

## Appendix 8: Proposed Amendments to Selwyn District Plan

### Notes:

1. The provisions shown as yellow highlight and underlined are required to be incorporated into the Selwyn District Plan by the Resource Management Act (Enabling Housing Supply and Other Matters) Act 2021. Where the highlighting has been removed within the relevant provision, this is to indicate that the provisions has been altered to align with the drafting protocol of the Selwyn District Plan or the National Planning Standards, as appropriate.
2. Consequential amendments to the Selwyn District Plan in response to the Resource Management Act (Enabling Housing Supply and Other Matters) Act 2021 are shown as underline or strike through, as appropriate.

## Contents and Preparation

### A4.5 Townships and Zones

Table A4.4 – Description of Township Zones

Insert below description of Living WM:

Living MD1	Urban growth areas within or adjacent to existing townships within Greater Christchurch. These areas are used predominantly for residential activities with a higher concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities. <sup>25</sup>
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## Objectives and Policies

### B3.4 Quality of the Environment – Objectives

Objective B3.4.7<sup>26</sup>

Within the Living MD1 Zone, a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

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<sup>25</sup> Adapted from National Planning Standards description of the medium density residential zone

<sup>26</sup> Cl6(1)(a) Objective 1

## B3.4 Quality of the Environment – Policies

### ZONES

#### Policy B3.4.1

To provide zones in townships based on the existing quality of the environment, character and amenity values, except within the Living MD1 Zone or<sup>27</sup> within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.

#### Policy B3.4.9A<sup>28</sup>

Apply the medium density residential standards in the Living MD1 Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

### BUILDING DESIGN

#### Policy B3.4.27A<sup>29</sup>

In the Living MD1 Zone, encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

#### Policy B3.4.27B<sup>30</sup>

In the Living MD1 Zone, enable housing to be designed to meet the day-to-day needs of residents.

#### Policy B3.4.27C<sup>31</sup>

In the Living MD1 Zone, provide for developments not meeting permitted activity status, while encouraging high-quality developments.

## B4.1 Residential Density — Objectives

### Objective B4.1.1

A range of living environments is provided for in townships, while maintaining the overall ‘spacious’ character of Living zones, except within the Living MD1 Zone<sup>32</sup> and within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.

### Objective B4.1.3<sup>33</sup>

The Living MD1 Zone provides for a variety of housing types and sizes that respond to—

i. housing needs and demand; and

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<sup>27</sup> Consequential amendment to clarify that this policy does not apply to MDRS

<sup>28</sup> Cl6(2)(b) Policy 2

<sup>29</sup> Cl6(2)(c) Policy 3

<sup>30</sup> Cl6(2)(d) Policy 4

<sup>31</sup> Cl6(2)(e) Policy 5

<sup>32</sup> Consequential amendment to clarify that this objective does not apply to MDRS, because Objective B4.1.3 applies instead

<sup>33</sup> Cl6(1)(b) Objective 2

ii. the neighbourhood's planned urban character, including 3-storey buildings.

#### **B4.1 Residential Density — Policies**

Policy B4.1.14<sup>34</sup>

Enable a variety of housing typologies with a mix of densities within the Living MD1 Zone, including 3-storey attached and detached residential units<sup>35</sup>, and low-rise apartments.

#### **B4.3 Residential and Business Development — Policies**

Policy B4.3.7

Living Z and Living MD1<sup>36</sup> urban growth areas identified in the District Plan shall not be developed for urban purposes until an operative Outline Development Plan for that area has been included within the District Plan. Each Outline Development Plan shall:

...

Policy B4.3.8

Each Outline Development Plan shall include:

- ...
- In the Living MD1 Zone, any identified qualifying matter and how it is to be addressed

### **Part 4 Living Zone Rules – Buildings**

#### **4.2 Buildings and Landscaping**

Permitted Activities — Buildings and Landscaping

4.2.1 Except in the Living MD1 Zone where Rule 4.19 applies instead and except<sup>37</sup> for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and

- ...

#### **4.6 Buildings and Building Density**

Permitted Activities — Buildings and Building Density

4.6.1 Except in the Living MD1 Zone where Rule 4.19 applies instead, the ~~The~~<sup>38</sup> erection on an allotment (other than a site at Castle Hill) of not more than either:

- ...

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<sup>34</sup> Cl6(2)(a) Policy 1

<sup>35</sup> RMA-EHS uses 'dwellings', but MDRS standards use 'residential units'

<sup>36</sup> To ensure that Living MD1 zones also get an ODP

<sup>37</sup> Consequential amendment because Cl18 applies instead

<sup>38</sup> Consequential amendment because Cl10 applies instead

## 4.7 Buildings and Site Coverage

### Permitted Activities — Buildings and Site Coverage

- 4.7.1 Except in the Living MD1 Zone where Rule 4.19 applies instead, and except<sup>39</sup> as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

## 4.8 Buildings and Building Height

### Permitted Activities — Buildings and Building Height

- 4.8.1 Except in the Living MD1 Zone where Rule 4.19 applies instead, the<sup>40</sup> erection of any building which has a height of not more than 8 metres shall be a permitted activity.

## 4.9 Buildings and Building Position

### Permitted Activities — Buildings and Building Position

The following shall be permitted activities

#### Recession Planes

- 4.9.1 Except in the Living MD1 Zone where Rule 4.19 applies instead<sup>41</sup>, and except as provided for<sup>42</sup> in Rule 4.9.1.1 and Rule 4.9.1.2, the construction of any building which complies with the Recession Plane A requirements set out in Appendix 11;

...

#### Setbacks from Boundaries

- 4.9.2 Except in the Living MD1 Zone where Rule 4.19<sup>43</sup> applies instead and except as provided in Rules 4.9.3 to Rules 4.9.33, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below.

## 4.13 Buildings and Streetscene

### Permitted Activities — Buildings and Streetscene

For all residential development located within the Lowes Road Outline Development Plan area (Appendix 34) or the High Street, Southbridge Outline Development Plan area (Appendix 45), ~~or a Living Z zone,~~ or a Living MD1 Zone

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## 4.19 Density Standards in the Living MD1 Zone

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<sup>39</sup> Consequential amendment because CI14 applies instead

<sup>40</sup> Consequential amendment because CI11 applies instead

<sup>41</sup> Consequential amendment because CI12 applies instead

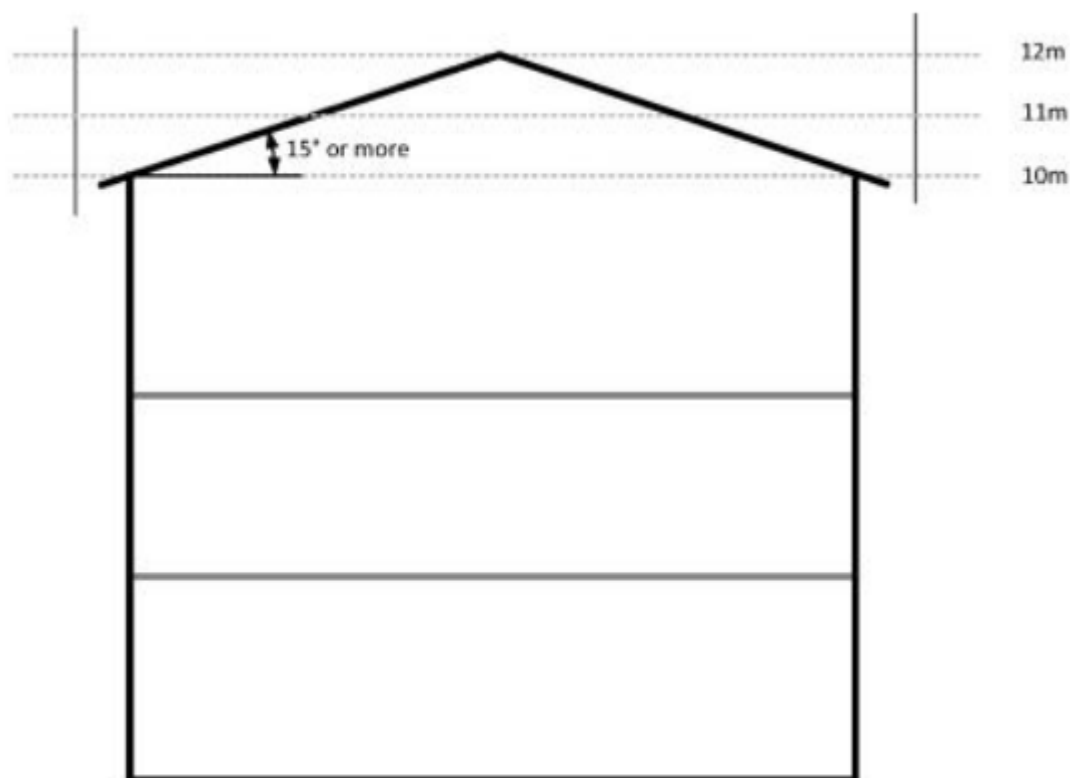
<sup>42</sup> Consequential amendment to improve clarity given the length of exclusions

<sup>43</sup> Consequential amendment because CI13 applies instead

## Permitted Activities – Density Standards in the Living MD1 Zone

- 4.19.1 In the Living MD1 Zone, the establishment of not more than 3 residential units on a site shall be a permitted activity.<sup>44</sup>
- 4.19.2 In the Living MD1 Zone, the establishment of any residential unit or other principal building which has a height of not more than 11 metres shall be a permitted activity, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure C4.1:<sup>45</sup>
- 4.19.3 In the Living MD1 Zone, the establishment of any other building or structure which has a height of not more than 8 metres shall be a permitted activity.

Figure C4.1 – Permitted residential unit height, Living MD1 Zone



- 4.19.4 In the Living MD1 Zone and except as set out below, the construction of any building which complies with the Recession Plane C requirements set out in Appendix 11, shall be a permitted activity.<sup>46</sup>
- 4.19.5 In the Living MD1 zone, any building which complies with the setback distances from internal boundaries and road boundaries as set out in Table C4.4 below, shall be a permitted activity.

<sup>44</sup> C10

<sup>45</sup> C11

<sup>46</sup> C12

<sup>47</sup>For the purposes of this rule, setbacks shall be measured from the relevant boundary to the closest point of the building.

Table C4.4 - Minimum Setbacks for Buildings, Living MD1 Zone

Building type	Setback from boundary (metres)	
	Internal boundary	Road boundary or shared access where specified
Any building	1m	1.5m

- 4.19.6 Despite Rule 4.19.5, any building in the Living MD1 Zone may be sited along an internal boundary of the site where there is a common wall between two buildings on adjacent sites, or where such a wall is proposed.<sup>48</sup>
- 4.19.7 Any building in the Living MD1 Zone where the building coverage does not exceed 50% of the net site area shall be a permitted activity.<sup>49</sup>
- 4.19.8 Any residential unit in the Living MD1 Zone shall be a permitted activity where it provides an outdoor living space that:<sup>50</sup>
- 4.19.8.1 Where the residential unit is at ground floor level, comprises ground floor, balcony, patio, or roof terrace space that:
- (a) Is at least 20m<sup>2</sup> in area; and
  - (b) where located at ground level, has no dimension less than 3 metres; and
  - (c) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (d) is accessible from the residential unit; and
  - (e) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (f) is free of buildings, parking spaces, and servicing and manoeuvring areas.<sup>51</sup>
- 4.19.8.2 Where the residential unit is located above ground floor level, comprises balcony, patio, or roof terrace space that:
- (a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the residential unit; and

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<sup>47</sup> C13(1)

<sup>48</sup> C13(2), refer 4.9.7 for wording for other Living zones

<sup>49</sup> C14

<sup>50</sup> C15(1)

<sup>51</sup> C15(1)

(c) may be—

(i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

(ii) located directly adjacent to the unit.<sup>52</sup>

4.19.9 Any residential unit in the Living MD1 Zone shall be a permitted activity where it provides an outlook space from habitable room windows as shown in Figure C4.2<sup>53</sup> and:<sup>54</sup>

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

(a) one principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

(b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and<sup>55</sup>

4.19.9.2 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;<sup>56</sup>

4.19.9.3 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;<sup>57</sup>

4.19.9.4 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;<sup>58</sup>

4.19.9.5 Outlook spaces may be under or over a balcony;<sup>59</sup>

4.19.9.6 Outlook spaces required from different rooms within the same building may overlap; and<sup>60</sup>

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<sup>52</sup> CI15(2)

<sup>53</sup> CI16(2)

<sup>54</sup> CL16(1)

<sup>55</sup> CL16(3)

<sup>56</sup> CL16(4)

<sup>57</sup> CL16(5)

<sup>58</sup> CI16(6)

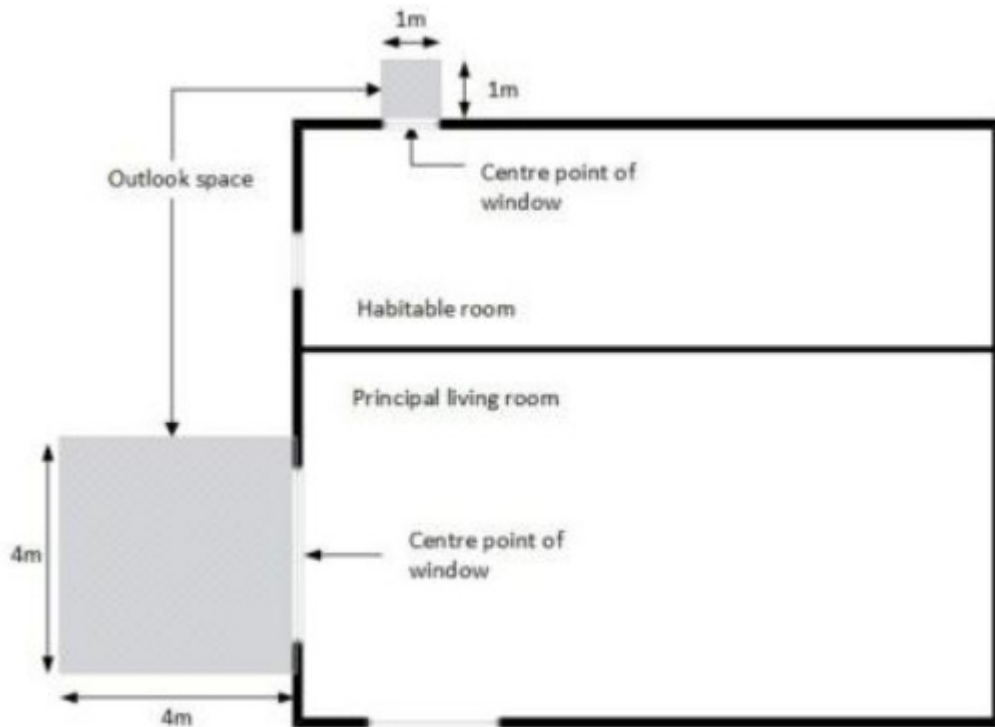
<sup>59</sup> CI16(7)

<sup>60</sup> CI16(8)

4.19.9.7 Every outlook space must:

- (a) be clear and unobstructed by buildings; and
- (b) not extend over an outlook space or outdoor living space required by another residential unit.<sup>61</sup>

Figure C4.2 Required outlook space from habitable rooms, Living MD1 Zone<sup>62</sup>



4.19.10 In the Living MD1 Zone, any residential unit facing the street shall be a permitted activity where it has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.<sup>63</sup>

4.19.11 In the Living MD1 Zone, any residential unit at ground floor level shall be a permitted activity where:

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

4.19.11.2 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.<sup>64</sup>

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<sup>61</sup> C16(9)

<sup>62</sup> C16(2)

<sup>63</sup> C17

<sup>64</sup> C18



## Restricted Discretionary Activities — Density Standards in the Living MD1 Zone

- 4.19.12 Any activity which does not comply with Rule 4.19.1<sup>65</sup> shall be a restricted discretionary activity,<sup>66</sup> which shall not be subject to public or limited notification.<sup>67</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.12.1 For each residential unit:
- (a) Adequacy of exclusive outdoor living space
  - (b) access to daylight and sunlight; and
  - (c) visual privacy
- 4.19.12.2 Parking and access; safety, efficiency and impacts to on street parking and neighbours.
- 4.19.12.3 The extent to which each residential unit is required to be provided with separate utility services.<sup>68</sup>
- 4.19.12.4 Effects on the character and amenity values of nearby residential areas and public spaces from the intensity, scale, location, form and appearance of the proposal.
- 4.19.12.5 Location, orientation and screening of outdoor living, service/storage, and waste management spaces.
- 4.19.12.6 Extent to which landscaping on the site:
- (a) enhances residential amenity; and
  - (b) defines and enhances on-site outdoor living spaces;
  - (c) reduces the visual impact of buildings through screening and planting;
  - (d) screens service areas, loading areas, and outdoor storage areas from public vantage points.<sup>69</sup>
- 4.19.13 Any activity which does not comply with Rule 4.19.2<sup>70</sup> or Rule 4.19.3<sup>71</sup> shall be a restricted discretionary activity,<sup>72</sup> which shall not be subject to public notification.<sup>73</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.13.1 Effects on privacy, outlook, or shading on the affected property.

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<sup>65</sup> C10 Density

<sup>66</sup> C14

<sup>67</sup> C15(2)

<sup>68</sup> PDP RESZ-MAT8

<sup>69</sup> PDP RESZ-MAT14

<sup>70</sup> C11 height of residential units

<sup>71</sup> Height of other buildings

<sup>72</sup> C14

<sup>73</sup> C15(1)

- 4.19.13.2 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.13.3 The extent to which the increase in height provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.13.4 Mitigation of the effects of natural hazards.<sup>74</sup>
- 4.19.14 Any activity which does not comply with Rule 4.19.4<sup>75</sup> shall be a restricted discretionary activity,<sup>76</sup> which shall not be subject to public notification.<sup>77</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.14.1 Effects on privacy, outlook, or shading on the affected property.<sup>78</sup>
- 4.19.14.2 The extent to which the breach provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
- 4.19.15 Any activity which does not comply with Rule 4.19.5<sup>79</sup> shall be a restricted discretionary activity, which shall not be subject to public notification,<sup>80</sup> unless it is permitted by Rule 4.19.6<sup>81, 82</sup>. The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.15.1 For internal boundaries:
- (a) Effects on privacy, outlook, or shading on the affected property.
  - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
  - (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.
  - (d) Mitigation of the effects of natural hazards.
  - (e) Reverse sensitivity effects.<sup>83</sup>

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<sup>74</sup> PDP RESZ-MAT3

<sup>75</sup> C12 height in relation to boundary

<sup>76</sup> C14

<sup>77</sup> C15(1)

<sup>78</sup> RESZ-MAT4

<sup>79</sup> C13 setbacks

<sup>80</sup> C15(1)

<sup>81</sup> Exclusion for common walls

<sup>82</sup> C14

<sup>83</sup> PDP RESZ-MAT6

- (f) Effects on the accessibility of the space between buildings and the affected internal boundary: for cleaning and maintenance; for storage; and to keep the area free of vermin.
- 4.19.15.2 For road boundaries:
- (a) Effects on the safety and efficiency of the land transport infrastructure.
  - (b) Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
  - (c) The extent to which the reduced setback provides for the protection of any heritage item listed in Appendix 3, protected tree listed in Appendix 4, or site of significance to tangata whenua listed in Appendix 5.<sup>84</sup>
  - (d) The extent to which the design incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>85</sup>
- 4.19.16 Any activity which does not comply with Rule 4.19.7<sup>86</sup> shall be a restricted discretionary activity,<sup>87</sup> which shall not be subject to public notification.<sup>88</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.16.1 Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.
- 4.19.16.2 Provision of adequate outdoor living space on site.<sup>89</sup>
- 4.19.17 Any activity which does not comply with Rule 4.19.8<sup>90</sup> shall be a restricted discretionary activity,<sup>91</sup> which shall not be subject to public notification.<sup>92</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.17.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.
- 4.19.17.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the residential unit and the street, to the detriment of an open street scene.
- 4.19.17.3 The degree to which large areas of public open space are provided within very close proximity to the site.

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<sup>84</sup> RESZ-MAT5

<sup>85</sup> Adapted from RESZ-MAT1

<sup>86</sup> C14 Building coverage

<sup>87</sup> C14

<sup>88</sup> C15(1)

<sup>89</sup> PDP RESZ-MAT2

<sup>90</sup> C15 Outdoor living space

<sup>91</sup> C14

<sup>92</sup> C15(1)

- 4.19.17.4 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site<sup>93</sup>
- 4.19.18 Any activity which does not comply with Rule 4.19.9<sup>94</sup> shall be a restricted discretionary activity,<sup>95</sup> which shall not be subject to public notification.<sup>96</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.18.1 The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year
- 4.19.18.2 The extent to which habitable rooms have an outlook and sense of space
- 4.19.18.3 The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions
- 4.19.18.4 The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.
- 4.19.19 Any activity which does not comply with Rule 4.19.10<sup>97</sup> shall be a restricted discretionary activity,<sup>98</sup> which shall not be subject to public notification.<sup>99</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.19.1 Whether the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe, and attractive.
- 4.19.19.2 Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
- 4.19.19.3 Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.<sup>100</sup>
- 4.19.20 Any activity which does not comply with Rule 4.19.11<sup>101</sup> shall be a restricted discretionary activity,<sup>102</sup> which shall not be subject to public notification.<sup>103</sup> The exercise of discretion shall be restricted to consideration of the following matters:
- 4.19.20.1 The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
- (a) define and enhance on-site outdoor living spaces,

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<sup>93</sup> SDP Rule 4.14.2

<sup>94</sup> CI16 Outlook space

<sup>95</sup> CI4

<sup>96</sup> CI5(1)

<sup>97</sup> CI17 Windows to street

<sup>98</sup> CI4

<sup>99</sup> CI5(1)

<sup>100</sup> Adapted from RESZ-MAT1

<sup>101</sup> CI18 Landscaping

<sup>102</sup> CI4

<sup>103</sup> CI5(1)

- (b) reduce the visual impact of large buildings through screening and planting
  - (c) screen service areas, loading areas, and outdoor storage areas from public vantage points.<sup>104</sup>
  - (d) contributes to a cooling effect of the urban environment
- 4.19.20.2. Whether the development incorporates Crime Prevention Through Environment Design (CPTED) principles as required to achieve a safe, secure environment.
- 4.19.20.3 Effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

## Part 12 Living Zone Rules – Subdivision

### C12.1 Subdivision – General

#### Controlled Activities — Subdivision – General

- 12.1.A1 In the Living MD1 Zone, a subdivision of land, which is not a subdivision under Rules 12.2<sup>105</sup> or 12.3<sup>106</sup> shall be a controlled activity if it complies with the standards and terms set out in Rule 12.1.3.<sup>107</sup>
- 12.1.A2 Any subdivision subject to Rule 12.1A1, and which complies with Rule 12.1.3, shall not be notified and shall not require the written approval of affected parties.<sup>108</sup> The Council shall reserve control over the matters listed in Rule 12.1.4 following Table C12.1.

#### Restricted Discretionary Activities — Subdivision – General

- 12.1.3.6 Except in the Living MD1 Zone, any<sup>109</sup> ~~Any~~ allotment created, including a balance allotment, contains a building area of not less than 15m x 15m, except for sites greater than 400m<sup>2</sup> in area in a medium density area shown on an Outline Development Plan where the minimum building area shall be not less than 8m x 15m. For sites that form part of a comprehensive Medium Density development in a Medium Density Area covered by an Outline Development Plan, there shall be no minimum building area requirement; and
- 12.1.3.6A Within the Living MD1 Zone, every vacant allotment either:
- (a) is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit; or
  - (b) contains a building area of not less than 8m x 15m;<sup>110</sup>

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<sup>104</sup> PDP RESZ-MAT14.7

<sup>105</sup> Boundary adjustments

<sup>106</sup> Access, reserve and utility allotments

<sup>107</sup> CI3

<sup>108</sup> CI5(2)

<sup>109</sup> Consequential amendment to allow CI8

<sup>110</sup> CI8

12.1.3.58 Any subdivision within a Living Z Zone, Living MD1 Zone or Living ~~or~~ 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.

Table C12.1 – Allotment Sizes

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

Township	Zone	Average Allotment Size Not Less Than
Lincoln	Living MD1	Minimum individual allotment size 400m <sup>2</sup> <sup>111</sup> There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment <sup>112</sup>
Prebbleton	Living MD1	Minimum individual net allotment size 400m <sup>2</sup> <sup>113</sup> There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment <sup>114</sup>
Rolleston	Living MD1	Minimum individual allotment size 400m <sup>2</sup> <sup>115</sup> There is no minimum allotment size where: the subdivision does not increase the degree of any non-compliance with Rule 4.19; or where the subdivision application is accompanied by a land use application that will be determined concurrently with the subdivision application that demonstrates that it is practicable to construct, as a permitted activity, a residential unit on every vacant allotment <sup>116</sup>
All Living Zones <sup>117</sup>	Calculating allotment size <sup>118</sup>	
Calculating allotment size <sup>119</sup>	All Living Zones except Living MD1 <sup>120</sup>	The average allotment size shall be calculated as a mean average (total area of allotments divided by the number of allotments). The total area and number of allotments used to calculate the mean shall exclude areas used exclusively for access, reserves or to house utility structures, or which are subject to a designation.

<sup>111</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>112</sup> C18

<sup>113</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>114</sup> C18

<sup>115</sup> These are the LZ medium density (small lot) requirements for Lincoln, but without the maximum site size requirements that accompany LZ

<sup>116</sup> C18

<sup>117</sup> Consequential amendment to restructure table so that provisions make sense

<sup>118</sup> Consequential amendment to restructure table so that provisions make sense

<sup>119</sup> Consequential amendment to restructure table so that provisions make sense

<sup>120</sup> Provisions as described do not apply to Living MD1

Township	Zone	Average Allotment Size Not Less Than
		Any allotment which is twice or more the size of the average allotment required in the zone, shall be calculated as being: 2 x average allotment size for that zone - 10m <sup>2</sup> ; or as its actual size, if a covenant is placed on the Certificate of Title to prevent any further subdivision of that land.
	Living MD1	Net site area shall be used to calculate allotment size. <sup>121</sup>

12.1.4 Matters over which the Council has reserved its control or<sup>122</sup> restricted the exercise of its discretion:

Restricted Discretionary Activities — Subdivision – General

12.1.5 The following activities shall be restricted discretionary activities:

12.1.5.1 Any subdivision subject to Rule 12.1.A1 or Rule 12.1.1 which complies with all standards and terms in Rule 12.1.3 except Rule 12.1.3.2.<sup>123</sup>

Discretionary Activities — Subdivision – General

12.1.6 The following activities shall be discretionary activities

12.1.6.10 Any subdivision in a Living MD1 Zone that is not in general compliance with an operative Outline Development Plan.<sup>124</sup>

Non Complying Activities — Subdivision – General

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

12.1.7.12 Any subdivision subject to Rule 12.1.A1 which does not comply with Rule 12.1.3.<sup>125</sup>

## D DEFINITIONS

**Building:** except in the Living MD1 Zone<sup>126</sup>, means any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:

- ...

In the Living MD1 Zone, means a temporary or permanent movable or immovable physical construction that is:

- (a) partially or fully roofed; and

<sup>121</sup> Net site area, to be consistent with usage in the rest of the Living Zones, and to be consistent with building coverage requirements/Planning Standards terms

<sup>122</sup> Consequential amendment from CI3

<sup>123</sup> Corner splays

<sup>124</sup> Consistent with Living Z

<sup>125</sup> Consistent with Living Z

<sup>126</sup> A different definition applies in the Living MD1 Zone

(b) fixed or located on or in land;

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.<sup>127</sup>

**Building coverage** means the percentage of the net site area covered by the building footprint<sup>128</sup>

**Building footprint** means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground<sup>129</sup>

**Height:** except in the Living MD1 Zone,<sup>130</sup> in relation to any building or structure means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.

For the purpose of calculating height in any zone other than the Living MD1 Zone, no account shall be taken of any:

- ...

In the Living MD1 Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.<sup>131</sup>

...

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<sup>127</sup> The MDRS provisions rely on the Planning Standards definition of *residential unit*, which in turn relies on the Planning Standards definition of *building*

<sup>128</sup> Planning Standards definition

<sup>129</sup> Planning Standards definition

<sup>130</sup> CI1 applies instead

<sup>131</sup> Planning Standards definition, as per CI1



**Net site area:** in the Living MD1 Zone, means the total area of the site, but excludes:

- (a) any part of the site that provides legal access to another site;
- (b) any part of a rear site that provides legal access to that site;
- (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981<sup>132</sup>

**Residential activity:** except in the Living MD1 Zone means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

...

In the Living MD1 Zone, means the use of land and building(s) for people's living accommodation.

**Residential unit:** in the Living MD1 Zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.<sup>133</sup>

**Setback:** Except in the Living MD1 Zone, means the minimum prescribed distance between the exterior face of the building and the boundaries of its site. The following intrusions are permitted into any setback area:

...

In the Living MD1 Zone, means a distance measured horizontally from a boundary, feature or item as specified in a rule.

**Site:** except in the Living MD1 Zone,<sup>134</sup> means an area of land or volume of space:

- ...

In the Living MD1 Zone, means:

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or

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<sup>132</sup> Planning Standards definition, per C11

<sup>133</sup> Planning Standards definition, per C11(3)

<sup>134</sup> C11(3) applies instead

- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.<sup>135</sup>

## APPENDIX 11 – Recession Planes

### Recession Plane A

Applicable to all buildings along all internal boundaries in all Living zones except the Living MD1 Zone<sup>136</sup> and to all<sup>137</sup> Business zones adjoining any Living or Rural zones and boundaries along the common boundary of the Business 2A Zone and the Rural zone as depicted in the Outline Development Plan in Appendix 22.

...

### Recession Plane C

Applicable to all buildings along all boundaries in the Living MD1 Zone.<sup>138</sup>

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

The ground level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted.<sup>139</sup>

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

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

- (a) any road boundary:
- (b) existing or proposed internal boundaries within a site:
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.<sup>140</sup>

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<sup>135</sup> Planning Standards definition, per CI1(3)

<sup>136</sup> CI12 applies instead

<sup>137</sup> To improve clarity, given the exclusion now added

<sup>138</sup> CI12

<sup>139</sup> As for Recession Planes A and B

<sup>140</sup> CI12

