible with residential activities and amenity values.
Living 2	As for Living 1 Zone, but with lower building density and development reflective of the rural character expected of low density living environments. While generally adjoining existing living zones, in some circumstances, low density Living 2 Zones can be located on the edge of townships. Larger sections, more space between dwellings, panoramic views and rural outlook are characteristic of this zone.
Living X	Areas zoned as Living but not yet developed. The developer may choose the residential density for the zone, but it may not be more dense than that of the Living 1 Zone in the township.
Living Z	<p>Living Z new urban growth areas within or adjacent to the edge of existing townships. These areas are to be subject to an Outline Development Plan to ensure that good standards of urban design and connectivity with existing townships are achieved. The Living Z zone provides for a range of site sizes and living options, including provisions for lower density stand-alone housing and semi-detached or attached medium density housing types. The Living Z zones, where an ODP is not operative in the Plan, are deferred until such time as an Outline Development Plan for the area is made operative in the District Plan. Where the inclusion of an operative ODP is the only reason for the deferral, the deferral will be considered to be lifted upon an ODP becoming operative within the Plan.</p> <ul style="list-style-type: none"> Medium Density areas shown on an Outline Development Plan are subject to the Medium Density rules. The plan distinguishes between 'Small-lot' Medium Density housing and 'Comprehensive' Medium Density Housing. <ul style="list-style-type: none"> Small-lot Medium Density housing provides for small houses on small lots. The anticipated typologies for small-lot Medium Density housing in the Selwyn District include detached and semi-detached. These lots can be developed individually by separate house builders using a variety of designs. Comprehensive Medium Density development will occur where four or more dwellings are designed and developed in a comprehensive manner on one large block of land identified for medium density housing within an Outline Development Plan. The key distinction between small lot and comprehensive medium density is that comprehensive developments have all the houses developed as part of a single overall design. Comprehensive design enables more intensive developments, with a wider range of typologies such as attached and terraced units that are generally two stories in height being the anticipated built forms in comprehensive developments. <p>Comprehensive design also facilitates purpose-built housing for a specific community sector, such as retirement villages and student accommodation.</p>

Appendix E Area Plans

Table 9-2: Ellesmere 2031: Ellesmere Area Plan / Mahere-ā-Rohe o Waihora

Township	Heading
Leeston	Due to its central location, size and the role it plays in servicing the wider Ellesmere area, Selwyn 2031 has categorised Leeston as a service township whose function is: "...based on providing a high amenity residential environment and primary services to rural townships and surrounding rural area." (p. 21)
Doyleston	The area would provide for greater housing choice to meet the needs of the community within a location that could be integrated with the adjoining reserve to create a high amenity and well-connected neighbourhood . The area is also immediately adjacent to, and contiguous with, the existing township and its community services, that would provide for a compact and concentric urban development pattern (p. 39)
Dunsandel	There are also a number of issues that need to be addressed to facilitate substantial growth, including: settlement character and function, including the need to protect the current amenity attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities (p. 48)
Rakaia Huts	There is an identified need to protect the character and amenity of the township by managing the scale and quantum of development , and there is support for retaining the existing minimum average allotment size to protect the existing character and amenity of the settlement. To facilitate growth in Rakaia Huts, a number of issues need to be addressed, including: settlement character and function, including the need to protect the current amenity attributed to Rakaia Huts and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities
Southbridge	There are also a number of issues that need to be addressed to facilitate substantial growth, including: settlement character and function, including the need to protect the current amenity attributed to Southbridge and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities

Table 9-3: Malvern 2031: Malvern Area Plan / Mahere-ā-Rohe

Township	Heading
Darfield	Due to its central location, size and the role it plays in servicing the wider Malvern ward, Selwyn 2031 has categorised Darfield as a service township whose function is described as: "...providing a high amenity residential environment and primary services to rural townships and surrounding rural area." (p. 21) The site has high amenity values, with views to the Torlesse Range. (p. 28) The area has already been developed to a low-density residential standard. It will be difficult to integrate additional intensive development into an existing neighbourhood, where amenity conflicts may arise where residents have become accustomed to the character of the area. (p. 29)
Coalgate	No new areas for residential, business or industrial purposes are required to accommodate projected growth within Coalgate over the Malvern 2031 planning horizon. This is on the basis that there is currently sufficient zoned but undeveloped residential land available to accommodate projected population growth and demand.

Township	Heading
	There are also a number of issues that need to be addressed to facilitate additional growth, including: settlement character and function, including the need to protect the current amenity attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities
Glentunnel	<p>There is an identified need to protect the character and amenity of the township by managing the scale and amount of development.</p> <p>Development north of Railway Terrace may compromise the high amenity attributed to the Malvern Hills and the land may be more susceptible to stormwater run-off and inundation.</p> <p>No new areas for residential purposes have been identified as being necessary to be proactively zoned by Council in response to projected growth within the Malvern 2031 planning horizon. This is on the basis that there are a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity attributed to the township and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities</p>
Horoata	No new areas for residential or business purposes have been identified as being necessary to be proactively zoned by Council in response to projected growth within the Malvern 2031 planning horizon. This is on the basis that there are also a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity attributed to Horoata and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities.
Kirwee	<p>No new areas for residential or business purposes have been identified as being necessary to be proactively zoned by Council in response to projected population growth within the Malvern 2031 planning horizon. This is on the basis that there is currently sufficient zoned but undeveloped residential land available to accommodate projected population growth.</p> <p>There are also a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities</p>
Lake Coleridge Village	<p>No new areas for residential purposes have been identified as being necessary to be proactively zoned by Council in response to projected growth within Lake Coleridge Village over the Malvern 2031 planning horizon. This is on the basis that there is currently sufficient zoned but undeveloped residential land available to accommodate projected population growth and demand.</p> <p>There are also a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities</p>
Sheffield/Waddington	No new areas for residential or business purposes have been identified as being necessary to be proactively zoned by Council in response to projected growth within the townships of Sheffield and Waddington over the Malvern 2031 planning horizon. This is on the basis that there is currently sufficient zoned but undeveloped residential land available to accommodate projected population growth and demand. There are also a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity

Township	Heading
	attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities
Springfield	<p>No new areas for residential or business purposes have been identified as being necessary to be proactively zoned by Council in response to projected population growth within Springfield over the Malvern 2031 planning horizon. This is on the basis that there is currently sufficient zoned but undeveloped residential land available to accommodate projected population growth and demand.</p> <p>There are also a number of issues that need to be addressed to facilitate additional growth, including: · settlement character and function, including the need to protect the current amenity attributed to the village and the absence of the necessary community infrastructure or services required to support additional growth or increased household densities</p>
Whitecliffs	·There is an identified need to protect the character and amenity of the township by managing the scale and amount of development.

Appendix F Mahaanui Iwi Management Plan

Table 9-4: Relevant policies from the Mahaanui Iwi Management Plan

Ngā Kaupapa / Policy	Text	He Kupu Whakamāhukihuki / Explanation
Urban and Township Planning		
P3.1	To require that local government recognise and provide for the particular interest of Ngāi Tahu Papatipu Rūnanga in urban and township planning.	Urban development strategies, outline development plans, area plans and other similar planning documents are developed to manage the effects of land use change and development on the environment. It is critical that such initiatives include provisions for the relationship of tāngata whenua with the environment, and that Ngāi Tahu are involved with the preparation and implementation of such plans, as tāngata whenua and as a Treaty partner. The increased involvement of Ngāi Tahu in urban development processes in the region will result in urban development that is better able to recognise and provide for tāngata whenua values, including affirming connections between Ngāi Tahu culture, identity and place in the urban environment.
P3.2	To ensure early, appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of urban and township development plans and strategies, including but not limited to: (a) Urban development strategies; (b) Plan changes and Outline Development Plans; (c) Area plans; (d) Urban planning guides, including landscape plans, design guides and sustainable building guides; (e) Integrated catchment management plans (ICMP) for stormwater management; (f) Infrastructure and community facilities plans, including cemetery reserves; and (g) Open space and reserves planning.	
P3.3	To require that the urban development plans and strategies as per Policy P3.2 give effect to the Mahaanui IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites by: (a) Recognising Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government; (b) Recognising and providing for sites and places of importance to tāngata whenua; (c) Recognising and providing for specific values associated with places, and threats to those values; (d) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes; and (e) Supporting and providing for traditional marae based communities to maintain their relationship with ancestral land.	
Subdivision and Development ³⁶		
P4.1	To work with local authorities to ensure a consistent approach to the identification and	Subdivision and development is an important issue in the takiwā, in both

³⁶ Focused only on development (subdivision is part of another workstream)

Ngā Kaupapa / Policy	Text	He Kupu Whakamāhukihuki / Explanation
	consideration of Ngāi Tahu interests in subdivision and development activities, including: <ul style="list-style-type: none"> (c) Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations; (d) Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods; 	urban and rural settings. Specific issues associated with subdivision and development activities are addressed as a set of Ngāi Tahu Subdivision and Land Development Guidelines (Policy P4.3). The guidelines provide a framework for Papatipu Rūnanga to positively and proactively influence and shape subdivision and development activities, while also enabling council and developers to identify issues of importance and desired outcomes for protecting tāngata whenua interests on the landscape.
P4.3	To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per Ngāi Tahu subdivision and development guidelines	A cultural landscape approach is used by Papatipu Rūnanga to identify and protect tāngata whenua values and interests from the effects of subdivision, land use change and development.... A cultural landscape approach enables a holistic identification and assessment of sites of significance, and other values of importance such as waterways, wetlands and waipuna (see Section 5.8, Issue CL1).
Subdivision and Development Guidelines		
6.1	New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self-sufficient solutions for water, waste, energy such as: <ul style="list-style-type: none"> (i) Position of houses to maximise passive solar gain; (ii) Rainwater collection and greywater recycling; (iii) Low energy and water use appliances; (iv) Insulation and double glazing; and (v) Use of solar energy generation for hot water. 	
6.2	Developers should provide incentives for homeowners to adopt sustainability and self-sufficient solutions as per 6.1 above.	
6.3	Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.	
7.1	Sufficient open space is essential to community and cultural well-being, and the realization of indigenous biodiversity objectives, and effective stormwater management.	
Papakāinga		
P5.3	To require that the city and district plans recognise and provide for papakāinga and marae, and activities associated with these through establishing explicit objectives, policies and implementation methods, including:	Papakāinga, marae and associated ancillary activities located on ancestral land are important to enable tāngata whenua to occupy and use ancestral land in a manner that provides for their ongoing relationship with this land, and for their

Ngā Kaupapa / Policy	Text	He Kupu Whakamāhukihuki / Explanation
	<p>(a) Objectives that specifically identify the importance of papakāinga development to the relationship of Ngāi Tahu and their culture and traditions to ancestral land; and</p> <p>(b) Zoning and housing density policies and rules that are specific to enabling papakāinga and mixed use development; and that avoid unduly limiting the establishment of papakāinga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.</p>	social, cultural and economic well-being.

Appendix G Waimakariri District Plan

Table 9-5: Waimakariri Residential Zone Descriptions

Zone	Description
Residential 1	The Residential 1 Zone is the highest density living environment in the District. The zone surrounds the town centres of Rangiora and Kaiapoi. Residential 1 Zone provides an opportunity for higher density living within walking distance of town centre facilities and reinforces the dominant community focal point role of these towns. The zone is sensitive to adverse effects that may spill over from the adjacent Business Zone.
Residential 2	The Residential 2 Zone occupies most of the living environment in the District's towns. It is characterised by the single storey detached dwelling, surrounded by lawns and gardens. The streets are open and spacious and generally carry only local traffic. The Residential 2 Zone is sensitive to adverse effects that may spill over from adjacent zones, especially the Business and Rural Zones.
Residential 3	The Residential 3 Zone reflects the view of the community that the beach settlements and small rural towns are different in character from the four main towns in the District. These differences largely stem either from their origins as holiday settlements, their small size, and low density of building. Servicing constraints such as at Allin Drive/Queens Avenue, Waikuku Beach which limit subdivision potential have the effect of maintaining the particular character of some settlements and towns
Residential 4A/B	The Residential 4 Zones are based on the former "Rural-Residential Zone". The zones provide a living environment within the rural area. The nature of these zones has increasingly taken on urban characteristics. People value them as very low density residential sites in a rural setting. Increasingly it is expected that servicing standards will mirror urban rather than rural settings. The difference between the 4A Zone and 4B Zone relates to lot sizes. New 4A and 4B Zones can only be created by plan change. The 4B Zones are the original Rural-Residential Zones created under the Transitional District Plans based on limited public servicing and one hectare average lot sizes.
Residential 5	The Residential 5 Zone provides for a special quality residential environment focused around man-made water bodies. It is a zone that has restrictive controls in place in recognition of the qualities of the environment including habitat and wildlife values of those water bodies. It is a location where extensive landscaping and amenity plantings are required. The Residential 5 Zone is a unique zone within the District. A particular character and level of amenity will be created within this zone.
Residential 6/6A	The Residential 6 and 6A Zones provide for the residential development at Pegasus new town to the east of State Highway 1, north-east of Woodend and Ravenswood, north of Woodend. It is anticipated that the zones will enable a variety of housing environments of differing densities, from single storey detached dwellings on spacious sections to higher density living within close proximity to the community and commercial facilities in Pegasus and Ravenswood. Pegasus has the potential, when fully developed, to accommodate a population of approximately 5000 people in a comprehensively designed community which reflects the nature conservation and cultural heritage values of its surrounding environment. The town is designed around a town centre, recreation and community facilities, which will provide an urban focus for the town, with attractive, safe and efficient links to the residential neighbourhoods.
Residential 7A/B/C	The Residential 7 Zone provides for mixed residential development at West Kaiapoi. The zone provides three levels of densities ranging from 200m ² to 540m ² minimum averages. These higher densities are supported by a network of open space and reserves, including enhancement of existing linkages and construction of new linkages along and across the Kaiapoi River. The need for this higher level of density has arisen from the red zoning of properties in Kaiapoi following the Canterbury earthquakes of 2010/2011. A consistent message that has come from the Council's consultation exercises with the community is a call for orderly change. There is a desire to retain the fundamental elements that give the Residential Zones their characters. The community's interest lay in managing the rate of change, not stopping nor prescribing acceptable change. It accepted that it was not possible to anticipate and therefore plan for likely futures. Management of Residential Zones

Zone	Description
	should not be directed at retaining any particular known residential landscape. The management should ensure the retention of those Residential Zone characteristics set out in Table 17.1, and in Policy 17.1.1.3 for the Residential 7 Zone.

Appendix H Christchurch District Plan

Table 9-6: Christchurch Residential Zone Descriptions

Zone	Description
Residential Suburban Zone	<p>Provides for the traditional type of housing in Christchurch in the form of predominantly single or two storeyed detached or semi-detached houses, with garage, ancillary buildings and provision for gardens and landscaping.</p> <p>The changing demographic needs and increasing demand for housing in Christchurch are provided for through a range of housing opportunities, including better utilisation of the existing housing stock. A wider range of housing options will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons).</p>
Residential Suburban Density Transition Zone	<p>Covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone, and areas adjoining some commercial centres.</p> <p>The zone provides principally for low to medium density residential development. In most areas there is potential for infill and redevelopment at higher densities than for the Residential Suburban Zone.</p>
Residential Medium Density Zone	<p>Located close to the Central City and around other larger commercial centres across the city. The zone provides a range of housing options for people seeking convenient access to services, facilities, employment, retailing, entertainment, parks and public transport.</p> <p>The zone provides for medium scale and density of predominantly two or three storey buildings, including semi-detached and terraced housing and low-rise apartments, with innovative approaches to comprehensively designed, high quality, medium density residential development also encouraged.</p> <p>Residential intensification is anticipated through well-designed redevelopments of existing sites, and more particularly through comprehensive development of multiple adjacent sites. Zone standards and urban design assessments provide for new residential development that is attractive, and delivers safe, secure, private, useable and well landscaped buildings and settings.</p>
Residential Central City Zone	<p>Located within the Central City, the Residential Central City Zone has been developed to contribute to Christchurch's liveable city values. Providing for a range of housing types, including attractive, high density living opportunities, the zone utilises the potential for living, working and playing in close proximity to the commercial centre of the city. The character, scale and intensity of non-residential activities is controlled in order to mitigate effects on the character and amenity of the inner city residential areas.</p>
Residential New Neighbourhood Zone	<p>The Residential New Neighbourhood Zone generally includes new areas of greenfield land where large-scale residential development is planned. The zone will allow a wide range of residential house types and section sizes to provide for a wide spectrum of household sizes and affordable housing. People will therefore be able to remain within the neighbourhood throughout their lifetime as they move to housing types that suit their life stage. These areas are intended to achieve higher overall residential densities than traditionally achieved in suburban developments.</p>
Residential Banks Peninsula Zone	<p>Includes urban and suburban living, commuter accommodation and the small harbour settlements.</p> <p>The zone includes the settlements of Lyttelton and Akaroa which each have a distinctive urban character. Lyttelton has a more urban atmosphere and a distinct urban-rural boundary. The residential areas are characterised by small lot sizes and narrow streets. Akaroa is a smaller settlement characterised by its historic colonial form and architecture, relatively narrow streets, distinctive residential buildings and</p>

Zone	Description
	<p>well-treed properties. Akaroa is a focal point for visitors to the region and the district. The character of these two settlements is highly valued and the District Plan provisions seek to retain that character. Opportunities for residential expansion around Lyttelton and Akaroa are constrained by the availability of reticulated services and land suitability.</p> <p>The smaller settlements around Lyttelton harbour provide a variety of residential opportunities. Residential areas at Cass Bay, Corsair Bay, Church Bay and Diamond Harbour offer a lower density residential environment with relatively large lots. Each settlement differs as a reflection of its history, the local topography, the relationship with the coast and the type of residential living offered.</p> <p>Non-residential activities that are not compatible with the character of the Residential Banks Peninsula Zone are controlled in order to mitigate adverse effects on the character and amenity of the area.</p>
Residential Hills Zone	Covers all the living environments that are located on the slopes of the Port Hills from Westmorland in the west to Scarborough in the east. It provides principally for low density residential development that recognises the landscape values of the Port Hills, including opportunities for planting and landscaping, and control of reflectivity of roof finishes in order to blend buildings into the landscape. Provision is made for a range of housing options that will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons). Provision is also made for a range of appropriate non-residential activities
Residential Large Lot Zone	Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula.
Residential Small Settlement Zone	<p>Covers the many small settlements on Banks Peninsula, as well as the settlements of Kainga and Spencerville to the north of Christchurch. Lot sizes within the settlements are typically larger than urban areas reflecting their existing character and providing a lower density semi-rural living environment, with the exception of Kainga, where smaller lots are provided for. New development is consolidated in and around existing settlements. Control of roof reflectivity seeks to blend buildings into the rural landscape.</p> <p>Non-residential activities that are not compatible with the character of the settlements are controlled in order to mitigate adverse effects on amenity and the environment of the settlements.</p>
Residential Guest Accommodation Zone	Comprises a number of sites situated in residential locations that were previously either zoned or scheduled for guest accommodation purposes in earlier district plans and continue to be used for guest accommodation. The zone provides for the ongoing operation, intensification or redevelopment of these established activities, compatible with the character and amenity of adjoining residential zones.

Appendix I Comparison of Bulk and Location Standards

	Selwyn District Plan		Waimakariri District Plan		Christchurch District Plan	
	General Residential	Higher Density Residential	General Residential	Higher Density Residential	General Residential (Residential Suburban Zone)	Higher Density Residential (medium Density Zone)
Maximum Height	8m	8m 8m-11m is a restricted discretionary activity	8m	Does not specify	8m	11 metres provided there is a maximum of 3 storeys Ranges between 8-30m for specific areas
Setbacks: front (road boundary)	4m 5.5m if garage door faces road	3m 5.5m if garage door faces road	2m	2 m for any dwellinghouse 4 m for any garage where the vehicle entrance is generally at a right angle to the road. 5.5 m for a garage where the vehicle entrance faces the road	4.5m generally 2m with landscaping if the garage does not front the street 5.5m where the garage door faces the street 3.5m for garage doors facing the road that are sectional	2 metres Where a garage has a vehicle door that does not tilt or swing outwards facing a road 4.5 metres Where a garage has a vehicle door that tilts or swings outward facing a road 5.5 metres
Setbacks: side	2m dwelling 1m accessory building	Does not specify	Does not specify	Does not specify	1m 0m accessory buildings	1m 1.8m between buildings if there is a window
Setbacks: rear	2m dwelling 1m accessory building	Does not specify	Does not specify	Does not specify	1m 0m accessory buildings	1m 1.8m between buildings if there is a window
Setbacks: reverse sensitivity	20-100m state highway	Does not specify	Setbacks from Transpower lines from 32-39m	Does not specify	4m rail corridor	4m rail corridor

	Selwyn District Plan		Waimakariri District Plan		Christchurch District Plan	
	General Residential	Higher Density Residential	General Residential	Higher Density Residential	General Residential (Residential Suburban Zone)	Higher Density Residential (medium Density Zone)
Recession planes		<p>Does not apply to Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is</p> <p>(a)</p> <p>not a boundary of a lot in a low density area; and</p> <p>(b)</p> <p>which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level</p>		5.7m + 35, 44, 51 55 degrees		
Site coverage	40%	50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.	50% in Residential 1 Zones 35% in Residential 2, 3, 5 and 6 Zones;	Comprehensive Residential Areas ranges between 50-60%	35% Multi-unit residential complexes 40%	50%

	Selwyn District Plan		Waimakariri District Plan		Christchurch District Plan	
	General Residential	Higher Density Residential	General Residential	Higher Density Residential	General Residential (Residential Suburban Zone)	Higher Density Residential (medium Density Zone)
Private outdoor space	Does not specify	<p>Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m² and a minimum dimension of 4m.</p> <p>(b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.</p> <p>(c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary</p>	Does not specify	<p>a continuous private ground level outdoor living space per dwellinghouse that:</p> <ul style="list-style-type: none"> i. contains a 4 x 4m square; ii. as a minimum dimension of 3m; iii. is not occupied by any building, driveway, manoeuvring or parking area; and iv. has direct sunlight available throughout the year. v. a minimum of 5m² of outdoor service area per dwellinghouse to provide for rubbish and recycling storage for each dwellinghouse that: vi. has a minimum dimension of 1.5m; and vii. is screened or located behind buildings when viewed from any road or public open space 	<p>Minimum area 90m²</p> <p>Minimum dimension 6m</p> <p>To be readily accessible from a living area of each residential unit.</p> <p>Multi-unit residential complexes Minimum area 30m²</p> <p>minimum dimension 4m</p> <p>To be readily accessible from a living area of each residential unit.</p> <p>Service court 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>each residential unit shall be provided with at least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>the required spaces in a. and/or b. for each residential unit shall be provided either</p>	<p>Minimum total area for each residential unit 30m²</p> <p>Minimum private area 16m²</p> <p>Minimum dimension private area when provided at ground level 4 metres</p> <p>Minimum dimension private area when provided by a balcony 1.5 metres</p> <p>Minimum dimension of communal space 4 metres</p> <p>Accessible by all units</p> <p>At least one private outdoor living space shall be accessible from a living area of a residential unit</p> <p>Minimum required outdoor living space at ground level for entire site 50%</p> <p>For multi-unit residential complexes and social housing complexes only: each residential unit shall be provided with at least 2.25m² with a</p>

	Selwyn District Plan		Waimakariri District Plan		Christchurch District Plan	
	General Residential	Higher Density Residential	General Residential	Higher Density Residential	General Residential (Residential Suburban Zone)	Higher Density Residential (medium Density Zone)
					individually, or within a dedicated shared communal space	<p>minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>each residential unit shall be provided with at least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and the required spaces in a. and/or</p> <p>b. for each residential unit shall be provided either individually, or within a dedicated shared communal space.</p>

Appendix J Urban Design Analysis



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Ref: DCM Design_2016_026_Stantec_UD Bulk and Location Comments_2

7 December 2017

SELWYN DISTRICT COUNCIL – (RE005) RESIDENTIAL BULK AND LOCATION RULES
URBAN DESIGN INPUT INTO STAGE 1A

Dear Kylie

The following comments relate to the Bulk and Location Rules for the Residential Chapter of the Selwyn District Plan review. In my opinion, Bulk and Location Rules relate to Building height, Site coverage, recession planes and yard set-backs. My comments relate to the following:

- The extent to which the existing rules achieve best practice urban design outcomes;
- Methods to achieve Selwyn District Council's residential amenity objectives;
- Possible new provisions to ensure good design outcomes are achieved and potential adverse effects on residential amenity are appropriately managed.

My comments are based on the following design principles which I consider achieve Best Practice Urban Design outcomes and which will meet the council's policy B3.4.3, to provide pleasant places to live in and provide for the health and safety of people and their communities. The following urban design principles are guiding principles, based on the seven 'c's of the New Zealand Urban Design Protocol, for residential development in the Selwyn District. The principles are designed to encourage walkability, encourage efficient use of land, improve the relationship between buildings and the street, recognise CPTED principles, and encourage designs which create diversity and variation:

CONSOLIDATING OF ACTIVITIES

Developments should seek to consolidate activities, creating a strong built edge to the streetscape and allowing flexibility for various activities. Site layouts should seek to use land efficiently to minimise waste and maximise useable space for residents.

ENVIRONMENTAL RESPONSIVENESS

Developments should conserve and enhance the health of residents and the surrounding natural environment while incorporating CPTED Principles. Designs should recognise the importance of maximising natural surveillance over public (both the street and open spaces) and communal spaces within a development.

PROVIDING FOR INTERNAL AMENITY

Each dwelling should include a private outdoor living area which has a high level of accessibility, is private, and receives adequate sunlight. Controls on site coverage can assist

with maintaining sufficient outdoor living space, and encourage dwellings to be multi-storied to reduce the amount of site runoff generated.

PROVIDING FOR INTENSITY AND INTERACTION WITH COMMUNITIES

Developments should seek to encourage diversity in building stock, unit type and character providing for a wider range of the community (budget and family type) which will encourage intensification and greater community interaction.

INTEGRATION AND CONNECTIVITY - DESIGN WITH MOVEMENT NETWORKS AND BUILDING INTERFACES IN MIND

Developments should ensure the walkability of a neighbourhood and character of a streetscape is not compromised by developments which do not relate to the street or poor connectivity. Designs should seek to maximise connections through walkways, shared spaces and barrier free access. The placement of garaging and carparking can have an adverse effect on the amenity of a neighbourhood, especially as intensification occurs and lots become smaller, but often with the same need for parking spaces.

VARIATION, LEGIBILITY AND SENSE OF PLACE

Developments should create a strong sense of place through the design of unique amenities and buildings in order to provide an identity for the community and encourage respect for the design. Incorporating landmarks and unique spaces into the design will increase the legibility of the development for its users. Each unit /dwelling should be clearly definable with each development having a degree of uniqueness with modulation and cohesion incorporated into designs. This becomes important for higher density developments.

1. THE EXTENT TO WHICH THE EXISTING RULES ACHIEVE BEST PRACTICE URBAN DESIGN OUTCOMES

An assessment has been made of the existing rules in achieving Best Practice Urban Design Outcomes, based on the design principles outlined above.

CURRENT RULES

The current rules allow for typical low density residential development with Bulk and Location controls over: site coverage; height; boundary setbacks; and recession planes. There are specific rules in place for particular zones in addition to the standard bulk and location rules which address fencing, landscaping and other elements but these are not district wide standards. Many subdivisions have covenants which provide additional controls over and above what is permitted under the district plan as a way of controlling the character and design of a development but these sit outside of the District Plan. These are usually established by developers who want to create a particular character or want to achieve a perceived extra value to the development by restricting certain types of dwellings, usually smaller or relocated houses. The covenant or consent notices can relate too, but are not restricted to:

- Variations in setbacks, including the placement of garages;
- Provision of a different building height than that stated in the district plan. Often the height is lower than the permitted maximum built height as a way to restrict two-storey dwellings;
- Minimal build size;
- Age of dwelling (new or relocated)
- Restrictions on the use of materials and colours;
- Restrictions on landscape species;
- Restrictions on fencing.

The first three bullet points relate to Bulk and Location requirements while the remainder relate to character and amenity. I am on the opinion that character and amenity issues in Residential areas, unless they have an objective way of being measured, should not be included in the District Plan.

OUTCOME

From general experience and knowledge of the Selwyn District, given the size of the underlying lots, the general bulk and location requirements do not limit or restrict most residential development types. The bulk and location rules provide sufficient control to minimise any potential conflicts between adjoining properties without restricting development. A maximum site coverage is often the 'aspect' which can influence larger dwellings, forcing them to either reduce in size or go up (second storey). I do not consider this a bad aspect though. It is important that the permitted site coverage is not increased on standard residential sections to ensure sufficient outdoor living space is retained between dwellings and that the smaller sections do not cumulatively have an adverse effect on amenity.



Figure 1 - the photo shows a garage positioned 1m off the side boundary but with the eaves of the adjacent buildings almost touching. By having a concrete block wall for the garage on the boundary and pushing the house on the left over 1m, a two-metre wide gap would be created and would provide more useable space and allow more light into each dwelling. The 1m wide yards either side of a 1.8-2.0m high close board timber fence is considered inefficient use of land and could be improved.

The 8m height limit, plus recession planes, allows for two storey residential development but it rarely fully utilised with most developments being single storey. Front setbacks, as shown in the attached sketches, provide sufficient space for on-site parking which is considered positive. As intensification occurs, rules for the placement of carparking usually become more relevant. Car parking that is located at the front of the development can result in numerous crossings, even with the widths specified in the Engineering Code of Practice, when lots are narrow, reducing the potential for street trees to be planted in a berm and should therefore be avoided.

Garaging, large areas of driveway and vehicles parked in clear view of the street can have a significant adverse visual impact on the quality and appearance of a development. With increased density also comes the need for more efficient land use, including more creative responses to on-site parking. Communal or shared facilities are one response but must be designed well. Safe and convenient access for pedestrians and in larger developments for cyclists and service vehicles should also be provided. Providing a rear laneway in higher density developments can be a positive outcome with shared access ways reducing the number of potential conflict points with pedestrians walking along the street, and improving a building's relationship to the street.

Many councils or developers, in the case of covenants, adopt other rules or requirements relating to residential amenity which have a direct impact on the amenity or character of an area. These are largely related to elements which may affect character, such as material, fencing and roof pitch but are not directly related to Bulk and Location Rules. There are some 'minor' variations in setbacks, heights and site coverage within the plan but I do not consider these to be of a scale to have a significant, discernible effect in most instances. One area where improvement

could be made to the existing rules to achieve best practice urban design outcome would be the removal of the garage side yard requirement for garages less than 7m in length. This 1m wide side yard requirement for garages less than 7m in length differs from many district plans where it is possible for garages to be built up to the side boundary, subject to Building Code requirements (fire rating). This offset is acceptable in lower density developments and provides a gap between dwellings, but when densities increase, combined with close board fences, the 1m offset becomes wasted space and does not provide any additional amenity. The image above was taken from a development in Waimakariri District where two adjoining 1m setbacks result in a poor design outcome. A preferable design outcome would have been for the garage to be built up to the boundary, and maximising the setback of the living area of the house on the left (remembering that the house is pushed across 1m because of the setback (out of the photo)).

SUMMARY

In summary, the Bulk and Location rules do achieve Best Practice Urban Design outcomes for low density residential development, with the exception of providing variety in dwelling type, as there is sufficient space available to deal with other spatial restrictions. I do not consider rules relating to other elements, such as fencing, landscaping or materials have an effect on Bulk and Location but should be picked up in covenants or consent notices, if desired, as they relate to Character and Amenity. Greater controls may, however, be needed as density increases which is recognised in the Policies for Medium Density developments. In Policy B3.4.3 there is a series of design principles for medium density residential developments in Outline Development Plans which provide a guidance for higher density developments which are consistent with the principles I outlined above in the introduction.

2. METHODS TO ACHIEVE SELWYN DISTRICT COUNCIL'S RESIDENTIAL AMENITY OBJECTIVES

I consider that the standards for site coverage, setbacks, continuous building length, height, garages and other built forms achieve the Council's amenity objectives, and should be retained in Council control, or influence. These elements have tangible adverse effects on the living environment of neighbouring properties to create less busy and more spacious residential areas than metropolitan centres. As residential areas are required to intensify over time, greater controls are needed to ensure that residential amenity is maintained, noting there are benefits of intensifying suburbs as often walkability of a neighbourhood for pedestrian improves as amenities become closer. The design principles outlined in B3.4.3 for medium density residential developments are:

- o access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;
- o block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;
- o streets are aligned to take advantage of views and landscape elements;
- o section proportions are designed to allow for private open space and sunlight admission;
- o a subdivision layout that minimises the number of rear lots;
- o layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;
- o a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;
- o a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;
- o any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.

These principles are consistent with recognised Best Urban Design Practice.

SITE COVERAGE AND OUTDOOR LIVING SPACE

I am of the opinion that site coverage is potentially the most important method to achieve the Council's Residential Amenity Objectives of providing a variety of living environments and housing choices for residents which are spacious and pleasant spaces, as this aspect can directly impact on density, outdoor living space provision and building height as well as stormwater infrastructure requirements. The provision of Outdoor Living Space which receives direct sunlight with direct access from an indoor living area is an important urban design outcome to provide healthy and functional homes.

Having a relatively low site coverage encourages small houses on small sections by restricting the footprint. If larger dwellings are desired, then the developer can add a second storey while still maintaining sufficient space for outdoor living and carpark/manoeuvring space.

In many instances the outdoor living space will be a dwelling's primary space for entertainment, relaxing and recreation. Its quality and accessibility can have a significant impact on its amenity. Where provided, it should be directly accessible from the dwelling to which it relates, ideally from internal living areas. Buildings should connect with a useful outdoor space which has a reasonable level of privacy from adjoining dwellings, good access to sunlight, shelter from prevailing winds, and a sense of openness and independence. In some developments, a dwelling's outdoor living space may be located in the front yard. By linking outdoor areas with the main indoor living areas of a dwelling, e.g. living areas and dining rooms, it encourages their use, provides a pleasant outlook and allows greater flexibility for outdoor spaces by allowing them to function as extensions to the indoor areas of the house.

BOUNDARY TREATMENT AND FENCING ADJACENT TO RESERVES

While these aspects are not 'Bulk and Location' requirements, they can play a significant role in the character and amenity of a development. For boundaries adjoining a reserve, the type of fencing used can have an impact on the natural surveillance over a space, and its perceived safety (CPTED). Rule 4.17 provides guidance for fencing in Living Z zone and some ODPs.

Well-designed open space, whether public, private or communal, can add a high level of amenity and significant value to a development. Open space should not be thought of as 'left over' space but as an opportunity to enhance the character of a development. The most effective spaces integrate well with adjoining dwellings, are highly accessible and enjoy a high level of natural surveillance from private living areas. Successful designs can be a real focal point to build community and a sense of place.

Boundary fences can have a significant adverse effect on the amenity of a development and how people interact with a space or building. Front fences and walls should be designed of materials compatible with the overall development to appear integrated and should enable occupants to see out to the street. Ideally fences should not be constructed along the front boundary unless the yard is a dwelling's principal outdoor living area (north, west or east facing only). The use of trees and hedges should be considered to enhance privacy, provide screening and delineate property boundaries. Low fencing, raised planters or planting provides demarcation of private and public space while retaining natural surveillance of the street.

An alternative is a combination of see-through and solid sections of fencing, which can be planted with low level shrubs and trees to provide a degree of privacy screening while still maintaining an essentially open feel that allows for views between the dwelling and the street.

I consider that Rule 4.17.1 Fences Adjoining Reserves,

- 4.17.1 *All development located within the Living Zone Z zone that shares a boundary with a reserve or walkway shall be limited to a single fence erected within 5m of any Council reserve that is at least 50% visually transparent where it exceeds 1.2m in height (which shall be applied to the whole fence in its entirety).*

This is a positive design aspect and should be adopted throughout all Living Zones. This will be addressed the Character and Amenity Work scope.

PLACEMENT OF GARAGING AND ON-SITE CARPARKING

The current rules provide sufficient space on site for visitor parking in front of garages and for the garage door to be positioned behind the front line of the dwelling to reduce the garage's potential visual dominance. Often front yards are seen as the domain of the car with all other aspects, including pedestrian movement, considered secondary. As residential densities increase, private car ownership typically starts to decrease, particularly where frequent and reliable public transport facilities are available. To meet the Council's amenity requirements, the design of front yard spaces should focus on pedestrian movement and the way a building relates to a streetscape. Streetscapes dominated by large garage doors are to be avoided where possible. The current rules do provide relief from this but greater controls will be required as lot sizes reduce and the number of garages increases. This is particularly so when lots are less than 300m² in size and lots are 12m in width or less. Clearly visible entrances contribute to the overall appearance. The provision of car parking and vehicle access often plays a role in design development at the expense of other amenities. A preferred design solution is for vehicle movements and parking to play a secondary role to pedestrian movements and streetscape amenity, creating active frontages and/or north facing outdoor living spaces. Ideally car parking should be located at the rear of a site and accessed via a shared laneway to reduce the number of potential conflict points with pedestrians walking along the street. The current rules help to ensure dwellings have a strong relationship with the street and vehicles/garaging do not visually dominant the street.

OTHER ASPECTS

In terms of other aspects, including:

- Sufficient servicing/storage area
- Location of servicing/storage area – to rear
- Solar access to indoor and outdoor space
- Privacy from neighbours particularly with regard to upper floor windows and balconies
- Overshadowing/sense of enclosure
- Protection of views

I consider all of these elements are important in the character or amenity of a residential area, but are all effects can be addressed with the current bulk and location Rules for typical Residential development as lots are typically larger enough to accommodate all activities without affecting adjoining properties. It is on smaller sites and multi-unit developments where these become more relevant.

For multi-unit developments and developments on smaller sites (i.e. less than 350m²), I consider the restricted discretionary process for Comprehensive Development works well and allows looking at a design holistically and efficiently by removing yard requirements and recession plane requirements for internal boundaries, as per the current rules in the District Plan. A site coverage of 50-60% is also typical of many terrace, multi-unit developments, but should not go higher than 60%. It is important to note that where the medium density site adjoins other sites that are larger than 400m² and that are not identified for medium density residential through the subdivision consent, then the usual recession plane rules should apply.

3. POSSIBLE NEW PROVISIONS TO ENSURE GOOD DESIGN OUTCOMES ARE ACHIEVED AND POTENTIAL ADVERSE EFFECTS ON RESIDENTIAL AMENITY ARE APPROPRIATELY MANAGED

The following new provisions to ensure good urban design outcomes, based on the Design Principles outlined in the introduction could be implemented, and is common in other Districts:

1. Retention of Rule 4.12 which requires a Restricted Discretionary process for multi-unit developments where the average lot size will be less than 350m² and a more than 2 units are proposed. This would help to ensure good design outcomes can be achieved with each unit having sufficient access to outdoor space; garaging and carparking are designed so that they do not visually dominate the streetscape and are designed efficiently and not at the expense of pedestrians; each unit has a degree of variance to avoid monotony and a lack of legibility; and service areas are screened from public spaces. This approach is generally considered best practice by designers and is one of the first items determined when planning a site.
2. Garage walls located within the 4m front yard and facing the street show have a window incorporated into the design to break up any blank walls, and provide the opportunity for natural surveillance over the street;
3. Allowance of garages into the side yard to allow for the efficient use of land without creating any adverse effects on adjoining properties. If designed correctly, it would provide additional, useable outdoor living space;
4. Simplification of the current Living zones to provide consistent setbacks, heights and site coverage through all Living Areas as minor variations do not have a discernible influence on the character or amenity of an area;
5. Adoption of Rule 4.17.1 across all Living zones to ensure casual/natural surveillance over adjoining reserves is maintained.
6. Retention of a minimum outdoor living space for residential developments.

Yours sincerely



David Compton-Moen

Urban Designer / Landscape Architect

