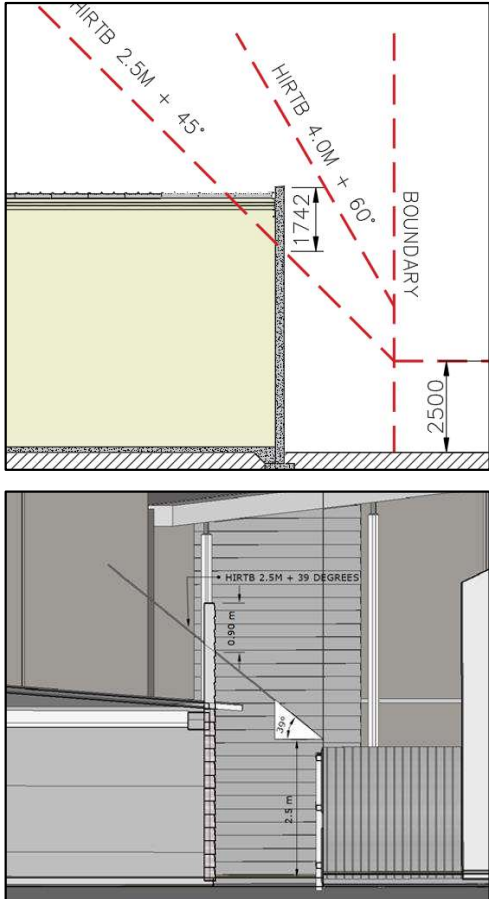


Attachment K – Operative District Plan Compliance Assessment

Operative Selwyn District Plan Rules -Compliance Assessment

Rule/standard	Explanation / requirement	Activity status
Part C Rural Volume		
C1 Earthworks		
Rule 1.7	<i>Permitted Activities — Earthworks and Setbacks, Volume and Site Rehabilitation</i> 1.7.1 Any earthworks which meet the following conditions shall be a permitted activity: 1.7.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers): (a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or (b) except that for rivers the following earthworks are subject to a reduced setback of 5m: (i) 100m² (area) per 1000 metres in any continuous 5 year period; and (ii) 40m³ (volume) per 1000 metres in any continuous 5 year period; or (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or (iv) maintenance of existing fencelines, existing vehicle tracks and existing crossings. 1.7.1.2 The earthworks do not exceed: (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m³ per project.	✗ 14,000m³ of earthwork volumes are required. These relate to a site size of 1.35ha. ✗ 14,000m³ of earthwork volumes are required. A depth of earthworks of 0.9m to finished ground level is required. Discretionary activity.
C3 Buildings		
Rule 3.1.2	3.1.2 Erecting any new dwelling or other principal building on any site in the areas listed in Rule 3.1.1.1(d) and (e) with a minimum floor level which does not comply with Rule 3.1.1.1(d) or (e) shall be a restricted discretionary activity.	It is understood that SDC require FFLs to be a minimum of 300mm above the 1 in 200 year flood event. The FFL for the enclosed buildings will be 40.80m, with spaces covered by canopies at 40.65m. The FFL for all buildings will be a minimum of 300mm above the lowest level along the road boundary to Goulds Road. ✓ Complies

Rule 3.9.1	3.9.1 Permitted Activities — Buildings and Access and Parking <i>Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met:</i> 3.9.1.1 Any dwelling or other principal building: (a) <i>Is erected on a site which has legal access to a formed and maintained legal road other than a road listed as a Strategic Road in Appendix 9; and</i> (b) <i>Does not have its only access to a legal formed road by crossing a railway line.</i>	✓ Complies
Rule 3.10.1	Permitted Activities — Buildings and Residential Density 3.10.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met: 3.10.1.1 The minimum land area required to erect <u>any dwelling</u>: (a) Complies with the minimum land area per dwelling shown in Table C3.1 (Inner Plains 4 ha); and (b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.	✓ The site size is 1.35ha however the building is not a 'dwelling'. Not Applicable
	3.10.6 <i>Any activity which does not comply with Rules 3.10.3.1 to 3.10.3.5 shall be a non-complying activity unless the activity complies with Rule 3.10.2.</i>	The building is not a 'dwelling'. Not Applicable
Rule 3.11.1	Permitted Activities — Buildings and Site Coverage 3.11.1 <i>Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i> 3.11.1.1 <i>The maximum area of any allotment covered by buildings shall be:</i> (a) <i>35% or 500m² whichever is the lesser, for allotments less than 1ha in area.</i> (b) <i>5% for all other allotments.</i>	✗ The total extent of buildings is 5,491m ² over 1.35ha (or 40.5% of site coverage).
	3.11.2 <i>Any building which does not comply with Rule 3.11.1 shall be a discretionary activity.</i>	Discretionary
Rule 3.12.1	<i>Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i> 3.12.1.1 <i>That, except where Rule 3.7.1 specifies a lower height, the maximum height of any building does not exceed:</i> (a) <i>8m for any building designed or used for human occupation; or</i>	✓ Compliant The Building is not used for Human occupation, and is less than 12m in height (8.15m for building, 9.0m for pylon signs).

	(b) 12m for any other building, except grain silos, where height shall not exceed 25m.	
Rule 3.1.3	<i>Permitted Activities — Buildings and Building Position</i> 3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met: 3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2 (Internal Boundary 5m, Other Road 10m)	✖ The principal building is set back: • 9.20m (canopy) to the southern boundary. • 2.8 (Supermarket) and 1.8m (ancillary retail) to the western boundary. • 4.0m (canopy) to Goulds Road. • 6.0m (ancillary northern retail) to Shillingford Boulevard
	3.13.1.3 Any building is positioned so that it complies, at the property boundaries, with the relevant recession plane angles at Appendix 16. For the relevant western façade these are 2.5m in height at an angle on angle of 45° (west – main Supermarket building) and 39°(west – smaller ancillary retail)	✖ The western recession planes are breached by some 1.742m as associated with the Supermarket, and 0.9m by the northern ancillary retail. 
	3.13.6 Any building or part of any building, other than a garage or accessory building, which does not comply with Rule 3.13.1.1 shall be a discretionary activity.	Discretionary Activity
	3.13.7 Any building or part of any building, other than a garage or accessory building, which does not	Discretionary Activity

	<i>comply with Rule 3.13.1.3 shall be a discretionary activity.</i>		
Rule 3.14.1	3.14.1 <i>Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if any outdoor lighting on any building complies with Rule 9.18.</i>	✓ Compliant	
C4 Roading <i>Notes: Assessed as an existing rural zone, all existing and future frontage roads in site vicinity are classified as local roads.</i> <i>Speed limits are assessed at 60km/hr for existing and future roads (based on existing speed limits)</i>			
Rule 4.4.1	Road and Engineering Standards The forming, installation, upgrading, maintenance or replacement of any road shall be a permitted activity if the following standards are met: 4.4.1.1 Any part of any road does not have a gradient greater than: (a) 1:6 vertical; or (b) 1:20 horizontal. 4.4.1.2 Any road is formed to the relevant standards set out in Appendix E10.3, except that E10.3.1 shall not apply to works to existing roads undertaken by Council pursuant to the Local Government Act.	Not applicable – roads being constructed to accommodate a supermarket	Yes
Rule 4.5.1.1	Access Gradient Any part of any vehicular accessway does not have a gradient greater than: (a) 1:6 vertical; or (b) 1:20 horizontal.	Topography is flat	Yes
Rule 4.5.1.2	Access Design Standard Any vehicular accessway is formed to the relevant design and formation standards set out in Appendix 10.	See Appendix 10 standards below	No , urban vehicle crossing proposed rather than rural crossings. Discretionary Activity Rule 4.5.4
Rule 4.5.1.3	Access Separation and Sight Distance Any vehicular accessway complies with the relevant separation and sight distance standards set out in Appendix 10.	See Appendix 10 standards below	No , access separation requirements not satisfied. Discretionary Activity Rule 4.5.4
Rule 4.5.1.4	Gate Position Any vehicle crossing which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary.	All fixed gates are sliding, so do not open towards the road	Yes
Rule 4.5.1.5	Vehicle Crossing Vehicle crossings providing vehicle access to a sealed road is sealed: a. For the full length of the vehicle crossing; and b. From the edge of the carriageway to the property entrance or for the first 10 metres.	Fully sealed access and site	Yes
Rule 4.5.1.6	Any access to a State Highway or Arterial Road complies with the following: (a) No legal access is available from another lower classification road; (c) The vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2, 10.2.3 and E10.2.4; (d) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required.	Access is to local roads	Not Applicable

Rule 4.5.1.7	Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway	The supermarket is treated as a single site	Yes
Rule 4.5.1.8	Site Access Preferences Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification.	Access is to local roads	Yes
Rule 4.6.1.3	Parking (a) all car parking associated with an activity must be located either on-site or on land adjoining the site and not on the road reserve; and (b) all loading (including unloading) associated with an activity must be undertaken on-site or on land adjoining the site and not within the road reserve	All loading spaces and parking spaces provided on-site	Yes
Rule 4.6.1.4	Car Parking Dimensions All car parking and loading spaces shall be formed to the relevant standard set out in Appendix 10.	See Appendix 10 standards below	No , dimensions of parking stall depth and disabled parking width technically non-compliant. Discretionary Activity 4.6.7
Rule 4.6.2.1	Vehicle Manoeuvring Any other activity [other than residential] is a permitted activity if, all vehicle manoeuvring area is of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road.	On-site manoeuvring provided	Yes
Rule 4.6.3	Disabled Car Parking Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met: 4.6.3.1 One disabled carpark is provided with the first 10 carparking spaces; and one additional disabled carpark space for every additional 50 carparking spaces provided. 4.6.3.2 The disabled carparks are: (a) Located as close to the entrance to the building or the site of the activity as practical; (b) Sited on a level surface; and (c) Clearly marked as being for mobility-impaired persons.	184 parking spaces requires 5 spaces 5 spaces provided, and will be located adjacent the building entrance, on a level surface and clearly marked	Yes
Rule 4.6.4	Any development of a parking area with a total of 40 or more parking spaces shall be a controlled activity, in respect to safety, circulation and access for pedestrians within the site and moving past vehicle crossings.	184 spaces provided exceeds 40 parking spaces, controlled activity	Controlled Activity
Rule 9 – Activities			
Rule 9.13.1.2 (a)	The maximum no. of vehicle movements for a permitted activity is 60ecm/d when accessed from a formed and sealed Local Road (averaged over any one-week period).	Greater than 60ecm/d	Discretionary Activity at 9.13.2
Appendix E10 – Transport			
Rule E10.1.1	Minimum car park dimensions: Long term: 2.4m by 5.4m, aisle of 6.2m Short term: 2.6m by 5.4m, aisle of 5.4m Disabled Parking: 3.2m by 5.4m, aisle of 6.2m (long term) or 5.8m (medium term).	Stall depth to be marked at 5.0m (overall depth plus aisle exceeds requirement). Dimensions achieved for standard short stay and staff parking spaces. Disabled parking width provided by way of shared area between spaces.	No, Technical Non Compliances
Rule E10.1.2.1	Any area for on-site parking or loading shall be available at all times for staff and visitors during the hours of operation and	Can be provided in compliance	Yes

	shall not be diminished by any subsequent erection of any structure, storage of goods, or any other use.		
Rule E10.1.4.1	The gradient of any on-site parking or loading area for any non-residential activity, shall be no more than: (a) At 90° to the angle of parking – 1:16; or (b) Parallel to the angle of parking – 1:20	Can be provided in compliance	Yes
Rule E10.1.5.1	The manoeuvring area to and from any parking space shall accommodate at least the design motor car.	Parking dimensions exceed District Plan module requirements, and provided with standard module layouts	Yes
Rule E10.1.5.2	The manoeuvring area to and from any loading space shall accommodate at least the design truck.	Accommodating truck and trailers, refer report	Yes
Rule E10.1.5.3	No loading space shall obstruct any on-site car parking space or any vehicle or pedestrian access.	Some informal loading (not specifically marked) expected in the car park, but will be managed to ensure it is available at all times (there is a good parking supply)	Yes
Rule E10.1.5.4	No vehicle shall be required to reverse out of any site onto a road.	Can be provided in compliance	Yes
Rule E10.2.2.1	The required minimum distance from the site accesses to any local road intersection is 60m (with speed limit of 60km/h).	Goulds Road: Service access 24m from Edgar Way Online access 3m from Edgar Way Car park access 53m from Edgar Way Shillingford Boulevard access 49m from new road to north, 61m from new road to south New local road access 110m from Shillingford Boulevard	No, 4 of the 5 accesses do not satisfy requirements with existing 60km/h speed limit
Rule E10.2.2.2	No part of any vehicle crossing shall be located closer than 30m to the intersection of any railway line.	Not applicable	Yes
Rule E10.2.2.4	Any activity which generates more than 40 vehicle movements in any one day, no part of any vehicle crossing onto any arterial road shall be located closer than 60m to the departure side of any intersection; and/or 30m to the approach side of any intersection.	Local road accessed, not applicable	Yes
Rule E10.2.3.1	Vehicle crossings onto classified roads must provide the required minimum sight distance of 140m in 60km/h speed limit area.	Local roads, not applicable	Yes
Rule E10.2.4.4.1	Vehicle access to any site from any road or service lane shall be by way of a vehicle crossing constructed at the owner's or the developer's expense	Will be constructed at Applicant's expense	Yes
Rule E10.2.4.4.5	Vehicle crossings to any site shall be constructed in accordance with Diagram E10.D if the crossing is to provide access to a commercial activity or is a heavy vehicle access.	Bespoke urban vehicle crossings proposed based on road carriageway, speed and function. Not compliant.	No, Restricted Discretionary Activity (See 4.5.1.6)

C6 Signage		
Rule 6.1.1	6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met: 6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill; 6.1.1.6 The height of the sign is not more than: (a) The height of the building to which it is attached; or (b) 6m above the ground if the sign is not attached to a building; 6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m² and the total area of signage on the site does not exceed 6m². 6.1.1.8 Any sign which is attached to a building and exceeds 3m² in area does not protrude beyond the framework of the building; 6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.	✓ Compliant ✗ Pylon signs are 9m in height. All other signage is affixed below the building height to which they are affixed. ✗ 226m² of signage is proposed. ✗ 59.4m² (both sides) pylon signage. ✗ These exemptions do not apply.
Rule 6.1.2	6.1.2 Erecting any outdoor sign which does not comply with Rule 6.1.1 shall be a discretionary activity.	Discretionary
C8 Solid Waste		
Rule 8.1.1	8.1.1 Any activity which involves the generation, storage or disposal of solid waste shall be a permitted activity if all of the following conditions are met: 8.1.1.1 The activity generates not more than 3m³ of solid waste per week, averaged over any calendar year; 8.1.1.2 Any storage, sorting or redistribution of solid waste on-site: (a) Involves only solid waste generated as part of any activity occurring on the site; (b) Is stored in a closed waterproof container or is covered with a material that prevents nuisance effects from litter, odour, flies, vermin, dogs or birds; and (c) Is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere;	✗ The Supermarket by its nature will generate waste product associated with distribution and storage of material. This will exceed 3m³/week. Restricted Discretionary ✓ Compliant
C8 Solid Waste		
Rule 8.1.1	8.1.1 Any activity which involves the generation, storage or disposal of solid waste shall be a permitted activity if all of the following conditions are met: 8.1.1.1 The activity generates not more than 3m³ of solid waste per week, averaged over any calendar year; 8.1.1.2 Any storage, sorting or redistribution of solid waste on-site:	✗ The Supermarket by its nature will generate waste product associated with distribution and storage of material. This will exceed 3m³/week. Restricted Discretionary ✓ Compliant

	(a) <i>Involves only solid waste generated as part of any activity occurring on the site;</i> (b) <i>Is stored in a closed waterproof container or is covered with a material that prevents nuisance effects from litter, odour, flies, vermin, dogs or birds; and</i> (c) <i>Is only stored on-site until it is able to be collected or removed for treatment or disposal elsewhere;</i>	
C9 Activities		
Rule 9.4	9.4.1 <i>Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:</i> 9.4.1.1 <i>The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m² and no more than two full-time equivalent persons are employed in undertaking any other activity on the site; or</i> 9.4.1.2 <i>The activity ...</i>	✕ The building scale is 5,491m². Over 50 full time employees will be employed.
Rule 9.4.2	Rule 9.4.2 <i>Any activity which does not comply with Rule 9.4.1 shall be a discretionary activity.</i>	Discretionary
Rule 9.16	Rule 9.16 <i>Except as provided in 9.16.3 below, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the following tables in order to be a permitted activity:</i> Table C9.2 – Maximum noise limits at any Living Zone boundary. Hours Noise Limit 7.30am – 8.00pm 55 dBA L110 85 dBA Lmax 8.01pm – 7.29am 40 dBA L10 70 dBA Lmax	✕ - Refer Attachment I.
Rule 9.16.1	Rule 9.16.1 <i>Any activity which does not comply with Rule 9.16.1 shall be a discretionary activity.</i>	Discretionary