



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,
COUNCIL CHAMBERS

ON WEDNESDAY 8 AUGUST 2018

COMMENCING AT 9:00AM

Committee Members

Chair

Environmental Services Manager Tim Harris

Selwyn District Council

Mayor Sam Broughton

Councillor Mark Alexander

Councillor Jeff Bland

Councillor Debra Hasson

Councillor Murray Lemon

Councillor Malcolm Lyaall

Councillor Pat McEvedy

Councillor Grant Miller

Councillor John Morten

Councillor Bob Mugford

Councillor Nicole Reid

Councillor Craig Watson

Chief Executive David Ward

Te Taumutu Rūnanga

Hirini Matunga

Environment Canterbury

Councillor Peter Skelton

Te Ngāi Tūāhuriri Rūnanga

Tania Wati

Project Sponsor

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Project Lead

Justine Ashley

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Agenda Items

Item	Page	Type of Briefing	Presenter(s)
Standing Items			
1. Apologies	3	Oral	Chair
2. Declaration of Interest	3	Oral	
3. Deputations by Appointment	3	Oral	
4. Confirmation of Minutes	3	Written	
5. Outstanding Issues Register	3	Written	
Specific Reports			
6. Strategic Directions Update <ul style="list-style-type: none">Report	4-15	Written	Nicola Rykers (Locality)
7. Energy & Infrastructure Update <ul style="list-style-type: none">Report	16-29	Written	Nicola Rykers (Locality)
8. Family Flats <ul style="list-style-type: none">Preferred Option ReportCommunications and Engagement Plan	30-43	Written	Jocelyn Lewes
9. Alternative Housing <ul style="list-style-type: none">Preferred Option ReportCommunications and Engagement Plan	44-68	Written	Jocelyn Lewes
10. Subdivision <ul style="list-style-type: none">Preferred Option ReportCommunications and Engagement Plan	69-170	Written	Rachael Carruthers
11. Overview of initial public consultation	171-182	PowerPoint	Katrin Johnston
12. Post engagement reporting	183-193	Written	Justine Ashley

Standing Items

1. APOLOGIES

2. DECLARATION OF INTEREST

Nil.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. CONFIRMATION OF MINUTES

No minutes to confirm.

5. OUTSTANDING ISSUES REGISTER

Nil

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
-	-	-	-

Specific Reports

6. Update Report on Strategic Directions

Author:	Nicola Rykers (Locality Ltd) and Justine Ashley (DPR Project Lead)
Contact:	347 2811 (Justine)

Purpose

To provide the Committee with an update on the development of the Strategic Directions report.

Recommendations

“That the Committee notes the report.”

Attachments

‘Report on Strategic Directions’

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 8 August 2018

TOPIC: STRATEGIC DIRECTIONS

PREPARED BY: Nicola Rykers, Consultant Planner

EXECUTIVE SUMMARY

<i>Purpose of Report</i>	<i>To provide the Committee with an update on the development of Strategic Directions.</i>
<i>Recommended Action</i>	<i>Continue to review and update the draft Strategic Directions as the District Plan Review programme progresses. This includes engagement with mana whenua and Environment Canterbury on the content of the chapter and its objectives.</i> <i>A further update is provided to DPC at the end of 2018.</i>
<i>DPC Decision</i>	

1.0 Introduction

1.1 This report provides an update on progress with the development of Strategic Directions. This includes:

- A reminder of the earlier presentations made to the District Plan Committee;
- An overview of work completed to date and any initial feedback from mana whenua and Environment Canterbury;
- Requirements of the proposed National Planning Standards for Strategic Directions; and
- A suggested programme for updating the Strategic Directions and reporting to the District Plan Committee;

2.0 Recap - Previous DPC Presentations

2.1 There have been two previous presentations to the District Plan Committee in respect of Strategic Directions. The first presentation in November 2016 set out the reasons why it may be appropriate to include a Chapter for Strategic Directions. These reasons included:

- to provide an overview of the significant land use issues for the District.
- to provide context for the key outcomes (in terms of the pattern of land use) that the District Plan is seeking to influence or achieve.
- to articulate the strategic objectives in a single place within the District Plan (rather than being located in individual chapters) and to promote integrated thinking/consideration of these matters by decision-makers.
- to align land use considerations with other key Council documents such as Selwyn 2031.

2.2 The presentation also addressed how a Strategic Objective would be defined, suggesting that to be “strategic”, the matter would need to be of such significance, scale or consequence that it is key or central to achieving the overall vision for, or pattern of land use in the District. This remains a key consideration – there is little point to Strategic Directions if they are not strategic. Writing objectives because they are of interest (but of limited consequence to the significant land use matters in the District) serves only to undermine the integrity and purpose of a Strategic Directions chapter and create duplication of effort for those administering the Plan.

2.3 A further presentation made to the Committee in September 2017 described a review of Strategic Objectives in other District Plans. That review found that in some cases the Strategic Objectives were no different from those in the relevant chapters. Accordingly, they were not strategic and did not appear to provide further guidance to decision-makers.

2.4 The Christchurch District Plan is a good example of Strategic Objectives which “sit above” the objectives and policies of the individual chapters and where care has been taken not to duplicate the chapter objectives. From a practitioner’s point of view the only criticism I have heard in relation to the Christchurch City Strategic Objectives, is that those objectives focused on the recovery of Christchurch are dated, with the legislative focus now shifted to regeneration. The key learning is perhaps not to reference specific events in the Strategic Objectives in order to maintain the relevance of the language within the Plan.

2.5 The 2016 presentation to the Committee suggested that the Strategic Objectives should be derived from:

- Selwyn 2031
- Canterbury Regional Policy Statement
- National Policy Statements
- RMA, Part 2, Sections 5,6, 7 and 8
- Mahaanui Iwi Management Plan

2.6 The September 2017 presentation provided an outline of possible topics for the Strategic Objectives. These related to:

- The relationship between Council and Ngai Tahu mana whenua
- Urban growth – demand and location
- Housing capacity and choice
- Business Activities
- Infrastructure
- Self-sufficiency of communities
- Rural productivity
- Quality of the Environment and amenity values
- Natural Environment
- The Coast
- Natural Hazards

3.0 Current Working Draft

3.1 In the last quarter of 2017, a first outline of the Strategic Objectives was drafted incorporating feedback from the Committee at its September meeting. This was then reviewed by Sarah Dawson (an Advisor to the District Plan) in early 2018 and further work on the draft has been undertaken. A copy of the working draft is attached as **Appendix 1** to this report. Committee members will see that there are sections in the Introduction where further text is required and that there are gaps in the objectives awaiting further information e.g., urban development and capacity. The Objectives should therefore be read as “draft and preliminary”.

3.2 The Strategic Directions chapter will require updating as the Plan Review progresses in response to further investigations and refinement of issues, as well as in response to engagement. A copy of the draft Strategic Objectives has been provided to both Environment Canterbury and Mahaanui Kurataiao. Environment Canterbury has undertaken to provide advice and comment on future drafts. In particular it will provide advice on the appropriateness or need for numeric limits relating to urban growth or housing limits to be duplicated from the Canterbury Regional Policy Statement. The drafting of the mana whenua context is to be agreed with Mahaanui Kurataiao.

- 3.3 The Project Team will need to workshop these objectives in 2019, and it is possible that some objectives may no longer be considered strategic or that additional objectives will be required.

4.0 National Planning Standards

- 4.1 The proposed National Planning Standards do not require a District Plan to include Strategic Directions.
- 4.2 The National Planning Standards do however require that where a Council chooses to address the following matters in its District Plan, these must be located in a “Strategic Directions” chapter.
- Identification and outline of key strategic or significant resource management matters of importance to the district.
 - Objectives that address those matters for the district that guide decision making at a strategic level.
 - How the Maori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (Te Tiriti o Waitangi) principles as identified through consultation with tangata whenua will be implemented through the plan.

5.0 Programme

- 5.1 A further update of the draft objectives will be undertaken within the next 2 to 3 months, with assistance or advice from Environment Canterbury and Mahaanui Kurataiao. This draft will then need to be “tested” relative to the development of the individual topic/chapter areas. This is likely to be end of 2018 or early 2019, depending on the progress being made with each chapter. A s32 report will also need to be drafted over this same period of time.
- 5.2 Accordingly, the development and finalisation of this Chapter of the reviewed District Plan will follow an iterative process. It is recommended that a further update to the Committee is provided at the end of 2018.

6.0 Public Engagement

- 6.1 In terms of public engagement, we will provide a high level description of the Strategic Directions chapter in the summary consultation document. The purpose of the text developed is to inform people that Council intends to have a Strategic Directions chapter and to indicate the potential topic areas and scope of the Strategic Objectives. It also advises that the content of the Strategic Objectives will be informed by the District Development Strategy, statutory requirements of the Regional Policy Statement and the Resource Management Act, along with feedback on the various topics and chapters from wider public engagement.

7.0 Recommendation to DPC

- 7.1 The following recommendations are made to the DPC:

1. That the above information is received, and the approach outlined in Sections 5.0 and 6.0 is endorsed.
2. A further update to the DPC is provided in November or December 2018.

APPENDIX 1

WORKING DRAFT

STRATEGIC DIRECTIONS

XXX Strategic Directions

XX Introduction

This Chapter sets out the overarching direction for the District Plan as expressed through Strategic Directions.

These Directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within Selwyn District.

The Strategic Directions are intended to demonstrate:

- commitment to, and articulation of Council's partnership with Ngāi Tahu mana whenua;
- alignment with Council's aspirations for the development and environmental quality of the District as expressed through its District Development Strategy;
- integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;
- achievement of particular aspects of the use, development or protection of natural and physical resources that have been elevated to matters of national importance and national significance by the Resource Management Act and National Policy Statements.

XX Interpretation:

For the purposes of interpreting the Strategic Directions:

- There is no hierarchy between the stated Objectives i.e., no one Strategic Objective has primacy over another Strategic Objective and the Strategic Objectives should be read as a whole.

Objectives and policies in all other chapters of the District Plan are to be expressed and achieved in a manner consistent with the objectives in this chapter.

Activity and location specific objectives and policies are located in the relevant chapter of the District Plan.

Context:

Ngāi Tahu Mana Whenua

The Selwyn District is within the rohe of two papatipu rūnanga. Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga hold mana whenua over the area.

Describe Treaty of Waitangi

Describe Ngāi Tahu Claims Settlement Act

Describe Historical and contemporary relationship

Describe Mahaanui Iwi Management Plan

Selwyn's Population Growth

Insert text based on analysis of the population growth model. The text should provide a succinct summary of the key population growth trends in the district.

Key points from Natalie Jackson Review of Demographics (Part A) are:

- *Selwyn District will maintain a relatively youthful population for longer than most other parts of New Zealand*
- *Selwyn District will age at a slightly faster rate than rest of Canterbury Region and New Zealand*
- *These trends have implications for housing needs, housing typologies and urban growth*

District Development Strategy

The District Development Strategy is a key Council document which identifies the principal factors influencing growth and activity within the District and describes the resultant population and land use trends within a prescribed planning period. The purpose of the Strategy is to set out actions and a high level programme for implementation to ensure that Council is responding to, and appropriately managing the emerging trends and that this is being undertaken having regard to desired economic, social, cultural and environmental outcomes.

The actions identified within the Strategy concern a number of Council functions and processes delivered under a number of different statutes. Accordingly, the District Plan is only one component of the overall Strategy. It is however fundamental to success that the District Plan provisions are aligned to achievement of the objectives of the District Development Strategy. In particular, this concerns the enabling of infrastructure and community and recreational facilities which the Council and other agencies may be required to establish and operate as part of achieving the Strategy.

Greater Christchurch Future Development Strategy

Insert text on this Strategy and how it relates to the District Plan.

Matters of National Significance and National Importance

National Policy Statements are planning instruments that set out objectives and policies for matters of national significance and of relevance to achieving the purpose of the Resource Management Act 1991. These are in addition, to those matters of national importance as described in s6 of the Resource

Management Act 1991. Together these matters are elevated in terms of their importance and relevance when considering the fundamental land use pattern within the District.

Objectives

Objective:- Ngāi Tahu Mana Whenua

A partnership between the Council and Ngāi Tahu mana whenua to achieve:

- (a) Mana whenua participation in decision-making
- (b) The exercise of kaitiakitanga by mana whenua
- (c) Provision for mana whenua's historic and contemporary connections, cultural and spiritual values, including taonga species, wāhi tapu and statutory acknowledgements
- (d) Retention and enhancement of Ngāi Tahu access to mahinga kai and sites of cultural significance
- (e) Opportunities for Ngāi Tahu culture and identity to be reflected in land and urban development

Objective:- Integration of Land Use, Ecosystems and Water – Ki Uta Ki Tai

An integrated approach to management of land use recognising the inter-relationship between land, ecosystems, natural processes and water; and the importance of ki uta ki tai to Ngāi Tahu mana whenua.

Objective: Urban Growth

The growth and extent of urban areas to be developed once more is known about the Future Development Strategy and the scope of changes proposed to the Regional Policy Statement:

- (a) Requiring urban activities to locate within urban areas.
- (b) Providing sufficient land, or opportunity for intensification of land use, to meet growth demands for housing and business.
- (c) Providing opportunity to develop housing of varying type, density and location to meet the diversity and changing needs of the population within Selwyn District, and the desire for choice.

Objective: A Prosperous Economy

Economic activity as a cornerstone of community wellbeing is recognised and enabled, including by:

- (a) A rural economy where primary industries are provided for, along with business activities which add value to primary products and where diversification of rural activities is supported.
- (b) Business areas which are able to accommodate existing and an expanding range of economic activities, as well as those economic activities needed to support and serve Selwyn's community.
- (c) Commercial enterprise for tourism and recreation throughout the district.

Objective:- Urban Form and Design

A consolidated urban form where:

- (a) The layout of urban development responds to natural landforms and features; and
- (b) Comprises a distribution or pattern of zones and activities that:
 - i. optimises efficient servicing
 - ii. minimises the potential interface between incompatible activities
 - iii. concentrates a diversity of activities within key activity centres in order to provide a civic heart
 - iv. prioritises accessibility and connectivity between housing, business and community facilities, including through the integration of walking and cycling networks
 - v. incorporates open spaces and areas of naturalness

Objective: Integration of urban growth and infrastructure

A well-integrated pattern of development and infrastructure across urban areas, where:

- (a) New urban areas and/or intensification of land use is co-ordinated with the planned staging and provision of infrastructure.
- (b) New infrastructure to manage or respond to the effects of climate change on the district's community is enabled.

Objective: Infrastructure - General

The particular roles and functions of infrastructure are recognised and protected from incompatible activities, reverse sensitivity effects and encroachment.

Infrastructure is efficiently developed, up-graded, maintained and operated.

The development of infrastructure responds to sensitive environments and features of importance to the identity of the District and its amenity values.

Objective: Community Resources and Wellbeing

Vibrant, healthy and self-sufficient communities where:

- (a) a wide range of community, educational, recreational and health services are accessible and convenient to the populations they serve, including through walking, cycling and public transport.
- (b) emergency services are enabled to respond to the needs of the community in order to minimise loss of, or damage to property and life.
- (c) public access to open space, lakes, the coast and rivers is enhanced to enable people to enjoy nature and provide for their wellbeing.

Objective: Natural Environment and District Identity

Places, landscapes, features and ecosystems contributing to the distinctive character of Selwyn District are recognised, valued and managed for future generations, including:

- (a) Outstanding natural features and landscapes, including Lake Ellesmere/Te Waihora, Coopers Lagoon/Muriwai, parts of the Port Hills, the foothills, high country and mountainous areas of the Southern Alps
- (b) Indigenous ecosystems, particularly those supporting significant indigenous vegetation and significant habitats supporting indigenous fauna
- (c) The rivers
- (d) Sites, geographic features and landscapes of cultural or spiritual importance to Ngāi Tahu mana whenua
- (e) Heritage buildings and places

Objective: Rural Amenity

Rural areas with amenity values that are distinctively rural and achieved where;

- (a) The wide openness of the Outer Plains is maintained.
- (b) The Inner Plains contain only activities and buildings typical of rural environments with spaciousness between properties that ensures rural outlook and character is maintained.
- (c) The nature of productive rural activities as a component of rural amenity is anticipated and provided for.
- (d) The coast is an environment where coastal processes, habitats and indigenous biodiversity are dominant.

Land use or development that significantly diminishes rural amenity and impacts on communities is managed.

Objective: Urban Amenity

Quality urban environments which are attractive and pleasant to live, work in and visit through:

- (a) Use of urban design best practice and guidelines
- (b) Retention of the historic pattern and scale of development within rural townships
- (c) Avoidance of incompatible activities where there may be significant adverse effects on the health, safety and amenity of people and communities.

Objective: Natural Hazards

Communities and property protected from the impacts of natural hazards through:

- (a) Avoiding new development in areas of known high hazard risk.
- (b) Enabling new infrastructure to be established for the purposes of mitigating or managing the the effects of climate change on the district's community.

7. Update Report on Energy and Infrastructure

Author:	Nicola Rykers (Locality Ltd) and Justine Ashley (DPR Project Lead)
Contact:	347 2811 (Justine)

Purpose

To provide the Committee with an update on the Energy and Infrastructure Work Programme.

Recommendations

“That the Committee notes the report.”

Attachments

‘Report on Energy and Infrastructure’

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 8 August 2018

TOPIC: ENERGY AND INFRASTRUCTURE

PREPARED BY: Nicola Rykers, Consultant Planner

EXECUTIVE SUMMARY

<i>Purpose of Report</i>	<i>To provide the Committee with an update on the Energy and Infrastructure Work Programme.</i>
<i>Recommended Action</i>	<i>Progress the Energy and Infrastructure Work Programme as set out in this report.</i> <i>A further update is provided to DPC on Energy and Infrastructure in October or November 2018.</i>
<i>DPC Decision</i>	

1.0 Introduction

- 1.1 This report provides an update on progress with the Energy and Infrastructure topic. It describes:
- progress since the District Plan Committee meeting on 7 May 2018;
 - the scope of provisions being developed for network utilities and that may potentially become National Planning Standards;
 - proposed engagement from mid-August;
 - the anticipated programme of work for the coming 2 to 3 months.

2.0 Draft National Planning Standards

- 2.1 The Committee may recall that the previous update on this topic in early May 2018 referred to objectives, policies and rules being developed by a Network Utilities Group, and which may potentially become National Planning Standards. We had reported that a first draft of the provisions was expected to be provided to Council later in May. The Network Utilities Group had also advised that it was conducting its own engagement with iwi and industry organisations such as Federated Farmers.
- 2.2 We can report that a copy of draft provisions was provided to Council late May. The draft received was a working document of approximately 50 pages with track changes and comments throughout. It was however of sufficient development to give the District Plan team understanding of the scope and content of the provisions. A list of the permitted activities from the draft Standards is contained in **Appendix 1** to this report.
- 2.3 Whilst the provisions are draft they do provide a comprehensive basis for the District Plan Review, particularly in respect of provisions which are “technical” in nature, related to the operational requirements of network utilities or are specified in National Environmental Standards e.g., provisions for radiofrequency and electric and magnetic fields, standards for the height and footprint of telecommunications facilities such as cabinets. The draft provisions also include some “future-proofing” e.g., providing rules for electric vehicle charging stations and clear provisions for telecommunication networks which are anticipated to play a significant role in the management of farms and irrigation networks.
- 2.4 The draft objectives and policies address the following:
- Efficient, resilient, effective and safe network utilities
 - Recognising the benefits of utilities
 - Co-ordinating utilities with urban growth
 - Providing flexibility for new technology
 - Managing the adverse effects of network utilities, including on outstanding and cultural landscapes and significant indigenous vegetation
 - Provide for network utilities in areas of natural hazards
 - Protect network utilities from reverse sensitivity effects and ensure subdivision and development does not compromise safe and efficient operation

- 2.5 As noted above, a list of the permitted activities from the draft Standards is contained in Appendix 1 to this report. The permitted activities are all subject to activity specific standards, but due to the very draft nature of these standards, they are not reproduced in full in the appendix.
- 2.6 In addition to activity specific standards, the draft Chapter also includes general standards that would apply to all activities. These include rules relating to earthworks, radiofrequency fields, electric and magnetic fields, noise, setbacks, parking and access etc. Further to these general standards, a new set of provisions have been introduced which control encroachment of buildings and activities on transmission line corridors (as required by the National Policy Statement), state highways (similar types of rules are already present in the Operative District Plan e.g., Rolleston frontage to State Highway 1) and railway lines (which represents a new set of rules for the District Plan). These are effectively reverse sensitivity controls. Where standards are not met, the activity defaults from permitted to controlled, restricted discretionary, discretionary or non-complying.
- 2.7 There has not been any rigorous testing of how this activity status compares with the Operative District Plan. Some initial examples indicate that the activity status is similar to that in the Operative District Plan. A summary of the differences between the Operative District Plan and the proposed Standards can be provided in the next up-date to the Committee. This review would be based on a more up-to-date version of the proposed new provisions incorporating definitions and the structure prescribed by the National Planning Standards.
- 2.8 Overall, it would appear that the proposed new provisions for Network Utilities are more comprehensive than the Operative Plan with respect to the range and types of utilities provided for. The provisions also better recognise future technology and achieve legislative requirements that have come into effect in recent years, with a similar level of management.
- 2.9 A preliminary review of the draft standards has been made and comments provided back to the Network Utilities Group. That review primarily focused on the general approach, gaps in activities and the content of draft objectives and policies. Comments were made by the District Plan Review Team and also a planning consultant engaged to act on behalf of the Council's Assets team. Key themes in the feedback to the Network Utilities Group addressed:
- The provisions reflect an urban bias in the limits or thresholds used in the standards eg: the limit for the volume of earthworks is half the Operative Plan standard for earthworks in rural zones (excluding sensitive landscapes).
 - There is no provision for community scaled irrigation schemes, land drainage or stock water races.
- 2.10 Comments made on behalf of the Council's Assets team raised the following matters:
- some concern that the draft objectives and policies focus too much on the use of the word "avoid" which has an absolute meaning based on caselaw and may therefore restrict the establishment of utilities.
 - need to provide for water intakes as part of water treatment activities.

- to avoid definitions that compartmentalise sub-components of activities e.g., the water intake structure as separate from water supply.
 - interest in the definitions of activities (which are not yet developed).
 - further review of the provisions for territorial authority network utilities in sensitive areas and landscapes, some of which may be minor/small scale e.g., monitoring equipment or power units which could be appropriate without the need for onerous consent requirements.
 - queried non-complying activity status for utilities in sensitive areas, noting that there may not be options for re-location and acknowledging the essential nature of utilities, discretionary may be more appropriate.
 - it is noted that some utilities such as stormwater treatment ponds can be co-located within reserves and open spaces and should be provided for.
- 2.11 It is important to acknowledge that the provisions may not be gazetted as National Planning Standards prior to the reviewed District Plan being publicly notified. Based on the Network Utilities Group optimal programme, the provisions would potentially be gazetted about a month after the Proposed District Plan is notified. This timetable could be extended by a range of political decisions or circumstances. This means, that whilst the draft provides a comprehensive basis for the District Plan the Council can choose to amend the provisions.
- 2.12 Amendments may come about through engagement with mana whenua, submissions received from third parties, or because the provisions do not appropriately reflect particular environmental conditions in Selwyn District. The extent to which the Council chooses to amend the provisions needs to be balanced against the potential for the provisions to become National Planning Standards, which would require re-drafting the chapter after notification.
- 2.13 At this point in time, the primary concerns are that the draft provisions omit water intakes, irrigation, land drainage and stock water races. It is understood from the Network Utilities Group that it will be including these utilities in its next up-date of the draft provisions (which will also be provided in the new format set by the National Planning Standards). In the interim, it is proposed that:
- the rules are amended by adding facilities and activities associated with water intakes, irrigation, community-scaled irrigation, land drainage and stock water races;
 - any Selwyn specific standards from the Operative District Plan are added e.g., rules managing the materials and colour of network utility buildings in alpine villages;
 - commence/continue engagement as set out in Section 4.0 to inform the scope of further potential changes.

3.0 Electricity Protection Corridors

- 3.1 Committee members may be aware that the National Policy Statement for Electricity Transmission 2008, requires local authorities to consult with Transpower to identify “an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent.” The use of protection corridors is now adopted across New Zealand, and Transpower’s requirements for an appropriate buffer corridor have been included in the draft standards prepared by the Network Utilities Group.
- 3.2 It is assumed, that where there are existing **transmission lines** crossing private property, those property owners are already aware of restrictions that apply to buildings, planting and activities in close proximity to the lines. Accordingly, while the inclusion of standards in the Selwyn District Plan will be new, the nature of the restrictions may not be. As the protection corridors are derived from a National Policy Statement, there is limited scope for “consultation” on the incorporation of the protection corridor rules.
- 3.3 With respect to **electricity distribution lines**, it is noted that through the Christchurch District Plan Review process that Orion also obtained protection corridors to be applied to its 33kV and 66kV electricity distribution lines. Protection corridors for electricity distribution have also been included in the Hurunui District Plan.
- 3.4 Based on advice from Orion to the District Plan team in 2016 it is anticipated that similar provisions will be sought in the Selwyn District Plan. From more recent discussions with Orion it is understood that it is now working with the Network Utilities Group to include protection corridors in the draft Network Utility Standards. Council has not yet received an up-dated copy of those provisions, so that is still subject to confirmation. It is relevant to note that the inclusion of the protection corridors in the City Plan did raise issues with Federated Farmers and Horticulture New Zealand regarding potential limitations on rural land use.
- 3.5 Whilst the Network Utilities Group has verbally advised that it has initiated consultation with Federated Farmers and Horticulture New Zealand on its proposed Planning Standards, the Council does not have any information or records on the substance of those discussions or any outcomes agreed. Accordingly, it is recommended that the Council undertake its own engagement with these two agencies to ensure that any concerns specific to Selwyn District are understood.
- 3.6 Preliminary contact has been made with the Regional Manager of Federated Farmers and the South Island Planning Manager of Horticulture New Zealand. It is planned that the Council will meet with both of these organisations in September to discuss the general approach to network utilities in the District Plan, and in particular to discuss protection corridors in association with electricity distribution lines, and to confirm understanding of the protection corridors associated with transmission corridors. The outcomes of that engagement will be reported back to the District Plan Committee.

4.0 Engagement

4.1 Engagement activities conducted since early May 2018 have included:

- Meetings with Transpower to discuss protection corridors and information that Council could provide via factsheets or web-links to guidelines for land use near transmission lines.
- A meeting and on-going liaison with Orion in respect of potential protection corridors.
- Two meetings with Central Plains Water to discuss the types of activities and structures associated with irrigation.
- On-going liaison with the Network Utilities Group to understand progress in the development of the provisions.
- Meeting with the planner acting on behalf of Council's Assets team.

4.2 It is recommended that this stakeholder specific engagement continues as required to progress the development of the Network Utilities Planning Standards. This would include providing a briefing to Environment Canterbury on the approach to, and content of, the draft provisions.

4.3 In addition, it is recommended that Council engages with Te Taumutu and Te Ngai Tuahuriri Runanga on the approach to the network utility provisions. Whilst the Network Utility Group has signalled it will be engaging with iwi, this is understood to be with Te Runanga o Ngai Tahu and would not be specific to Selwyn District and could not be taken as representing the views of mana whenua. It is anticipated that both Te Taumutu and Te Ngai Tuahuriri Runanga will be interested in the provisions for management of utilities with respect to cultural landscapes and significant sites.

5.0 Programme to End of Year

5.1 Having regard to the above discussion it is proposed that the following approach is taken for the on-going development of the rules relating to network utilities:

- (a) Progress reviewing and amending the draft Network Utility provisions, which will include adding provisions for water intake structures, community scaled irrigation schemes, stock water races and land drainage; and adding in Selwyn specific standards.
- (c) Continue to engage with the Network Utilities Group and receive up-dated versions of the draft provisions.
- (c) Engage with Federated Farmers and Horticulture New Zealand in September 2018 to discuss the draft provisions and in particular the protection corridors associated with electricity distribution (noting that the protection corridors related to electricity transmission are a statutory requirement).

- (d) Engage with mana whenua through Mahaanui Kurataiao on the draft provisions and review the extent to which the draft provisions align with recommendations made for the management of utilities in cultural landscapes.
 - (e) Continue to engage with Central Plains Water on the types of activities and structures associated with irrigation that are not provided for under its designation(s) and may need to be managed through District Plan provisions.
 - (e) Continue to engage with the Council's Assets Team on provisions for Council owned and operated utilities.
 - (f) Provide a briefing and draft provisions to Environment Canterbury for comment.
- 5.2 Additional to network utilities, further development of provisions for energy generation will be progressed. There has been engagement with Trustpower on provisions for its Lake Coleridge Hydro Electric Power Scheme and research and engagement with an industry representative in respect of small (residential/site) scaled energy generation facilities. A report is to be prepared for the October District Plan Committee meeting with a preferred approach for energy generation.

6.0 Recommendation to DPC

6.1 The following recommendations are made to the DPC:

1. That the above information is received, and the approach outlined in Section 5.0 is endorsed.
2. A further update to the DPC is provided in November or December 2018.

APPENDIX 1

ACTIVITIES PROVIDED FOR IN THE DRAFT NETWORK UTILITIES PLANNING STANDARDS

2. Permitted activities

The activities listed below are permitted activities where they meet the Activity and Performance Standards **and** where they are not listed as controlled, restricted discretionary, discretionary or non-complying activities.

Activity		Activity Specific Standards – Note Standards Highly Summarised
P1	Operation, maintenance, repair and removal of existing network utilities, including existing ancillary access tracks, whether above or below ground	Nil
	Upgrading of below ground network utilities	Not increase the area or realign in a cultural landscape, outstanding landscape, heritage places/features/coastal marine area
P2	Upgrading of above ground network utilities	“upgrading” is subject to specified limits – covering what can be upgraded and by how much eg tower to 25m or 30% of existing whichever is the lesser; and is limited in sensitive environments eg ONL, cultural landscapes, heritage sites/buildings.
P3	Below ground network utilities	Limits on gauge pressure for gas. Must be outside of sensitive landscapes and indigenous vegetation.
	Gas distribution regulations stations	Limits on size and location in sensitive environments.
	Above ground gas valve and takeoff stations, sales gates and regulator systems	

Activity		Activity Specific Standards – Note Standards Highly Summarised
P4	Temporary network utilities including temporary transportable electricity back-up generation	Subject to time limits and removed after operation ceases.
P5	Temporary signs associated with the construction, maintenance or upgrading of network utilities	Size limits and time limits
P6	Network utility signs	Official signs that are provided for <u>or required</u> by Council bylaws; legislation or regulation etc Identification and safety signs that must not exceed size limits
P7	Above ground customer connection	No more than 3 additional poles; Limits on the size of conductors, lines or cables
P8	Ancillary utility equipment and minor utility structures	Nil
P9	Pipes, cables, conductors and lines conveyed by bridge structures or culverts	Subject to standards on diameter and length of pipes, along with location in sensitive landscapes.
P10	Electric vehicle charging stations	Located in roads or existing, permitted or consented car park. Height and area dimensions.
P11	Access tracks	New and extended access tracks must not be located within sensitive landscapes, heritage site.
P12	Cabinets (that are not regulated by the NESTF)	Maximum floor areas and heights of cabinet structures. More restrictions in sensitive landscapes and heritage sites.

Activity		Activity Specific Standards – Note Standards Highly Summarised
P13	New Network utilities in existing buildings	Limits apply where building is protected by district plan.
P14	Back-up electricity generation based permanently on a site, including associated storage batteries, but not including temporary back-up electricity generation, and fuel storage.	Electricity generation must be for the purpose of back-up or emergency electricity supply for network utility operations and must not be the primary electricity supply. Not located in a sensitive landscape. Storage batteries must be located in an existing building.
P15	Self-contained power unit ancillary to a network utility	Self-contained power units must not be located in sensitive landscapes and heritage sites.
P16	Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)	Navigational aids, sensing and environmental monitoring equipment that have an area greater than 6m ² or height greater than 1.8m must not be located in sensitive landscapes or heritage sites.
P17	Trimming and removal of trees and vegetation	Rules regarding tree or vegetation removal (as part of establishing, operating and maintaining network utilities).
P18	Substations, switching stations and energy storage batteries (not enclosed within a building)	Limits on the size and height of substations, switching stations and energy storage batteries.
P19	New overhead lines and associated poles or towers	Overhead lines and associated poles or towers are permitted in rural and industrial zones, but must not be located in sensitive landscapes, except where in road reserves. Poles not to exceed a height of 25 metres in rural and industrial zones and on roads adjoining these zones; Towers not to exceed a height of 25 metres in rural and industrial zones and on roads adjoining these zones.

Activity		Activity Specific Standards – Note Standards Highly Summarised
P20	Stormwater treatment, stormwater detention and stormwater retention facilities and devices (excluding ponds and wetlands)	Locate outside sensitive landscapes
P21	Outfall structures for water, wastewater and stormwater	Locate outside sensitive landscapes
P22	Rainwater collection systems	Nil
P23	Reservoirs	Locate outside sensitive landscapes
P24	Water treatment facilities	Locate outside sensitive landscapes
P25	Subdivision for network utility purposes	Must be for the purpose of utility that is a permitted activity or allowed by a resource consent or designation; have lawful access to a legal road; and any balance lot, comply with any minimum lot size standard.
P26	Telecommunication and radiocommunication networks, equipment or facilities	Networks, equipment or facilities regulated by the NESTF, but not undertaken by a Facility Operator as defined by the NESTF, must be carried out in accordance with the permitted activity standards in the NESTF.
P27	Telecommunication poles and antennas (that are not regulated by the NESTF).	Locate outside sensitive landscapes In roads, telecommunication poles and antennas not to exceed 15 metres when adjoining residential zone and 25 metres when adjoining any other zone; Limits on size of dish and non-dish antennas.
P28	Antennas inside new or existing buildings	Nil
P29	Telecommunication kiosk	Height and area limits

Activity		Activity Specific Standards – Note Standards Highly Summarised
P30	Land transport infrastructure	
P31	Stock underpasses	Locate outside sensitive landscapes
P32	Pedestrian and cycle facilities	Locate outside sensitive landscapes
P33	Network utility buildings not provided for by another Rule (including telephone exchanges and enclosed substations)	Locate outside sensitive landscapes Height and size limits in roads and in different zones
	To Add	
	Community Scaled Irrigation	To be developed
	Water Intake Structures	To be developed
	Stock Water Races	To be developed
	Land Drainage	To be developed

8. Preferred Option Report and Communications and Engagement Summary Plan – Family Flats

Author:	Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809

Purpose

To brief the Committee on the findings of the Preferred Option Report, which summarises the Family Flats Baseline Report, the purpose of which was to investigate if 'family flats' remain an effective and appropriate provision in the Proposed District Plan.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Family Flats' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for ‘Family Flats’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

'Preferred Option Report for Family Flats'

'Family flats – communications and engagement summary plan'

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 22 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: RE014 Family Flats

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Jocelyn Lewes

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ul style="list-style-type: none"> • <i>Scale of development</i> • <i>Impact on amenity and character of surrounding properties</i> • <i>Provision of housing choice</i> • <i>Ease of administration and enforcement</i> • <i>Impact on density</i> • <i>Need to improve effectiveness of plan rules</i>
<i>Preferred Option</i>	<i>Option 2: Remove occupancy restrictions</i> <i>Option 3: Amend and update provisions to improve clarity</i>
<i>DPC Decision</i>	

1.0 Introduction

The Operative District Plan makes provision in both the Living and Rural Zones for family flats. Family flats can, and do, take many forms in the District. They can be integrated fully into the design of the main dwelling, attached to the main dwelling or another building on the site, such as a garage, or a completely detached standalone structure.

Regardless of the building form, the definition of a family flat requires a dependency of occupation – that is, that the family flat must be occupied by a member of the same immediate family that occupies the main dwelling.

This report is a summary of the *Family Flats Baseline Report* (Baseline Report RE014), the purpose of which was to investigate if ‘family flats’ remain an effective and appropriate provision in the Proposed District Plan. This Preferred Options Report should be read in conjunction with the full Baseline Report RE014, which is attached as **Appendix 1**.

2.0 Statement of Operative District Plan Approach

2.1 Definitions

Both the Township and Rural Volumes of the District Plan define a **dwelling** as:

“any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.

Both volumes further define a **family flat** as:

“any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to either the dwelling or an accessory building, or be freestanding”.

On the basis of the above definition, the key elements that define a family flat are:

- the floor area of the structure;
- the relationship of the occupants of the family flat to those occupying the main dwelling; and
- the amenities provided within the structure.

2.2 Objectives and Policies

The objectives and policies do not specifically address family flats for either Living or Rural Zones, however they do set out the expectations and approach to ensuring that the District is a pleasant place to live and work in (Objective B3.4.1 in both volumes).

The objectives and policies of the Township Volume seek to provide a variety of living environments and housing choices for residents. While choice of design of building is supported, consideration needs to be

given to the impact on the character and amenity of areas, including the spaciousness of those areas. The 'spacious' character of Living Zones is also the result of the overall density of an area and Policies B4.1.8 and B4.1.9 seek to limit either the number of sites with more than one dwelling in Living 1 or X Zones or, in the case of Living 2 and 3 zones, to avoid the erection of more than one dwelling altogether.

In the Rural Volume, the objectives and policies also seek to ensure that residential density is low enough to maintain the character of the area. Policy B4.1.1 discourages densities higher than 1 dwelling per 4 hectares in the Rural Zone, with this being the minimum area per dwelling in the Inner Plains area and increasing in the Outer Plains, Port Hills and High Country areas.

2.3 Rules

Living Zones

In Living Zones, Rule 4.6.1 Buildings and Building Density provides for the erection on one allotment (other than at Castle Hill) of a dwelling and one family flat as a permitted activity. This provision is confusing as, by the nature of the definition, a dwelling includes a family flat. This rule could be read as allowing for a second family flat to be erected on the site. While this has never been tested within the District by way of a proposal for a second family flat on a site, clarification that only one family flat per site is permitted is needed.

In addition to the maximum floor area established by way of definition, additional rules within Chapter 4 of the Township Volume establish other bulk and location requirements for sites that are also applicable to family flats, including height, site coverage and setbacks, however these relate to the overall site boundaries. There are no provisions within the Township Volume that address the bulk and location of a family flat relative to the main dwelling on the site. Family flats are specifically identified in those rules which seek to protect sensitive uses against noise intrusion from major roads and State Highways. No additional car parking is required for family flats in Living Zones where they are under 70m² in floor area.

If a family flat is proposed in excess of 70m², it is considered to be a second dwelling and assessed as either a restricted discretionary activity in most Living 1 zones (Rule 4.6.3) or a non-complying activity (Rule 4.6.6) in all other Living Zones¹.

Rural Zone

In the Rural Volume of the District Plan, no specific provision is made for a family flat to be erected in association with a dwelling, as in Rule 4.6.1 in Township Volume. Rather this is implied by the definition of 'dwelling'.

Like in the Township Volume, while permitted, a family flat needs to comply with the relevant bulk and location rules applicable to the zone. Again, there are no specific provisions that address the bulk and location of a family flat in relation to the main dwelling on the site. This can lead to the disbursement of family flats throughout the Rural Zone as land holdings are large. The Rural Volume requires an additional car parking space where a family flat is provided on site (Rule 4.6.1.2).

¹ Living Z, 1A, 1A2, 1A3, 1A4, 1A6, 2, 2A and 3.

If a family flat is greater than the permitted 70m², it is no longer deemed a family flat and is instead treated as a second dwelling, which is a non-complying activity unless the underlying allotment is more than twice the size of the minimum area required by the zone, in which case two dwellings would be permissible.

Business Zones

As dwellings can be constructed within the various Businesses zones in the District, by extension, family flats could also be constructed within these zones. However, Council records do not show that any family flats have been constructed in any Business Zones.

3.0 Review of Consents Issued

Analysis of the number of family flats within the district is problematic due to the difficulty in sourcing accurate information from Council's building and resource consent databases.

3.1 Building Consents

If a family flat is less than 70m², only building consent is required. Based on data extracted and analysed, between 2013 and 2017 building consents for development that are likely to be family flats have been located in the following areas:

RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2
51	27	2	24	12
Total Building Consents in Rural Zone – 80			Total Building Consents in Living Zone – 36	

The current building consents system does not record if the family flat is located under the roof of the main dwelling, attached to another structure, or how far the flat may be from the main dwelling. It is noted that prior to 2013, building consent data did record some of this information.

3.2 Resource Consents

Since 2010, approximately 105 resource consent applications have been considered by Council for family flats. These resource consent applications have been located in the following areas:

RURAL ZONE			LIVING ZONE				
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2	Living WM	Living 2	Living 3
50	24	4	14	2	3	7	1
Total Resource Consents in Rural Zone – 78			Total Resource Consents in Living Zone – 27				

As can be seen, the majority of resource consent applications for family flats have been received for development in the Rural Zone, with most of these being in the Inner Plains area.

The above applications have fallen into the following classes of activity:

CLASS OF ACTIVITY			
Controlled	Restricted Discretionary	Discretionary	Non-Complying
13	17	9	66

Controlled activity status applications relate to family flats of a complying size (being 70m² or less) that take the form of a relocated building. The discretionary applications have also been for family flats of a complying size but other matters, such as the siting of the family flat or the desire for a second vehicle crossing, have necessitated a resource consent. Of the 17 restricted discretionary applications, 11 of these are in the Living 1 zone and the remaining 6 in either Living 2 or Rural zones. Analysis of the applications indicates that they have either been for a family flat of a complying size that breaches another rule, such as a boundary setback, or for a family flat in excess of 70m². The balance of applications for family flats have been non-complying.

NON-COMPLYING APPLICATIONS				
RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2
35	20	4	2	5

Almost 90% of non-complying applications are in the Rural Zone, with the majority of these being in the Inner Plains area. Almost all of the applications have been for a family flat larger than 70m², with the sizes ranging from 71m² to 125m²; the average being 90m². Over 75% of these family flats are detached structures. Consent has been granted for these applications, subject to conditions limiting occupation of the family flat to either immediate family or to named family members and requiring that the removal or decommissioning of the family flat once it ceases to be occupied by family. By way of condition, the application may have also been required to enter into a bond with Council, registered on the Certificate of Title, to ensure that within three months of the family flat ceasing to be occupied by immediate or named family members that the kitchen facilities be removed.

No consents have been declined, however some may have been subject to alteration of the scale and/or location originally proposed following discussions with staff.

4.0 Summary of relevant statutory and/or policy context

4.1 Canterbury Regional Policy Statement (RPS)

The RPS does not specifically reference family flats, and instead addresses dwelling density at a more strategic level.

Chapter 6 *Recovery and Rebuilding of Greater Christchurch* establishes a maximum residential density of in the rural area of 1 household per 4 hectares, an average density of 2 households per hectare in rural residential areas (as defined in Council's Rural Residential Strategy 2014) and a density of more than 1 household per 4 hectares in urban areas. The RPS uses the term household but this is not defined further within the RPS. Selwyn District Plan is required to give effect to the RPS and the District Plan cannot establish densities which are beyond those set out in the RPS.

Chapter 5 *Land Use and Infrastructure* is applicable to the balance of the district and does not contain any reference to residential densities.

As the current definition of a dwelling in the District Plan includes a family flat, it is considered that the District Plan already envisages densities beyond those set out in the RPS. However, as the current definition of family flat requires that it be located on the same site as an existing dwelling, combined with relevant

rules within the District Plan related to building density and allotment sizes, it is not considered that family flats are likely to be of a scale or nature that would be inconsistent with the provisions of the RPS.

4.2 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 resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.”

No specific policies relating to family flats were identified within the Iwi Management Plan.

5.0 Summary of Issues

In summary, the issues identified in Baseline Report RE014 are:

Scale of Development – Currently the maximum gross floor area of permitted family flats in the Selwyn District Plan is 70m² however, where resource consent has been required, the average floor area is 90m². The majority of the oversize family flats consented were in the Rural (Inner Plains) Zone, which gives support to a larger floor area being considered within the Rural Zone.

Impact on Amenity and Character – Provisions within the District Plan that limit the size and scale of development, including family flats, are used to manage amenity effects on surrounding properties, such as visual amenity and character. There is the potential that stand alone family flats can increase the perception of an increase in density, by way of creating the visual impact of two dwellings on one site. However, if the family flat is significantly smaller and located in close proximity to the main dwelling, this would reduce that the impact on the amenity and character of the locality.

Housing Choice – Changing demographics in the district, including an aging population and an increase in smaller person households gives rise to the need to provide greater flexibility in the size and type of dwelling options available, across a range of locations. The current definition decreases the ability for family flats to be used for a wider range of people in need of a small dwelling. As such, the current provisions do not provide a range of housing choice for a variety of residents.

Enforcement of Occupancy – Enforcing the occupancy restriction of family flats is time consuming for staff and brings into question the efficiency of allowing a built form, but then either requiring its removal or alteration once no longer needed by family or, worse case, leaving it unoccupied. If the occupancy requirements were to be removed, consideration should need to be given to the adequacy of the amenity of the occupants of both the main dwelling and the minor residential unit.

Density – The District Plan currently specifies a minimum net site area for a dwelling across all zones in the district and the objectives and policies seek to manage the overall density of zones, be they residential or rural. As the current definition of dwelling in the Plan includes a family flat, it is clear that some additional density is anticipated, but only as an adjunct to the main dwelling and not as a stand-alone dwelling.

Need to improve effectiveness of plan rules –The inclusion of family flats in the definition of dwelling is confusing and requires clarification. It also contains metrics that are more appropriately located in standards. There are limited standards that apply specifically to family flats and there is discrepancy in standards between the two volumes of the current District Plan.

6.0 Summary of Approaches in Other Districts

The approaches of other districts, including the adjoining councils of Christchurch City and Waimakariri District, to providing for family flats was considered, as set out in Section 7 of Baseline Report RE014.

All of the district plans reviewed have retained the concept of providing for a minor residential unit, subservient to and on the same site as the main dwelling in both rural and residential zones.

The majority of plans have removed occupancy restrictions in relation to family flats. Dunedin was the only council that retained a restriction on who may occupy a minor residential unit, but even this is broader than family, in that it allows for someone who is employed by someone who lives in the main dwelling to occupy the unit.

The objectives of all the plans reviewed seek to encourage a diversity of housing types and sizes to meet the diverse and changing needs of the community. Only two plans included specific policies in relation to minor dwellings, which reinforce that the dwelling should be limited in size to minimise any adverse effects.

Plan provisions for minor residential units still limit the size of the units (typically 70m², single storey nature) and require them to meet all other bulk and location standards, but do not restrict how they may be used or by whom. The purpose of limiting both the size and scale of a minor residential unit is to manage any amenity effects of surrounding properties, such as visual amenity and character, be that residential or rural.

The relevant provisions are summarised below:

Authority	Terminology	Floor Area		Standards Separation from principal dwelling	Occupation Requirement	Oversize?
		Urban	Rural			
Selwyn	Family Flat	<70m ²	<70m ²	Not specified	Immediate family	Non-complying
Christchurch	Minor residential unit	35-80	35-70	Must be detached but no distance specified	Not required	Restricted Discretionary
Waimakariri	Included in definition of dwellinghouse	75	75	Must be detached but within 30m	Not required	Restricted Discretionary
Dunedin	Family Flat	60	60	30m	Dependency required but does not have to be immediate family.	Restricted Discretionary
Queenstown	Residential flat	70	150	Not specified	Not required	Restricted Discretionary
Kapiti	Minor Flat	54	60	N/A	Not required	Restricted Discretionary

7.0 Draft National Planning Standards

As part of the 2017 amendments to the Resource Management Act 1991, the Ministry for the Environment (MfE) released the first set of draft National Planning Standards in June 2018. Within the draft definition standard, a minor residential unit has been defined as meaning “*a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the*

principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building”.

This draft definition reinforces that dependence of a minor residential unit on the main dwelling should be tied to ownership rather than occupation, acknowledging that there is no sound resource management reason for requiring a family linkage and that to do so creates a significant monitoring and enforcement burden for councils. The draft definition also does not contain any metrics, leaving it to Council to determine an appropriate size and incorporate these into activity standards.

8.0 Options to address Issues

It is recommended that the Proposed District Plan continue to make provision for a form of minor residential development in association with the main dwelling in all zones. Based on the analysis above, it is considered that there are three options for managing family flats in the Proposed District Plan.

8.1 Option 1: Retain the status quo

This option involves no changes to current plan provisions for family flats.

Effectiveness in Addressing Issue: Continuation of the current provisions would not address the known issues in the Operative District Plan and is therefore considered ineffective.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will be the most cost effective and require the least amount of time.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not address the issues with the Operative District Plan.

8.2 Option 2: Remove occupancy restrictions

This option would see the removal of the occupancy element from the definition of family flat, thereby placing no limits on who may occupy the unit, or requiring that it be decommissioned once no longer required by family. This approach is consistent with the majority of the other plans reviewed in this report and with the definition in the draft National Planning Standards.

Effectiveness in Addressing Issue: Removing the restriction on who may occupy a minor unit would increase the range of housing choice available within the district, addresses current enforcement difficulties and is consistent with the direction of both the draft National Planning Standards and adjoining district plans.

Risks: Removing the limits on occupancy may result in a larger number of minor residential units being constructed thereby placing increased demand on infrastructure capacity and may also have a detrimental impact on the amenity and character of surrounding environments. However, these risks are able to

managed through standards related to bulk and location within the District Plan and other methods that sit outside the District Plan, such as development contributions and rating policies.

Budget or Time Implications: Implementation of this option would be by way of adopting the draft National Planning Standards and would therefore require limited input from Council.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that this option be carried forward.

8.3 Option 3: Amend and update the provisions to improve clarity

This option would amend and update the provisions related to minor residential units to ensure that the District Plan is clear and easy to administer. Recommendations that would form the basis of amendments are outlined below:

Definitions – A new ‘minor residential unit’ definition be developed, ensuring that it emphasises that it must be held in the same ownership as the main dwelling and the ancillary nature of the unit on the main dwelling, consistent with the draft National Planning Standards definition.

Objectives and Policies – Objectives continue to encourage housing choice at the same time as maintaining the character and visual amenity of the surrounding environment. Stand-alone policy be developed to provide clearer and more specific direction in relation to minor residential units. Particular matters that should be addressed in policy relating to family flats should include that it be of an appropriate scale and provide for suitable amenity both on-site and in relation to adjoining properties and public spaces.

Activity Status – Family flats that meet the relevant development standards should be permitted. Where a family flat fails to meet the permitted standards, the activity should then become either a restricted discretionary or discretionary activity. Consideration should be given to site area, access, car parking, private open space, and the building being designed in proximity to and to complement the main dwelling as well as effects on character and amenity values so as to ensure that minor residential unit is in character with locality.

Rules/Development Standards – Development standards for minor residential units should address the following:

- That a maximum of one minor unit be allowed per site;
- That the floor area, excluding garaging be limited, depending on the zone. In Living Zones it is recommended that the maximum floor area of 70m² be retained, while in the Rural Zone it is recommended that this be increased to 90m²;
- That a minor residential unit be located within a certain distance of the main dwelling, particularly within the Rural Zone;
- That additional car parking and open space area be provided for the use of the occupants of the minor residential unit;
- That the minor residential unit use the same accessway as the main dwelling;
- That the height be limited to single storey as well as a maximum height;
- That site complies with the relevant bulk and location standards applicable to the zone.

Subdivision – Subdividing a minor residential unit from the main dwelling be established as a non-complying activity if it were not able to meet the minimum net site area requirements for a stand-alone dwelling.

Effectiveness in Addressing Issue: Clear and specific provisions would address the known issues in the Operative District Plan.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will require the drafting and testing of new provisions.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that this option be carried forward for further investigation.

9.0 Preferred Options for Further Engagement

The Project Team recommends that Option 2, removing the occupancy restriction and Option 3, amending the provisions to improve clarity, as outlined in Section 8 above, be endorsed by the Committee for further development.

Appendix 1: Baseline Report RE014

Link to Baseline Report below:

[Family Flats \[PDF, 1065 KB\]](#) May 2018

RE014 Family flats – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of the Selwyn District Plan Review family flats related policies and rules in the current District Plan are also being reviewed.
- A family flat under the current District Plan is a dwelling up to 70 m², excluding garaging, which is located on the same site as the main dwelling and is occupied by a member of the same immediate family that lives in the main dwelling.
- Family flats, sometimes also called granny flats, can take different formats, from being attached to the main dwelling to being a completely standalone house on the same property as the main dwelling.
- Currently a family flat can be built in all residential and Rural zones of the district.
- Between 2013 and 2017, 116 building consent for family flats had been lodged.
- Since 2010, 105 resource consent applications for family flats were required. Of the resource consents, 66 were non-complying applications, which were still granted, subject to certain conditions.

Current status

- Key issues include:
 - Potentially confusing rules around how many family flats can be set up on a property without a resource consent although the usual building consent is still required.
 - Scale of development – permitted flats can be 70m² in size, but where resource consent is required family flats tend to be bigger, on average 90m² (particularly in the Rural Zone).
 - Potential impact on the look and feel of the area, particularly in the Rural Zone where the family flat can be established some distance from the main dwelling.
 - Current rules don't give a range of housing choice for an increasingly diverse population.
 - Difficult to enforce the occupancy restriction.

About preferred option

- Draft changes are aimed at encouraging diversity of housing types and sizes to meet the changing needs of population.
- Key draft changes include:
 - amending definition of family flat to make it clear it's a minor residential unit which needs to be held in the same ownership as the main dwelling and is associated with the main dwelling.
 - removing the requirement that only family members can live in a family flat. As result there would be no limit on who may occupy the flat.
 - developing rules/standards which a minor residential unit needs to comply with, if it's to be allowed without a resource consent:
 - Only one minor residential unit per site is permitted
 - Limit the floor area, excluding garaging, based on the zone (not district-wide as at present)
 - Minor residential unit needs to be located within a certain distance of the main dwelling
 - Additional car parking and open space is provided for the unit
 - Unit uses the same accessway as the main dwelling
 - Maximum height is single storey
 - Site needs to comply with relevant bulk and location standards applicable to a zone.
 - Subdividing a minor residential unit from the main building becomes a non-complying activity unless it complies with the density requirements.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Township committees and residents associations	[N/A]	Selwyn ratepayers
Consent and compliance teams	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Federated Farmers		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>

¹ "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

² Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

³ Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development						
Preferred option consultation						

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-July	July	August ⁴
ECan	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought
Rūnanga	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought
Key stakeholders			Preferred option report is shared and feedback sought
Landowners/occupiers			[will be consulted at the time of general public consultation]
General public			General consultation as part of district-wide matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

9. Preferred Option Report and Communications and Engagement Summary Plan – Alternative Housing

Author:	Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809

Purpose

To brief the Committee on the findings of the combined Baseline and Preferred Option Report that reviews alternative forms of housing and recommends how these may be provided within the living environment in a manner that does not affect the amenity of the surrounding locality.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Alternative Housing' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Alternative Housing’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Alternative Housing’

‘Alternative housing in residential zones – communications and engagement summary plan’

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 22 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: Alternative Housing (RE016)

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Jocelyn Lewes

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ul style="list-style-type: none">• No specific policies addressing alternative housing in its various forms• Existing provisions are redundant or limited in their application• Rules do not address effects that alternative housing may give rise to
<i>Preferred Option</i>	<i>That alternative housing options be provided for within the Proposed District Plan by the incorporation of appropriate definitions, policies and rules.</i>
<i>DPC Decision</i>	

1.0 Introduction

The Operative District Plan provides a range of objectives, policies and rules for housing within the district, but the majority of the provisions relate to stand alone, detached dwellings for single family households. The Plan is largely silent in regards to alternative forms of housing, such as housing for the elderly, persons with special needs or shared accommodation. While these activities are residential in nature, they do not necessarily fit within the typical development control and urban design rules for residential development.

The housing stock within the Selwyn District is primarily detached dwellings in a low density environment with detached dwellings forming 96% of the existing housing stock. It is dominated by 3-4 bedroom homes, generally over 200m² in floor area. There is very limited supply of attached or higher density housing in the District. The lack of variety in housing choice within the District, particularly in regards to alternative forms of housing such as retirement and supported accommodation, imposes living and maintenance costs on households.

The housing needs of the District's communities are changing in accordance with changing demographic profiles and household structures, as well as economic capacity. There is a need for the District's housing stock to be more responsive to changing household formation and to offer more choice. In particular, population projections provide strong signals that the District's currently aging population will continue to expand relative to other age groups over the coming 30 years and as such the District will contain a large retired sector and planning for housing needs to recognise this. This includes housing which is adaptable to the needs of residents as they change over time, as well as the location of such housing, such that this segment of the population remain connected to the communities in which they may have spent most of their lives.

Beyond housing for the elderly, there are other forms of housing that either depart from the built form of the bulk of the existing housing stock or give rise to effects beyond that of single family detached dwellings, such as supported accommodation and boarding houses. While developments of this nature may account for a very small percentage of the existing housing stock, the current District Plan makes no provision for the consideration of these activities.

Other scopes of work under the Residential workstream are addressing how the Proposed District Plan may address the need to provide for a broader range of housing types and built forms to cater for the majority of the population within the District. This report is concerned with addressing alternative forms of housing and how these may be provided within the living environment in a manner that does not affect the amenity of the surrounding locality.

2.0 Statement of Operative District Plan Approach

The provisions of the Operative District Plan, in relation to residential development, are focused on traditional planning and urban design approaches to housing for single family households and are largely silent on how and where alternative forms of housing can and should be provided for within the District.

The key District Plan objectives, policies and rules currently contained with the Plan are outlined below and identified in **Appendix A**.

2.1 Definitions

Both the Township and Rural Volumes of the Plan define **residential activity** as:

“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:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site;*
- b) Emergency and/or refuge accommodation; and*
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site.*

‘Residential Activity’ does not include:

- a) Travelling accommodation activities (other than those specified above)*
- b) Custodial and/or supervised living accommodation where the residents are detained on site.”*

The definition identifies there are a range of ways in which people in the district can be provided with living accommodation. However, while defined, the term **residential activity** is only used within the body of the District Plan to refer to a group of activities for which particular regard should be had in terms of either the location of such activities¹ or to identify that this form of development is exempt from certain rules².

The Township Volume defines **noise sensitive activities** and the Rural Volume refers to **sensitive activity**, both of which refer to residential activity. Noise sensitive activities also includes elderly persons housing or complex but this is not further defined within the District Plan.

Other definitions within the Township Volume which refer to alternative forms of housing include carehome and elderly residential care. **Carehome** is defined as “*an old person’s home or home for the care of people with special needs excluding a hospital*” but is only referred to in Appendix 13 Roads and Transport in the Township volume of the District Plan, specifying the minimum number of car parking spaces required³. **Elderly residential care** means “*any facility and associated ancillary services providing care for the elderly*”, however the associated rules relate to a built form outcome sought for a specific site in Lincoln, which has since been developed as traditional housing stock.

2.2 Objectives and Policies

There are no specific objectives or policies in either volume that address alternative forms of housing.

Both volumes of the Operative District Plan seek to ensure that the District is a pleasant place to live and work in (Objective B3.4.1 in both volumes).

¹ Township Volume Policies B4.3.15, B4.3.19, B4.3.29, B4.3.34, B4.3.40, B4.3.43, B4.3.46, B4.3.78, B2.4.87

² For example, “Any activity which is not a residential activity, shall be a ...”

³ Carehomes shall provide a minimum of 1 space per 3 clients – Table E13.1(a)

In the Township Volume, Objective B3.4.4 and Policy B3.4.3, under the broader heading of Quality of the Environment, seek to provide a variety of living environments and housing choices for residents. While choice of design of building is supported, the current objectives and policies do not identify a specific need to provide for housing that is of a type or size, or in a location, that could meet the changing needs of residents in terms of age, mobility or health.

There are specific policies included in the Township Volume which seek to address the potential adverse effects of development by addressing such matters as car parking (Policy B3.4.19(a)), building design (Policy B3.4.23) and bulk and location (Policies B3.4.25, B3.4.26).

In the Rural Volume, the objectives and policies are primarily focused on maintaining the rural environment as a place for primary production, with residential development being of a low density.

2.3 Rules

Specific provisions for Elderly Residential Care in the Living 1A Zone in Lincoln are included in the Township Volume of the District Plan at Rule 10.13. The provisions relate to a particular location and a particular form of development, being more of a nursing home, as a permitted activity subject to standards relating to location, site area, height, number of beds, parking, storage areas and landscaping. Further, any development was exempt from compliance with other Living Zone Rules such as hours of operation and site coverage.

These provisions were never taken advantage of and the site proposed for a rest home, as shown on the Concept and Outline Development Plan (C1) in Appendix 18 of the Plan, has since been developed as standalone detached residential housing, thereby removing the potential for elderly residential care in this location.

Given the specificity of Rule 10.13, it is unable to be applied to other forms of elderly residential care within the District.

With the exception of the suite of rules above, all forms of alternative housing, such as housing for the elderly, persons with special needs or shared accommodation, are considered against the general provisions for detached dwellings, as set out in the relevant chapters of the Township and Rural Volumes of the District Plan. However, as most residential activities occur within the Living Zones, focus is given to the rules within Chapters 1-12 of the Township Volume, and more particularly the rules and standards within C4 Buildings and C5 Transport.

Alternative forms of housing are generally able to meet the permitted standards in terms of setback from boundaries and site coverage but can challenge the standards pertaining to density, private open space, car parking and traffic generation. Failure to meet the permitted standard usually results in applications being assessed as non-complying.

Conversely, alternative forms of housing could meet all of the permitted standards yet give rise to adverse effects on the amenity and character of the surrounding locality as the form of development is not considered to be any different from that of a detached dwelling. For example, car parking and traffic generation associated with alternative forms of housing are likely to be greater than that of detached dwellings.

3.0 Comparison with Other District Plans

The **Christchurch District Plan**, which was made fully operative on 19 December 2017, includes definitions for a wide range of alternative housing forms including, among other things, *boarding house*, *care facility*, *care home within a retirement village*, *community housing unit*, *elderly persons housing unit*, *older persons housing unit*, *retirement village* and *sheltered housing*. The inclusion of such a wide range of definitions in this Plan acknowledges that residential activity occurs in many forms, beyond that of a single family household.

Retirement village means any land, building or site that is used predominately for people in their retirement and may include care home and hospital facilities. *Sheltered housing* means housing for people for whom on-site professional care and assistance is available, but not where residents are detained on site. A *care facility* is similar and means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs. A *boarding house* means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

Objectives and policies in the Plan address housing capacity and choice to meet the changing housing needs and population in the City. Residential policies enable and provide for a wide range of housing types, including non-household residential accommodation such as sheltered housing and boarding houses and retirement villages. Policies also recognise that such developments can require higher densities than typical for residential development however building scale, massing and layout should be compatible with the character of the surrounding residential area (Policies 14.2.1.6, 14.2.1.7 and 14.2.1.8).

In most Residential Zones, all forms of alternative housing are either a restricted discretionary or discretionary activity. Matters for discretion include the scale of the activity, traffic generation and access safety. A specific matter for discretion is provided for retirement villages (Rule 14.15.9), which considers whether the development is appropriate to its context and the effect it may have on the amenity of the area, taking into account matters such as fencing, building scale, design, orientation and setback, access and parking.

Specific built form standards such as site coverage and private open space are also applicable to identified forms of alternative housing, in addition to the general height and setback provisions set out in the relevant zones.

The key objectives, policies and rules of the Christchurch District Plan are attached in **Appendix B**.

In the **Ashburton District Plan** (operative March 2017), definitions are included for *boardinghouse*, *day care facilities* (being for the care during the day of the elderly, persons with disabilities and/or children) and *elderly persons home*, however these definitions are not supported by specific objectives, policies or bulk and location standards.

The **Waimakariri District Plan** (operative November 2005) makes no reference to alternative forms of housing and the objectives, policies and standards are all geared towards stand-alone dwellings, at varying densities, to the exclusion of other forms of housing.

The 'second generation' **Hurunui District Plan** was made operative in June 2018. While this Plan is more current than those of Ashburton and Waimakariri, it is similar in that it makes little provision for alternative forms of housing beyond the traditional. The only form of alternative housing identified in the Plan is *independent senior living units* which are defined as a cluster of not less than three dwellings providing accommodation for disabled, elderly or retired persons. This form of development is identified as a discretionary activity in half of the Residential Zones, subject to bulk and location standards and consideration of the design of the units, not only to development on adjoining sites but also how it meets the needs of the occupants.

Of the neighbouring councils, the Christchurch District Plan is the most comprehensive in acknowledging alternative housing forms. However, other second generation district plans, such as those of Auckland Council (2016) , Kapiti Coast District Council (2018), Queenstown Lakes District Council (2015) and South Taranaki District Council (2016) all define and make make provision in their objectives, policies and standards for alternative housing such as housing for the elderly, persons with special needs or shared accommodation.

4.0 Overview of Alternative Housing Consented in Selwyn

An analysis of the various resource consent applications received by Council over the past 10 years relating to alternative forms of housing are discussed below, which highlights the issues with the current standards, rules, policies and objectives of the Plan.

4.1 Retirement Villages

In the time since the current District Plan was made partially operative, a number of consents have been granted for developments which constitute retirement villages. The nature of the applications, the assessment matters and decisions reached in relation to each application are discussed below. Prior to 2013, the last recorded consent for elderly persons housing was in 2003, with there being a significant period during which no housing options of this nature were provided within the district.

Barton Fields, Clydesdale Way and Cobble Court, Lincoln (RC135182)

Consent was sought to establish and operate a lifestyle village for over 55 year olds, comprising 66 dwellings, on a site of approximately 3.8 hectares, zoned **Living Z** and located on the northern edge of Lincoln. The dwellings proposed consist of a mix of 19 single storey detached dwellings, 14 single storey duplexes and four two storey row dwellings comprising of four dwelling each. In all, seven different floor plans were proposed, with no single building design being repeated more than twice before being interspersed with another design. The dwellings were a mix of two and three bedrooms, with single or double garages. A 195m² communal building was also proposed, comprising dining/lounge, games and media rooms and an office space, with car parking for visitors.

The application did not comply with a number of rules pertaining to building density and form, roading and signage and was assessed as a **non-complying activity**. While it was considered that the application was generally consistent with the objectives and policies of the Plan, as there were no assessment matters specific to the form of development, it was considered that the assessment matters for *comprehensive residential development in medium density areas* provided a useful basis for comparison, despite the site

not being identified as such. Regard was had to the design, position, orientation and appearance of the proposed dwellings, both internal and external to the site.

Consent was granted in August 2013 subject to conditions largely associated with the construction of the development, however a condition was imposed requiring that at least one occupant of each dwelling be over the age of 55 years. A further condition was imposed preventing the gating of the development from the adjoining public roads.

Mary Brittan, 21 and 23 Lowes Road, Rolleston (RC145666)

Consent was sought to establish a lifestyle village for residents over 55 years of age, comprising 48 dwellings, on a site of approximately 1.5 hectares, zoned **Living Z**. The site was identified as an area for medium density development in Outline Development Plan Area 9 in Appendix 38 of the Township Volume of the District Plan. The dwellings proposed consist of a mix of 18 single storey, two bedroom, duplex dwellings (containing 36 dwellings) and three two storey row dwellings (comprising 4 dwellings each) as well as a communal building containing management offices. There was limited variation in the floor plans of the single storey dwellings.

The application was determined to be **non-complying** as it did not comply with a number of rules related to density, allotment sizes, outdoor living space, setbacks, fencing and roading. The application was considered to be in general accordance with the objectives and policies of the Plan and the extent of non-compliance with the rules was considered to be no more than minor and unlikely to result in any adverse effects on the environment.

The application was approved in March 2015 subject to conditions relating to occupancy, colours and finishes and fencing.

Woodcroft Village, Kendon Drive, Rolleston (RC155664)

Consent was sought to establish and operate a gated retirement village comprising 78 single storey two and three bedroom units, on a site of approximately 3 hectares, zoned **Living Z**. Of the units, 14 would be stand alone dwellings, with the remaining 64 units accommodated in 32 duplex dwellings. Additional facilities to be provided include a bowling green, BBQ area and outdoor pavilion. The development was proposed to be registered under the Retirement Villages Act 2003 and have a minimum entry age level of 55 years.

The application was determined to be **non-complying** as it failed to comply with rules in Part C of the Township Volume of the Plan relating to building density, vehicle parking, accessways and crossings and scale of activities. While not in an area identified for medium density development, it was considered that the matters set out for the assessment of *comprehensive residential development* provided a useful basis for assessing the application.

The objectives and policies of the District Plan were generally considered to support the application, however it was considered that the application was contrary to provisions relating to transport networks which would create an unsafe living environment for residents. It was also considered that the adverse effects of the proposal would be more than minor.

Following a hearing, consent was granted by the Commissioner in April 2016 subject to conditions associated with both the construction of the development and the on-going site operation.

The Boulevard, 200 Dunns Crossing Road, Rolleston (RC165703)

Consent was sought to establish and operate a retirement village, comprising of 59 single storey two or three bedroom villas with garaging, a 78 bed aged care home with dementia care, 40 apartments in a two storey building, a community centre and 93 car parking spaces. The site comprised an area of approximately 4 hectares and was zoned *Living Z*.

The application was determined to be *non-complying* as it failed to comply with a number of the rules in Part C relating to buildings, roading, signs, waste and activities. Actual and potential effects were determined to relate to density, traffic, visual amenity and residential character, reverse sensitivity and noise. It was also considered that the assessment matters for *comprehensive residential development in medium density areas* provided a useful basis for assessment, although the site was not identified as an area for medium density development within Outline Development Plan 12 in Appendix 38 of the Township Volume of the District Plan.

It was considered that the application was in general accordance with the objectives and policies of the Plan and any effects would be largely limited to the site and would have a no more than minor effect on the wider environment.

Consent was granted in August 2017 subject to conditions largely associated with the construction of the development, however a number of conditions were imposed relating to the operation of the site including:

25. *That the site shall be operated as a retirement village registered under the Retirement Villages Act 2003.*
26. *That at least one occupant of each dwelling shall be over the age of 55 years.*

4.2 Supported Accommodation

This form of alternative housing is identified in the current definition of **residential activity** as ‘*supervised living accommodation and any associated caregivers where the residents are not detained on the site*’. In the past 10 years, only two applications have been identified as being for alternative forms of housing that support people to live independently, with assistance. However, it is likely that there are many more examples of this form of housing within the District that operate without the need for consent.

St John of God Health Care, 23 Masefield Drive, Rolleston (RC135177)

The St John of God Health Care facility supports people living with a disability to live an independent life. While care and lifestyle support is provided, residents are actively involved in the day-to-day running of the home. There was already established on the site a dwelling providing supported accommodation for six residents when, in 2013, consent was sought to erect a second dwelling on the site which could accommodate a further six residents. The site of the application comprised an area of approximately 3,000m². In addition to the six bedrooms in each dwelling, both also provided communal facilities including a kitchen, dining and lounge areas.

The property was zoned **Living 1** and the proposal to erect a second dwelling on the site was a **restricted discretionary activity** in terms of Rule 4.6.3. Discretion was restricted to consideration of outdoor living space, access to sunlight, privacy and any adverse effects on the sense of spaciousness of the area. Consent was granted as it was considered that the effects of the proposal on the other dwelling on the site and on the area generally would be less than minor.

Vintage Village, 33 Flannery Street, Leeston (RC145270)

Consent was sought to establish and operate an 'Abbeyfield' housing unit, being rental accommodation for 14 single people over 50 years of age, with self-contained bedrooms and associated communal facilities comprising a lounge, kitchen and laundry and car parking for 12 vehicles. In addition, an attached housekeeper's flat, with its own kitchen and single garage was also to be provided on site. The live in house keeper cooks lunch and dinner for the residents and cleans the communal areas, thereby supporting the residents.

The site of the application comprised an area of approximately 2,000m² and is located in Leeston, adjacent the domain and close to the centre of town. The site is zoned **Living 1** under the Township Volume of the Plan. The effects were considered to be no more than minor and the written consent of the immediately adjoining landowners was obtained, therefore no notification was required.

The application as considered to be a **restricted discretionary activity** in terms of Part C Rule 4.6.3 Building Density, as the addition of the housekeepers flat was considered to be a second dwelling. Council's discretion was restricted to consideration whether each dwelling would have sufficient open space, privacy, access to sunlight and the impact of the second dwelling on residential density and sense of spaciousness.

The application was considered to be in accordance with the objectives and policies of the Plan and was approved in November 2014, in accordance with the plans submitted. No conditions were attached to the operation or management of the facility.

4.3 Boarding Houses

The definition of residential activity in the operative District Plan includes "*accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site*"⁴. The Christchurch District Plan, and similar definitions in other second generation plans, define a dwelling as a boarding house where it is intended to be occupied by six or more tenants. The metric associated with this definition correlates with provisions in the New Zealand Building Code which classify buildings according to type. Under the Building Code, a detached dwelling applies to a building where a group of fewer than six people live as a single household. Once this threshold is exceeded, the building would be classified as a group dwelling and may require additional fire protection measures in accordance with the Building Code.

A review of resource and building consents issued by Council in the last 10 years of the operative District Plan has identified a number of consents for housing that could take the form of a boarding house, in that

⁴ The current definition of **residential activity** excludes travelling accommodation, and a separate definition of **visitor accommodation** is included in the plan. These types of activities are the subject of a separate scope of work and are not covered by this scope.

they comprise six or more bedrooms. As such, it is highly probable that this form of housing is present in the District.

This form of housing is likely to give rise to effects such as increased traffic generation and a greater need for on-site car parking, given the number of bedrooms that could be occupied by people able to live independently.

4.4 Potential Range of Effects

While all of the alternative forms of housing have been able to establish in the District, the framework of the Operative District Plan has not allowed for consideration of these developments for what they are, thereby not giving full consideration to the range of potential effects that may flow from these forms of housing.

The range of effects generated by the various forms of alternative housing include both positive and potentially adverse effects. The positive effects of the various forms of alternative housing include providing for the health, safety and wellbeing of a wide range of people within the community and aiding housing choice and social integration.

The potential adverse effects from providing housing that departs from the traditional standalone dwelling for single family households includes effects on the character and amenity of the residential area in terms of density, bulk and scale, shading, privacy, noise, signage and traffic generation.

5.0 Issues

Need to improve effectiveness of plan rules – The current definitions in the District Plan that acknowledge alternative forms of housing are either limited in their application or have been made redundant over time by other developments. They are also not supported by standards that guide the location, bulk and scale of such developments.

Lack of certainty for developers – While the lack of express provisions for retirement villages in the Plan has not been a hindrance to the development of alternative housing within the District, it has meant that applicants have had to face considerable uncertainty due to the non-complying activity status, and the possible notification requirements and extent of matters able to be considered by Council in making a decision as a result of this status.

Lack of specific assessment criteria – As can be seen in the review of consents above, retirement villages have been assessed as though they are the same as other residential developments, with the *comprehensive medium density development* provisions being used as an assessment tool even though the majority of the developments did not fall within an identified medium density area. While these developments are similar in scale, medium density developments do not necessarily result in appropriate outcomes for seniors. For example, the provision of communal facilities, combined with the age of residents, means that retirement village units do not require standard residential sized outdoor spaces. Conversely, boarding houses are likely to generate a need for more vehicle parking beyond that of standard residential developments, however there is currently no trigger to require additional on-site car parking.

Matters for discretion – These tend to be designed for standard residential development and address assessment matters largely internal to the amenity of the site, including privacy, outdoor living space, access to sunlight and landscaping.

In relation to retirement villages, these matters are often unnecessary as the operators of the villages have a long term interest in ensuring that all units are attractive to current and prospective residents. It also needs to be recognised that the visual effects associated with the scale of development needs to be balanced against the commercial viability of the development.

There is also no guidance on where alternative forms of housing should be located. Ideally, retirement villages and supported accommodation should be located within close proximity to community facilities, shops and health services and public transport options.

6.0 Options to address Issues

6.1 Option 1: Retain the status quo

This option involves no changes to the provisions in relation to alternative housing in the current plan.

Effectiveness in Addressing Issue: Continuation of the current provisions would not address the known issues in the Operative District Plan and is therefore considered ineffective.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will be the most cost effective and require the least amount of time.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not address the issues with the Operative District Plan.

6.2 Option 2: Develop and incorporate new provisions that provide for alternative forms of housing.

This option would see the development, testing and implementation of new provisions to ensure that the District Plan recognises and provides for alternative forms of housing. Recommendations that would form the basis of amendments are outlined below:

Objectives and Policies

In general, it is recommended that:

- Objectives continue to encourage housing choice at the same time as maintaining the character and visual amenity of the District, but also clearly recognise and provide for the accommodation and care needs of both the growing aging population and persons requiring support to live independently.
- Stand-alone policies be developed to provide clearer and more specific direction in relation to alternative forms of housing, such as retirement villages, supported accommodation and boarding

houses. Particular matters that should be addressed in policy relating to alternative forms of housing should include that it be of an appropriate scale, location and provide for suitable amenity both on-site and in relation to adjoining properties and public spaces.

Retirement Villages

- Incorporate a specific definition for retirement villages that is flexible to enable a wide range of activities on the site. It is noted that as the draft National Planning Standards are proposing to define retirement village premises as meaning “*premises (including any land and associated buildings) within a complex of premises for occupation as residences predominately by persons who are retired and any spouses or partners of such persons*”⁵, the ability of Council to establish its own definition of retirement village may be limited.

However, should there be scope to develop our own definition, it is recommended that retirement villages acknowledge that retirement villages are designed to meet a range of needs, which can vary from the ‘early’ retired through to those residents with high dependency and care needs. This can translate into a range of building forms such as small homes/apartments, serviced bedrooms and/or secure care units. In addition to providing accommodation for persons in their retirement, these premises may include a range of facilities and/or services for residents on the site such as medical, respite care, recreational and other communal facilities⁶.

- Restricted discretionary activity status within appropriate residential zones. As proposed in a recent report to the District Plan Committee, four residential zones are proposed – Medium Density, General, Large Lot and Settlement. Retirement villages would be appropriate in all of these proposed zones, bar the Large Lot Zone as the intent of this zone is to provide for lower densities, providing a transition between residential and rural activities. Where a proposed development is unable to meet the standards, applications should be treated as discretionary.
- Assessment matters that focus on the effects on neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location and accessibility, design, form and appearance (so as to avoid dullness of uniformity), fencing and boundary treatments, traffic generation, parking and access, noise, lighting and hours of operation. Matters for discretion should also acknowledge that retirement villages are likely to have higher densities and smaller outdoor living spaces than standard residential development. Other assessment matters may include the proximity of the development to services such as local shops and public transport.

Supported Accommodation

- Incorporate a specific definition for supported accommodation recognising that, while residential in nature, residents receive care or wellbeing respite support on a 24 hour basis to assist with independent living.
- Restricted discretionary activity status within all residential zones, subject to standards.

⁵ This definition is drawn from section 226A of the Resource Management Act

⁶ Council staff are currently preparing a submission in response to the draft National Planning Standards, and are likely to make a submission on this definition.

- Assessment matters that focus on the effects on the neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location, form and appearance, traffic generation, parking and access, noise, lighting and hours of operation.

Boarding Houses

- Incorporate a specific definition for boarding houses that recognises that, while being a residential house, it is used for paid lodging and provides accommodation for six or more persons along with facilities for communal use by the tenants of the boarding house. It should be highlighted that a boarding house is a distinct use from other uses where residential accommodation is offered at a daily or specified rate such as visitor accommodation etc.
- Permitted activity status within residential zones, subject to bulk and location standards applicable to standard residential development, but a requirement for additional car parking. Restricted discretionary where standards are not able to be met.
- Assessment matters that focus on the effects on the neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location, form and appearance, traffic generation, parking and access.

Effectiveness in Addressing Issue: While the alternative forms of housing discussed in this report are essentially residential activities, they are generally of a greater intensity than that of a detached dwelling and, in the case of retirement villages, offer a range of other complementary activities (such as recreation, social, community and health) in an integrated manner. Rules within the District Plan could be amended to better recognise alternative housing forms and their operational and functional requirements, whilst still ensuring that effects are appropriately managed.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will require the drafting and testing of new provisions.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that the Proposed District Plan should be amended to provide a context for the consideration of issues associated with the provision of alternative housing and provide specific guidance in relation to the form that this housing may take. Recognition that there are special considerations related to alternative housing will help to improve the process for assessing applications.

7.0 Preferred Options for Further Engagement

The Project Team recommends that Option 2 as outlined above be endorsed by the Committee for further development.

Appendix A: Operative District Plan Provisions

Township Volume

Objectives and Policies

3 People's Health, Safety and Values:

B3.4 Quality of the Environment

- 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.
- Policy B3.4.2** 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:
- are pleasant places to live in and provide for the health and safety of people and their communities;
 - 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;
 - ...
- Policy B3.4.19 (a)** Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:
- The amenity values of streets;
 - The privacy of residents; and
 - Safe and convenient access to sites.
- Policy B3.4.25** In all zones in townships, ensure buildings:
- Do not shade adjoining properties; and
 - Maintain a predominantly low rise skyline.

4 Growth of Townships

B4.1 Residential Density

- 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.
- Policy B4.1.1** (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential

areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan where a higher density of development is anticipated.

B4.3 Residential and Business Development

- Objective B4.3.1** The expansion of townships does not adversely affect:
- Natural or physical resources;
 - Other activities;
 - Amenity values of the township or the rural area; or
 - Sites with special ecological, cultural, heritage or landscape values.
- Objective B4.3.3** For townships within the Greater Christchurch area, new residential or business development is to be provided within existing zoned land or priority areas identified in the Regional Policy Statement and such development is to occur in general accordance with an operative Outline Development Plan.
- Objective B4.3.5** Ensure that sufficient land is made available in the District Plan to accommodate additional households in the Selwyn District portion of the Greater Christchurch area between 2013 and 2028 through both Greenfield growth areas and consolidation within existing townships.
- Policy B4.3.4** Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity.

Rural Volume

Objectives and Policies

3 People's Health, Safety and Values:

B3.4 Quality of the Environment

- Objective B3.4.1** The District's rural area is a pleasant place to live and work in.
- Policy B3.4.1** Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.
- Policy B3.4.6** Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

4 Growth of Rural Area

B4.1 Residential Density and Subdivision in the Rural Area

- Objective B4.1.1** The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Rules

Elderly Residential Care — Living 1A Zone, Lincoln

Permitted Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.13.1 Elderly residential care in the Living 1A Zone at Lincoln shall be a permitted activity if the following conditions are met:
- 10.13.1.1 Elderly residential care is limited to one site in the location shown on concept plan C1 in Appendix 18 as ‘site for proposed rest home’;
 - 10.13.1.2 The site has an area no smaller than 8000m²; and
 - 10.13.1.3 Elderly residential care is limited to 80 residents in residential care beds, single bedroom units or separate apartments, provided that residential care beds are limited to a maximum of 30; and
 - 10.13.1.4 Parking and outdoor storage areas are screened from adjoining sites by landscaping, fence(s), or a combination thereof, to at least 1.8m in height along the length of the parking or storage area. The minimum depth of the screening is 1.5m if it is in the form of landscaping; and
 - 10.13.1.5 The maximum height of any building is 7.0m; and
 - 10.13.1.6 Staff and visitor parking spaces are provided within the site at the following rates:
 - (a) 1 space per 6 care beds
 - (b) 1 space per 4 single bedroom units
 - (c) 1 space per apartment unit; and
 - 10.13.1.7 No elderly residential care facility is erected on a site that adjoins the boundary of the zone.
- 10.13.2 Rules 10.8 – Scale of Activities; 10.9 – Hours of Operation; 5.4 – Car Parking; 4.8 – Building height; and 4.7 - Buildings and Site Coverage do not apply to elderly residential care as described in Rule 10.13.1.
- 10.13.3 Rule 10.13.1.4 is a screening requirement additional to any screening required under Rule 10.10 – Outdoor Storage of Materials and Goods.

Restricted Discretionary Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.13.4 Any elderly residential care in the Living 1A Zone at Lincoln which does not comply with Rule 10.13.1.2 shall be a restricted discretionary activity.
- 10.13.5 Under Rule 10.13.4, the Council shall restrict the exercise of its discretion to:
- 10.13.5.1 The number of residents that can be accommodated within the facility.

Non-Complying Activities: Elderly Residential Care — Living 1A Zone, Lincoln

- 10.13.6 Any elderly residential care facility in the Living 1A Zone at Lincoln which does not comply with Rules 10.13.1.1, Rule 10.13.1.3, Rule 10.13.1.4, Rule 10.13.1.5 Rule 10.13.1.6 or Rule 10.13.1.7 shall be a non-complying activity

Definitions

The following definitions are included in both volumes of the Operative District Plan, unless otherwise indicated.

Carehome (TV)	an old people's home or home for the care of people with special needs excluding a hospital.
Dwelling	<p>means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.</p> <p>A dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site; unless that building or part of a building is being used for overnight accommodation.</p> <p>Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.</p>
Elderly Residential Care (TV)	means any facility and associated ancillary services providing care for the elderly. For the purposes of Rule 10.13 (Elderly Residential Care – Living 1A Zone at Lincoln) it does not include hospital care, or similar, in a full nursing care licensed rest home.
Noise Sensitive Activities	<ul style="list-style-type: none"> - Residential activities other than those in conjunction with rural activities that comply with the rules in the plan; - Educational activities including pre-school places or premises; - Travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; - Hospitals, healthcare facilities and elderly persons housing or complex.
Residential Activity	<p>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:</p> <ul style="list-style-type: none"> a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site b) Emergency and/or refuge accommodation c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site <p>'Residential Activity' does not include:</p>

- a) Travelling accommodation activities (other than those specified above)
- b) Custodial and/or supervised living accommodation where the residents are detained on site.

Sensitive Activity (RV)

includes any of the following activities:

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

Appendix B: Christchurch District Plan Provisions

Operative 19 December 2017

Definitions

Boarding house means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

Care facility means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs.

Care home within a retirement village means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of older persons and/or any land or buildings used for the care of older persons within a retirement village.

Community housing unit in relation to the Community Housing Redevelopment Mechanism means a residential unit owned, let or to be let by or on behalf of the Council, Housing New Zealand Corporation, a not-for-profit housing entity or a registered community housing provider (under Part 10 of the Housing Restructuring and Tenancy Matters Act 1992) as social housing.

Elderly person's housing unit means an older person's housing unit that was consented or otherwise permitted prior to the District Plan becoming operative.

Hospital within a retirement village means any facility providing hospital care within the meaning of the Health and Disability Services (Safety) Act 2001 within a retirement village

Older person means a person over the age of 60 years or a person who qualifies for a permanent supported living payment on health grounds. It includes the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse, dependents or caregiver may be under the age of 60 years.

Older person's housing unit means one of a group of residential units developed or used for the accommodation of older persons, where the group is held under either one title or unit titles under the Unit Titles Act 2010 with a body corporate, and which is encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is confined to older persons. It includes any unit previously defined as an elderly person's housing unit.

Residential activity means the use of land and/or buildings for the purpose of living accommodation. It includes:

- a. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);
- b. emergency and refuge accommodation; and
- c. sheltered housing; but

excludes:

- d. guest accommodation;
- e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- f. accommodation associated with a fire station

Residential unit means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;
- c. a residential unit may include no more than one family flat as part of that residential unit;
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
- e. a residential unit may be used as a bed and breakfast or farm stay.

Retirement village means any land, building or site that:

- a. is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and
- b. satisfies either of the following:
 - i. it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or
 - ii. it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and
- c. includes not less than two residential units; and
- d. may include any or all of the following facilities or services for residents on the site:
 - i. a care home within a retirement village;
 - ii. a hospital within a retirement village;
 - iii. nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.

Sensitive activities means:

- a. residential activities, unless specified below;
- b. care facilities;
- c. education activities and preschools, unless specified below;
- d. guest accommodation, unless specified below;
- e. health care facilities which include accommodation for overnight care;
- f. hospitals; and
- g. custodial and/or supervised living accommodation where the residents are detained on the site; but excludes in relation to airport noise:
- h. any residential activities, in conjunction with rural activities that comply with the rules in the relevant district plans as at 23 August 2008;

- i. flight training or other trade and industry training activities located on land zoned or legally used for commercial activities or industrial activities, including the Specific Purpose (Airport) Zone; and
- j. guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants.

Sheltered housing means a residential unit or units used solely for the accommodation of persons for whom on-site professional emergency care, assistance or response is available, but not where residents are detained on the site.

Social housing complex means a group of residential units that are:

- a. owned or operated by Housing New Zealand Corporation, the Council, a not-for-profit housing entity or a registered community housing provider (under Part 1 of the Housing Restructuring and Tenancy Matters Act 1992), including where one of these parties is in a public/private development relationship to provide mixed tenure housing; and
- b. provided to help low and modest income households and other disadvantaged groups to access appropriate and secure housing that is affordable

Supportive housing in relation to the Salvation Army site in Addington means housing for individuals supported by the Salvation Army, whether individual housing (inclusive of kitchen and ablution facilities) or shared housing (which provides for shared meals and recreation rooms). It includes reintegration housing for recently released inmates supported by the Salvation Army

Objectives and Policies

Strategic Directions Objectives

Objective 3.3.4 – Housing capacity and choice

- a. For the period 2012 to 2028, an additional 23,700 dwellings are enabled through a combination of residential intensification, brownfield and greenfield development; and
- b. There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including:
 - i. a choice in housing types, densities and locations; and
 - ii. affordable, community and social housing and papakāinga.

Objective 3.3.7 – Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
 - i. Is attractive to residents, business and visitors; and
 - ...
 - iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1)
 - ...

Residential Zone

Objective 14.2.1– Housing supply

- a. An increased supply of housing that will:
 - i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7;
 - ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
 - v. assist in improving housing affordability.

14.2.1.6 Policy - Provision of social housing

- a. Enable small scale, medium density social housing developments throughout residential areas as a permitted activity and social housing developments generally throughout residential areas.

14.2.1.7 Policy - Non-household residential accommodation

- a. Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.

14.2.1.8 Policy - Provision of housing for an aging population

- a. Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.
- b. Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones.
- c. Recognise that housing for older persons can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.

Objective 14.2.4 – High quality residential environments

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Policy 14.2.4.8 – Best practice for health, building sustainability, energy and water efficiency

- a. Promote new residential buildings that:
 - i. provide for occupants' health, changing physical needs, and life stages; and

RE016 Alternative housing in residential zones – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- Policies and rules for alternative types of housing, such as housing for the elderly and people with special needs, and boarding houses, in the current District Plan are being reviewed as part of the District Plan review.
- There are limited provisions that address alternative forms of housing in the District Plan, and those that do have been rendered redundant by development over time.
- The most common form of housing in the district is a single storey detached dwelling with an average floor area of 215m² and most dwellings have three to four bedrooms.

Current status

- Key issues include:
 - Lack of choice for different types of housing in the district, such as retirement and supported accommodation.
 - The current District Plan doesn't accommodate the district's projected growth in population and expected change in demographics (ageing population and predominately one- and two-person households).
 - The current District Plan has no specific provisions that address alternative housing, in particular how and where alternative housing can and should be provided for within the district.
 - Permitted standards for traditional housing developments don't work for alternative types of housing, for example different requirements regarding outdoor spaces, car parking, density-related standards and traffic generation.
 - Lack of certainty for developers due to current non-complying activity status of an alternative housing development.

About preferred option

- Key draft changes are aimed at developing new provisions that recognise and provide for alternative types of housing within the district while at the same time maintaining the character of the surrounding residential areas.
- Key draft changes are:
 - Developing new definitions for retirement villages, supported accommodation and boarding houses.
 - Making alternative types of housing a restricted discretionary activity within residential zones, subject to appropriate standards, such as traffic, car parking, hours of operation and scale, location and height of the building.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Retirement Villages Assn NZ, Township committees and residents associations	[N/A]	Selwyn ratepayers
Consent and compliance teams	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>

¹ "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

² Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6))Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

³ Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development						
Preferred option consultation					[through public consultation]	

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-July	July	August ⁴
ECan			Preferred option report is shared and feedback sought
Rūnanga			Preferred option report is shared and feedback sought
Key stakeholders			Preferred option report is shared and feedback sought
Landowners/occupiers			[through public consultation]
General public			General consultation as part of residential matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

10. Preferred Option Report and Communications and Engagement Summary Plan – Subdivision

Author:	Rachael Carruthers (Strategy & Policy Planner)
Contact:	347 2833

Purpose

To brief the Committee on the findings of the combined Baseline and Preferred Option Report that reviews the technical aspects of Subdivision.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Subdivision' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Subdivision’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Subdivision’

‘Subdivision – communications and engagement summary plan’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 8 August 2018

TOPIC NAME: Subdivision (Technical)

SCOPE DESCRIPTION: Subdivision in all zones

TOPIC LEAD: Rachael Carruthers

PREPARED BY: Rachael Carruthers

EXECUTIVE SUMMARY

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

1.0 Introduction

1.1 Links to other work streams

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

2.0 Summary of Issues

2.1 Subdivision

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

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

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

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

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

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

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

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

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

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

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

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

2.2 Coherence of existing provisions

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

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

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

2.3 Use of the term 'allotment'

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

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

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

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

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

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

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

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

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

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

- a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or*
- b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or*
- c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or*
- d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or*
- e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed.*

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

2.4 Access, reserve and utility allotments

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

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

2.5 Notification options

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

2.6 Esplanades

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.0 Statement of Operative District Plan approach

3.1 Subdivision

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

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

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

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

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

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

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

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

3.2 Notification options

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

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

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

3.3 Esplanades

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

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

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

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

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

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

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

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

4.1 Resource Management Act 1991

Subdivision

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

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

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

Esplanades

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

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

4.2 New Zealand Coastal Policy Statement

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

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

4.3 National Policy Statement on Urban Development Capacity

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

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

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

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

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

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

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

4.5 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) gives an overview of the significant resource management issues facing the region, including issues of resource management significance to Ngāi Tahu. The purpose of the CRPS is to set out objectives, policies and methods to resolve those resource management issues and to achieve the integrated management of the natural and physical resources of Canterbury.

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

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

4.6 Mahaanui Iwi Management Plan

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

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

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

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

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

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

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

4.7 Draft National Planning Standards

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

5.0 Summary of alternative management responses – Other Districts

5.1 Ashburton District

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

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

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

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

General standards relate to:

- Esplanade provisions
- Property numbering and street naming

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

Critical standards relate to:

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

Assessment matters relate to:

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

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

Esplanades

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

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

5.2 Christchurch City

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

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

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

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

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

Activity standards relate to:

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

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

General matters for control relate to:

- Subdivision design

- Natural hazards and contaminated land
- Servicing and infrastructure
- Transport networks
- Open space, reserves and recreation (including esplanades)
- Natural and cultural values
- Consent notices

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

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

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

Esplanades

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

5.3 Hurunui District

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

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

Control is reserved over the following:

- Ability to erect a dwelling or principal building as a permitted activity
- Provision of water, sewage and stormwater
- Telecommunications
- Roading and access
- Amenity and character
- Construction effects
- Land contamination
- Natural hazards
- Esplanade and public access provisions
- Listed location-specific matters

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

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

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

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

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

Esplanades

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

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

5.4 Waimakariri District

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

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

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

Control is reserved over the following matters:

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

- Intensive farming and liquid effluent spreading
- Fill

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

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

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

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

Esplanades

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

5.5 Summary of approaches in other districts

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

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

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

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

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

- Natural hazards
- Subdivision layout, including roads and reserves

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

6.0 Summary of Options to address Issues

Plan Format

OPTION 1 – A single chapter for subdivision

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

Effectiveness in Addressing Issue

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

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

Risks

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

Budget or Time Implications:

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

Stakeholder and community interests

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

Recommendation

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

Objectives and policies

OPTION 2 – Status quo

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

Effectiveness in Addressing Issue:

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

Risks

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

Budget or Time Implications:

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

Stakeholder and community interests

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

Recommendation

Option 2 does not form part of the recommended approach.

OPTION 3 – Revised objectives and policies

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

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

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

Revised objectives could be along the lines of:

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

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

Effectiveness in Addressing Issue:

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

Risks:

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

Recommendation:

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

Status of activities

OPTION 4 – Make subdivision a permitted activity in some instances

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

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

Effectiveness in Addressing Issue:

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

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

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

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

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

Risks:

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

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

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

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

Other:

No adjoining territorial authority has made subdivision a permitted activity.

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

Recommendation:

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

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

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

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

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

Effectiveness in Addressing Issue:

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

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

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

Risks:

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

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

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

Other:

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

Recommendation:

Option 5 is not the recommended approach

OPTION 6 – Status quo with updated provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

Effectiveness in Addressing Issue:

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

Risks:

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

Recommendation:

Option 6 is the recommended approach in relation to rules.

Esplanade provisions

OPTION 7 – Status quo

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

Effectiveness in Addressing Issue:

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

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

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

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

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

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

Risks:

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

Recommendation:

Option 7 is not the recommended approach

OPTION 8 – Revised provisions

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

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

Effectiveness in Addressing Issue:

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

Risks:

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

Budget or Time Implications:

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

Stakeholder and Community Interests:

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

Recommendation:

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

7.0 Summary of stakeholder engagement

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

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

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

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

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

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

8.0 Conclusion

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

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

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

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

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

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

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

9.0 Preferred Options for further engagement

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

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

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

Appendix A Resource Management Act 1991

11 Restrictions on subdivision of land

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

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

31 Functions of territorial authorities under this Act

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

77 Rules about esplanade reserves on subdivision and road stopping

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

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

106 Consent authority may refuse subdivision consent in certain circumstances

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

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

108 Conditions of resource consents

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

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

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

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

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

108AA Requirements for conditions of resource consents

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

218 Meaning of subdivision of land

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

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

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

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

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

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

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

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

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

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

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

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

220 Condition of subdivision consents

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

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

229 Purposes of esplanade reserves and esplanade strips

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

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

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

230 Requirement for esplanade reserves or esplanade strips

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

231 Esplanade reserves to vest on subdivision

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

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

232 Creation of esplanade strips

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

233 Effect of change to boundary of esplanade strip

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

235 Creation of esplanade strips by agreement

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

236 Where land previously set aside or reserved

Where—

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

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

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

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

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

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

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

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

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

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

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

237B Access strips

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

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

237C Closure of strips to public

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

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

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

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

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

237G Compensation

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

237H Valuation

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

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

Schedule 10 Requirements for instruments creating esplanade strips and access strips

1 Prohibitions to be included in instruments

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

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

2 Other prohibitions

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

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

3 Fencing

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

4 Access on esplanade strips for conservation purposes

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

5 Access on strips for access purposes

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

6 Access on strips created for recreational purposes

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

7 Closure

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

Appendix B Objectives and policies (Townships Volume)

B4.2 Subdivision of land

Objective B4.2.1

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

Objective B4.2.2

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

Objective B4.2.3

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

Objective B4.2.4

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

Policy B4.2.1

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

Policy B4.2.2

Ensure any allotment created by subdivision (including any balance allotment) has the services, facilities and characteristics appropriate to the proposed likely use of the land.

Policy B4.2.3

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

- Access to sunlight;
- Adequate size and appropriate shape for a building platform;
- Adequate size and shape for outdoor living space in Living zones or car parking and storage space in Business zones; and
- Easy and safe access for motorists, pedestrians and cyclists.

Policy B4.2.4

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

Policy B4.2.5

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

Policy B4.2.6

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

Policy B4.2.7

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

Policy B4.2.8

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

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

Policy B4.2.9

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

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

Policy B4.2.10

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

Policy B4.2.11

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

Policy B4.2.12

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

Policy B4.2.13

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

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

Appendix C Objectives and policies (Rural Volume)

B4.1 Residential density and subdivision in the rural area

Objective B4.1.1

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

Objective B4.1.3

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

Policy B4.1.9

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

Policy B4.1.10(a)

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

Policy B4.1.10(b)

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

Policy B4.1.11

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

Policy B4.1.12

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

Policy B4.1.13

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

Policy B4.1.14

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

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

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

Policy B4.1.15

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

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

Appendix D Rule 12 Subdivision – Living Zones

Link below:

<http://eplan.selwyn.govt.nz/#!/Rules/0/32/1/0>

Appendix E Rule 24 Subdivision – Business Zones

Link below:

<http://eplan.selwyn.govt.nz/#!/Rules/0/46/1/0>

Appendix F Rule 10 Subdivision – Rural Zone

Link below:

<http://eplan.selwyn.govt.nz/#!/Rules/0/1081/2/0>

Appendix G Waterbodies subject to esplanade provisions

PART E

APPENDIX 12

LIST OF WATERBODIES FOR ESPLANADE RESERVES AND STRIPS

Introduction

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

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

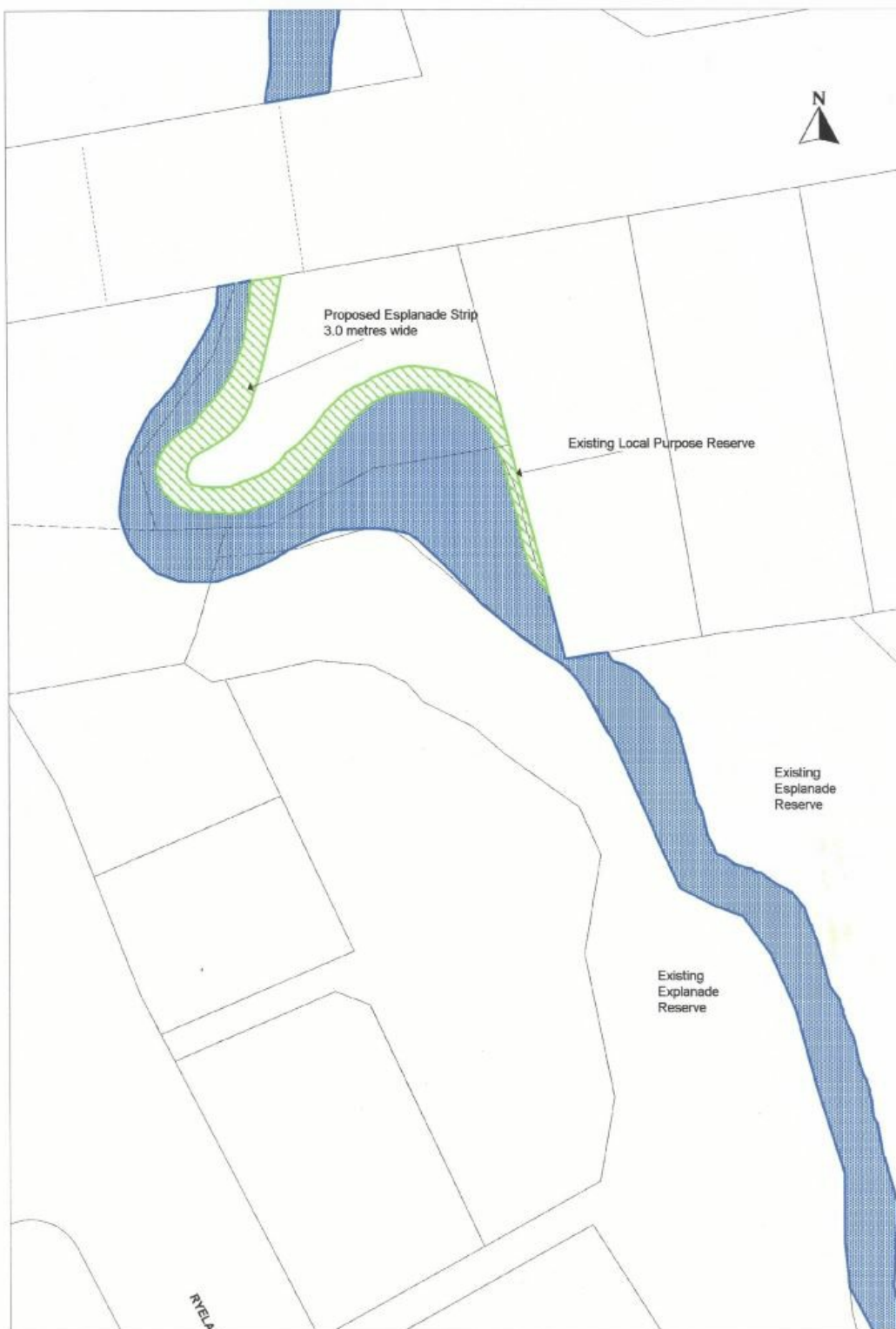
In using its discretion whether to create an esplanade reserve or strip in accordance with Table E12.1, the Council shall refer to policies in Part B, these being B1.2.9, B1.3.4 and B2.3.9

Table E12.1 - Esplanade Reserves and Strips

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

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

Map: L1 Creek Reserves



PART E

APPENDIX 17

LIST OF WATERBODIES FOR ESPLANADE RESERVES AND STRIPS

Introduction

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

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

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

Table E17.1 - Esplanade Reserves and Strips

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

Note:

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

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

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

Appendix H Local Government Act 1974

345 Disposal of land not required for road

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

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

Appendix I New Zealand Coastal Policy Statement

Objective 1

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

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

Objective 2

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

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

Objective 4

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

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

Objective 5

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

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

Objective 6

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

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

Policy 13 Preservation of natural character

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

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

Policy 15 Natural features and natural landscapes

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

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

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

Policy 17 Historic heritage identification and protection

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

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

Policy 18 Public open space

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

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

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

Policy 19 Walking access

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

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

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

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

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

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

4 Relationship of regulations with territorial authority and regional council functions

These regulations—

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

5 Application

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

Activities

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

Land covered

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

Land not covered

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

8 Permitted activities

Subdividing or changing use

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

Consequence if requirement not met

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

9 Controlled activities

Subdividing or changing use

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

- (c) risk assessment.

No public notification of application for resource consent

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

Consequence if requirement not met

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

10 Restricted discretionary activities

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

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

Consequence if requirement not met

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

11 Discretionary activities

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

Appendix K Canterbury Regional Policy Statement

Chapter 4 Provisions for Ngāi Tahu and their relationship with resources

Methods

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

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

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

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

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

Chapter 5 Land use and infrastructure

5.2 Objectives

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

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

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

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

5.3 Policies

5.3.1 Regional growth (Wider Region)

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

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

5.3.2 Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

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

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

and

3. integrate with:

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

5.3.3 Management of development (Wider Region)

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

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

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

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

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

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

Within the wider region:

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

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

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

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

5.3.9 Regionally significant infrastructure (Wider Region)

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

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

5.3.10 Telecommunication infrastructure (Wider Region)

Within the wider region:

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

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

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

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

5.3.12 Rural production (Wider Region)

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

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

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

Chapter 6 Recovery and rebuilding of Greater Christchurch

6.2 Objectives

6.2.1 Recovery framework

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

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

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

6.2.2 Urban form and settlement pattern

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

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

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

6.2.3 Sustainability

Recovery and rebuilding is undertaken in Greater Christchurch that:

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

6.2.4 Integration of transport infrastructure and land use

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

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

6.2.5 Key activity and other centres

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

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

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

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

6.3 Policies

6.3.1 Development within the Greater Christchurch area

In relation to recovery and rebuilding for Greater Christchurch:

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

6.3.2 Development form and urban design

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

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

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

6.3.3 Development in accordance with outline development plans

Development in greenfield priority areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will:

1. Be prepared as:
 - (a) a single plan for the whole of the priority area; or
 - (b) where an integrated plan adopted by the territorial authority exists for the whole of the priority area and the outline development plan is consistent with the integrated plan, part of that integrated plan; or
 - (c) a single plan for the whole of a rural residential area; and
2. Be prepared in accordance with the matters set out in Policy 6.3.2;
3. To the extent relevant show proposed land uses including:
 - (a) Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;
 - (b) Land required for community facilities or schools;
 - (c) Parks and other land for recreation;
 - (d) Land to be used for business activities;
 - (e) The distribution of different residential densities, in accordance with Policy 6.3.7;
 - (f) Land required for stormwater treatment, retention and drainage paths;
 - (g) Land reserved or otherwise set aside from development for environmental, historic heritage, or landscape protection or enhancement;
 - (h) Land reserved or otherwise set aside from development for any other reason, and the reasons for its protection from development;

- (i) Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;
- 4. Demonstrate how Policy 6.3.7 will be achieved for residential areas within the area that is the subject of the outline development plan, including any staging;
- 5. Identify significant cultural, natural or historic heritage features and values, and show how they are to be protected and/or enhanced;
- 6. Document the infrastructure required, when it will be required and how it will be funded;
- 7. Set out the staging and co-ordination of subdivision and development between landowners;
- 8. Demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles;
- 9. Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- 10. Show how other potential adverse effects on the environment, including the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- 11. Show how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated as appropriate and in accordance with Chapter 11 and any relevant guidelines; and
- 12. Include any other information that is relevant to an understanding of the development and its proposed zoning.

6.3.4 Transport effectiveness

Ensure that an efficient and effective transport network that supports business and residential recovery is restored, protected and enhanced so that it maintains and improves movement of people and goods around Greater Christchurch by:

- 1. avoiding development that will overload strategic freight routes;
- 2. providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice;
- 3. providing opportunities for travel demand management;
- 4. requiring integrated transport assessment for substantial developments; and
- 5. improving road user safety.

6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

1. Identifying priority areas for development to enable reliable forward planning for infrastructure development and delivery;
2. Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:
 - (a) optimise the efficient and affordable provision of both the development and the infrastructure;
 - (b) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - (c) protect investment in existing and planned infrastructure; and
 - (d) ensure new development does not occur until provision for appropriate infrastructure is in place;
3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;
4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28); and
5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.

6.3.7 Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

1. Subject to Policy 5.3.4, residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.
2. Intensification in urban areas of Greater Christchurch is to be focused around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land.
3. Intensification developments and development in greenfield priority areas shall achieve at least the following residential net densities averaged over the whole of an ODP area (except where subject to an existing operative ODP with specific density provisions):
 - (a) 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;
 - (b) 15 household units per hectare in greenfield areas in Christchurch City;

4. Intensification development within Christchurch City to achieve an average of:
 - (a) 50 household units per hectare for intensification development within the Central City;
 - (b) 30 household units per hectare for intensification development elsewhere.
5. Provision will be made in district plans for comprehensive development across multiple or amalgamated sites.
6. Housing affordability is to be addressed by providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period, enabling brownfield development and providing for a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, townhouses and terraced housing.

6.3.8 Regeneration of brownfield land

To encourage and provide for the recovery and regeneration of existing brownfield areas through new comprehensive residential, mixed-use or business developments, provided such activities will ensure the safe and efficient functioning of the transport network and will not have significant adverse distributional or urban form effects on the Central City, Key Activity Centres and neighbourhood centres, or give rise to significant reverse sensitivity effects.

6.3.9 Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

1. In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;
2. The location must be outside the greenfield priority areas for development and existing urban areas;
3. All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;
4. Legal and physical access is provided to a sealed road, but not directly to a road defined in the relevant district plan as a Strategic or Arterial Road, or as a State highway under the Government Roadway Powers Act 1989;
5. The location and design of any proposed rural residential development shall:
 - (a) avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;
 - (b) avoid the groundwater protection zone for Christchurch City's drinking water;

- (c) avoid land between the primary and secondary stop banks south of the Waimakariri River;
 - (d) avoid land required to protect the landscape character of the Port Hills;
 - (e) not compromise the operational capacity of the Burnham Military Camp, West Melton Military Training Area or Rangiora Airfield;
 - (f) support existing or upgraded community infrastructure and provide for good access to emergency services;
 - (g) avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;
 - (h) avoid significant natural hazard areas including steep or unstable land;
 - (i) avoid significant adverse ecological effects, and support the protection and enhancement of ecological values;
 - (j) support the protection and enhancement of ancestral land, water sites, wāhi tapu and wāhi taonga of Ngāi Tahu;
 - (k) where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and
 - (l) avoid adverse effects on existing surface water quality.
6. An outline development plan is prepared which sets out an integrated design for subdivision and land use, and provides for the long-term maintenance of rural residential character.
7. A rural residential development area shall not be regarded as in transition to full urban development.

6.3.10 Māori Reserves

Recognise and provide for the relationship of local Ngāi Tahu with their ancestral lands, waters, wāhi tapu and taonga by enabling Māori Reserves within the Greater Christchurch area to be developed and used for their intended purposes for which they were originally reserved, taking into account the following matters where relevant:

- (a) flooding, inundation and other natural hazards;
- (b) rural amenity and outlook;
- (c) compact urban form;
- (d) range of housing options;
- (e) provision of appropriately sized local retail/commercial centres;
- (f) any outline development plan; and
- (g) the range of lot sizes and densities.

Chapter 7 Fresh water

7.2 Objectives

7.2.1 Sustainable management of fresh water

The region's fresh water resources are sustainably managed to enable people and communities to provide for their economic and social well-being through abstracting and/or using water for irrigation, hydro-electricity generation and other economic activities, and for recreational and amenity values, and any economic and social activities associated with those values, providing:

1. the life-supporting capacity ecosystem processes, and indigenous species and their associated freshwater ecosystems and mauri of the fresh water is safe-guarded;
2. the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced; and
3. any actual or reasonably foreseeable requirements for community and stockwater supplies and customary uses, are provided for.

7.3 Policies

7.3.1 Adverse effects of activities on the natural character of fresh water

To identify the natural character values of fresh water bodies and their margins in the region and to:

1. preserve natural character values where there is a high state of natural character;
2. maintain natural character values where they are modified but highly valued; and
3. improve natural character values where they have been degraded to unacceptable levels;

unless modification of the natural character values of a fresh water body is provided for as part of an integrated solution to water management in a catchment in accordance with Policy 7.3.9, which addresses remedying and mitigating adverse effects on the environment and its natural character values.

Chapter 8 The coastal environment

8.2 Objectives

8.2.2 Provision for appropriate activities in the coastal environment

A framework is provided for appropriate occupation, subdivision, use and development of the coastal environment while managing the adverse effects of those activities.

8.2.3 Regionally significant infrastructure and commercial maritime facilities

Subdivision, use or development in the coastal environment does not adversely affect the efficient development and use of regionally significant infrastructure and other commercial maritime activities.

8.2.4 Preservation, protection and enhancement of the coastal environment

In relation to the coastal environment:

1. Its natural character is preserved and protected from inappropriate subdivision, use and development; and
2. Its natural, ecological, cultural, amenity, recreational and historic heritage values are restored or enhanced.

8.2.5 Provision of access

Maintenance and enhancement of appropriate public and Ngāi Tahu access to and along the coastal marine area to enhance recreational opportunities and to enhance the ability of Ngāi Tahu as tāngata whenua to access kaimoana and exercise tikanga Māori.

8.3 Policies

8.3.4 Preservation of the natural character of the coastal environment

To preserve and restore the natural character of the coastal environment by:

1. protecting outstanding natural features and landscapes including seascapes from inappropriate occupation, subdivision, use and development;
2. protecting and enhancing indigenous ecosystems and associated ecological processes;
3. promoting integrated management of activities that affect natural character in the coastal environment and the coastal marine area, in particular coastal landforms and landscapes that are significant, representative or unique to the region;
4. avoiding new development adjacent to the coastal marine area that will compromise areas of high natural character; and
5. in appropriate situations, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations.

8.3.5 Maintenance and enhancement of public and Ngāi Tahu access

To maintain and enhance public and Ngāi Tahu access to and along the coastal marine area, subject to:

1. protecting public health and safety.
2. avoiding significant adverse effects on natural, physical, amenity, recreational, cultural and historic heritage values of the coastal environment.
3. avoiding damage to natural buffers to coastal erosion.
4. protecting Ngāi Tahu sites of special value.
5. protecting the stability, performance, maintenance and operation of regionally significant infrastructure in the coastal environment or other commercial maritime facilities.
6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of land in the coastal environment.
7. ensuring compliance with legislative maritime security requirements for ships and port facilities.

Chapter 10 Beds of rivers and lakes and their riparian zones

10.2 Objectives

10.2.4 Public and Ngāi Tahu access to and along rivers and lakes

Maintenance and enhancement of public and Ngāi Tahu access to and along rivers and lakes.

10.3 Policies

10.3.1 Activities in river and lake beds and their riparian zones

To provide for activities in river and lake beds and their riparian zones, including the planting and removal of vegetation and the removal of bed material, while:

1. recognising the implications of the activity on the whole catchment;
2. ensuring that significant bed and riparian zone values are maintained or enhanced; or
3. avoiding significant adverse effects on the values of those beds and their riparian zones, unless they are necessary for the maintenance, operation, upgrade, and repair of essential structures, or for the prevention of losses from floods, in which case significant adverse effects should be mitigated or remedied.

10.3.2 Protection and enhancement of areas of river and lake beds and their riparian zones

To preserve the natural character of river and lake beds and their margins and protect them from inappropriate subdivision, use and development, and where appropriate to maintain and/or enhance areas of river and lake beds and their margins and riparian zones where:

1. they exist in a degraded state and enhancement will achieve long-term improvement in those values;
2. they have ecological values for which protection and/or enhancement will assist in the establishment or re-establishment of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas;
3. they have existing significant trout or salmon habitat;
4. maintenance and/or enhancement will improve or establish connections between habitats and create corridors for indigenous species and trout and salmon and their movement between areas;
5. riparian zones provide a buffer from activities that may adversely affect bed values;
6. opportunities exist to create habitat corridors for plants and animals; or
7. riparian zones provide spawning or other significant habitats for at risk or threatened species, such as inanga or Canterbury mudfish.

10.3.3 Management for flood control and protecting essential structures

To manage activities in river and lake beds and their banks or margins to:

1. avoid or, where this is not practicable, to remedy or mitigate adverse effects on vegetation that controls flood flows or protects river banks or lake margins from erosion; and

2. avoid adverse effects on the stability, performance, operation, maintenance, upgrade and repair of essential structures that are located in, on, under or over a river or lake bed or its bank or margin.

10.3.5 Maintenance and enhancement of public and Ngāi Tahu access

To promote the maintenance and enhancement of public and Ngāi Tahu access to and along the beds of rivers and lakes, and to ensure that subdivision use and development does not result in inappropriate loss of existing access, subject to:

1. protecting public health and safety, and avoiding conflict between different types of access;
2. avoiding adverse effects on the values of the beds, or stability of banks;
3. protecting Ngāi Tahu cultural values and sites of significance from inappropriate public access;
4. protecting the stability, performance and operation of essential structures in, on, under or over the beds;
5. ensuring the integrity of flood-protection vegetation is maintained;
6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of river or lake beds and adjacent land, or of the owners/operators of infrastructure in, on, under or over the bed; and
7. engaging with the Walking Access Commission to identify and negotiate issues around public access.

Chapter 11 Natural hazards

11.2 Objectives

11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.

11.2.2 Adverse effects from hazard mitigation are avoided or mitigated

Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.

11.3 Policies

11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and

2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and
3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
4. is not likely to exacerbate the effects of the natural hazard; or
5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or
6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which case the effects of the natural hazard must be avoided or appropriately mitigated; or
7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significant infrastructure.

11.3.2 Avoid development in areas subject to inundation

In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:

1. is of a type that is not likely to suffer material damage in an inundation event; or
2. is ancillary or incidental to the main development; or
3. meets all of the following criteria:
 - (a) new buildings have an appropriate floor level above the 0.5% AEP design flood level; and
 - (b) hazardous substances will not be inundated during a 0.5% AEP flood event;

provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).

When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.

11.3.3 Earthquake hazards

New subdivision, use and development of land on or close to an active earthquake fault trace, or in areas susceptible to liquefaction and lateral spreading, shall be managed in order to avoid or mitigate the adverse effects of fault rupture, liquefaction and lateral spreading.

11.3.5 General risk management approach

For natural hazards and/or areas not addressed by policies 11.3.1, 11.3.2, and 11.3.3, subdivision, use or development of land shall be avoided if the risk from natural hazards is unacceptable. When determining whether risk is unacceptable, the following matters will be considered:

1. the likelihood of the natural hazard event; and

2. the potential consequence of the natural hazard event for: people and communities, property and infrastructure and the environment, and the emergency response organisations.

Where there is uncertainty in the likelihood or consequences of a natural hazard event, the local authority shall adopt a precautionary approach.

Formal risk management techniques should be used, such as the Risk Management Standard (AS/NZS ISO 31000:2009) or the Structural Design Action Standard (AS/NZS 1170.0:2002).

11.3.8 Climate change

When considering natural hazards, and in determining if new subdivision, use or development is appropriate and sustainable in relation to the potential risks from natural hazard events, local authorities shall have particular regard to the effects of climate change.

Chapter 12 Landscape

12.2 Objectives

12.2.1 Identification and protection of outstanding natural features and landscapes

Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development.

12.2.2 Identification and management of other landscapes

The identification and management of other important landscapes that are not outstanding natural landscapes. Other important landscapes may include:

1. natural character
2. amenity
3. historic and cultural heritage

12.3 Policies

12.3.2 Management methods for outstanding natural features and landscapes

To ensure management methods in relation to subdivision, use or development, seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

12.3.3 Identification and management of other important landscapes

Identifying and managing other important landscapes that are not outstanding natural landscapes, for natural character, historic cultural, historic heritage and amenity purposes.

Chapter 13 Historic heritage

13.2 Objectives

13.2.1 Identification and protection of significant historic heritage

Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury's distinctive character and sense of identity from inappropriate subdivision, use and development.

13.2.2 Historic cultural and historic heritage landscapes

Recognition that cultural and heritage values are often expressed in a landscape setting and to make provision for the protection of such landscapes from inappropriate subdivision, use and development.

13.3 Policies

13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas

To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

1. identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters:
 - (a) Historic
 - (b) Cultural
 - (c) Architectural
 - (d) Archaeological
 - (e) Technological
 - (f) Scientific
 - (g) Social
 - (h) Spiritual
 - (i) Traditional
 - (j) Contextual
 - (k) Aesthetic
2. working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.
3. having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.
4. considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.

5. recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.

13.3.2 Recognise places of cultural heritage significance to Ngāi Tahu

To recognise places of historic and cultural heritage significance to Ngāi Tahu and protect their relationship and culture and traditions with these places from the adverse effects of inappropriate subdivision, use and development.

13.3.3 Historic cultural and historic heritage landscapes

Significant historic cultural and historic heritage landscapes are to be protected from inappropriate subdivision, use and development. When determining the significance of values of historic cultural or historic heritage landscapes, the following matters will be considered:

1. Heritage fabric
2. Time depth
3. Natural science value
4. Tāngata whenua value
5. Cultural diversity
6. Legibility and evidential value
7. Shared and recognised value
8. Aesthetic value
9. Historic or cultural importance

In relation to their management, and determining the appropriateness of scale, form and location of development in these areas, the following matters will be considered:

- (a) Cultural sensitivity of the proposal.
- (b) Integrity or intactness of the landscape, items, features or linkages
- (c) Vulnerability to change or modification
- (d) Recognition of boundaries
- (e) Opportunities for maintaining values

Chapter 14 Air quality

14.2 Objectives

14.2.1 Maintain or improve ambient air quality

Maintain or improve ambient air quality so that it is not a danger to people's health and safety, and reduce the nuisance effects of low ambient air quality.

14.3 Policies

14.3.2 Emissions from the use of solid and liquid based fuels

To promote measures, including the transfer to cleaner technology and fuel sources, that reduce the adverse effect on ambient air quality from the use of solid and liquid based fuels.

Chapter 15 Soils

15.2 Objectives

15.2.2 Prevention of soil erosion

Prevention of new significant induced soil erosion, and the reduction of significant existing induced erosion.

15.3 Policies

15.3.2 Avoid and remedy significant induced soil erosion

To avoid significant new induced soil erosion resulting from the use of land and as far as practicable remedy or mitigate significant induced soil erosion where it has occurred. Particular focus is to be given to the desirability of maintaining vegetative cover on non-arable land.

Chapter 16 Energy

16.2 Objectives

16.2.1 Efficient use of energy

Development is located and designed to enable the efficient use of energy, including:

1. maintaining an urban form that shortens trip distances
2. planning for efficient transport, including freight
3. encouraging energy-efficient urban design principles
4. reduction of energy waste
5. avoiding impacts on the ability to operate energy infrastructure efficiently.

16.3 Policies

16.3.1 Efficient use of energy

To promote the efficient end-use of energy.

16.3.4 Reliable and resilient electricity transmission network within Canterbury

To encourage a reliable and resilient national electricity transmission network within Canterbury by:

1. having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;

2. avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;
3. enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where;
 - (a) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and
 - (b) other adverse effects on the environment are appropriately controlled.

Policy 16.3.5 — Efficient, reliable and resilient electricity generation within Canterbury

To recognise and provide for efficient, reliable and resilient electricity generation within Canterbury by:

1. avoiding subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained;
2. enabling the upgrade of existing, or development of new electricity generation infrastructure, with a particular emphasis on encouraging the operation, maintenance and upgrade of renewable electricity generation activities and associated infrastructure:
 - (a) having particular regard to the locational, functional, operational or technical constraints that result in renewable electricity generation activities being located or designed in the manner proposed;
 - (b) provided that, as a result of site, design and method selection:
 - (i) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable remedied, mitigated or offset; and
 - (ii) other adverse effects on the environment are appropriately controlled.
3. providing for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation;
4. maintaining the generation output and enabling the maximum electricity supply benefit to be obtained from the existing electricity generation facilities within Canterbury, where this can be achieved without resulting in additional significant adverse effects on the environment which are not fully offset or compensated.

DW001 Subdivision – communications and engagement summary plan

Key messages

(as of 30 July 2018)

Background

- As part of Selwyn District Plan Review policies and rules for subdivision are being reviewed.

Current status

- Subdivision isn't a permitted activity anywhere in Selwyn. When a proposed subdivision complies with all the relevant standards (eg lot size, provision of access and utilities), it's a restricted discretionary activity in residential and business zones, and a controlled activity in the Rural Zone.
- Current plan identifies waterbodies where an esplanade² reserve or strip is required in case of a subdivision. The majority of listed waterbodies require a 10m esplanade strip when a lot less than 4 hectares is created.
- There isn't currently any provision to require or consider the creation of esplanades along the coast.
- Key issues include:
 - Current rules, particularly related to residential zones are cumbersome to use due to a number of plan changes since the rules were first put into place.
 - Use of the term allotment has resulted in unintended outcomes, particularly around boundary adjustments. This has led to the creation of undersized titles in the rural areas where Council at that time was pressured into allowing a dwelling to be erected.
 - Notification options – while current rules envisaged notification of a proposed subdivision in certain situations, changes to RMA in 2017 have resulted in notification not being possible for some subdivisions that don't comply with all relevant standards.
 - Esplanades – current provisions don't achieve RMA purpose (the preservation and protection of the coastal environment, wetlands and lakes and rivers and their margins is a matter of national importance).

About preferred option

- Key draft changes include:
 - having all provisions relating to the technical aspects of subdivision in a single chapter.
 - retaining current activity status.
 - revising the objectives and policies relating to the technical aspects of subdivision to ensure consistency across the whole district where this is possible, and clarity where consistency is not appropriate. Updates would include:
 - moving away from the use of the term 'allotment' to 'site' or 'title' (depending on the final definitions prescribed by the National Planning Standards). To describe the areas created by subdivision as a site or title, would allow consideration to be given to the actual areas of land created, rather than the emphasis being placed on the individual land parcels that make up each such area.
 - considering when notification would need to be given for a proposed subdivision.
 - amending esplanades related rules, for example:
 - in addition to esplanades being created for the purpose of providing public access, they could also have a conservation and/or recreation purpose.
 - provide for esplanades to be created along the coast.
 - explore how current rūnanga access to certain waterways near Taumutu can be preserved without opening access to other parties.

Audiences¹

Internal	Partners	Key stakeholders ³	Landowners /occupiers ⁴	General public
DPC	ECan	Major property developers	N/A	Selwyn ratepayers
SDC resource consent team and asset engineer	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>

¹ "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [*Significance and Engagement Policy: Adopted 26 November 2014; p.6*]

² Esplanade reserves, esplanade strips and access strips are statutory mechanisms to protect riparian and coastal margins. Riparian margins are strips of land identified along the edges of natural watercourses including streams, lakes and wetlands. The protection of these margins helps to conserve environmental values and provides opportunities for public access and recreational use, as provided for in the Resource Management Act (RMA).

³ Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (*District Plan Review Community Engagement Implementation Plan; p.6*) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (*DPR Engagement Framework*)

⁴ Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (*District Plan Review Community Engagement Implementation Plan; p.6*)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	General public
Baseline assessments ⁵					
Preferred option development					
Preferred option consultation					

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-August DPC	August	Post-August ⁶
ECan	Consulted on draft preferred option report		Preferred option report is shared and feedback sought
Rūnanga	Consulted on draft preferred option report		Preferred option report is shared and feedback sought
Key stakeholders			Preferred option report is shared and feedback sought
General public			
DPC		Preferred option report goes to DPC for endorsement	Endorsed preferred option report is published on Your Say Selwyn

⁵ No baseline report for this topic.

⁶ This plan covers period until public pre-notification consultation on preferred options starts.

11. Overview of Public Consultation

Author:	Katrin Johnston (Communications Consultant)
Contact:	347 1827

Purpose

To provide the Committee with an overview of the upcoming public consultation phase and engagement material that has been developed for the District Plan Review process.

Recommendation

“That the Committee notes the presentation.”

Attachments

‘PowerPoint – ‘Update on initial public consultation’

The proposed Selwyn District Plan



Update on initial public consultation

Topics for initial public consultation*

District-wide matters	Rural matters	Residential matters	Business matters
Quarrying	Airfields	Housing development in the residential zones (includes alternative housing)	Business interface and urban design outcomes
Home-based business	Business in the Rural Zone		Business in small rural townships
Wildfire	Rural density		
Night glow	Intensive farming		
Outstanding natural landscapes and features	Residential density in the Rural Zone		
Signage	Vegetation (late August)		
Earthworks			
Managing geotechnical risk			
Noise and vibration			
Sites and areas of cultural significance			
Family flats			
Heritage and protected trees (late August)			
Transport (late August)			
Water (late August)			

Legend
Rural (6 topics)
District-wide (incl NE&NH) (14)
Residential (1)
Business (2)

** In total 24 topics.
For other topics we will do targeted consultation only.*

Themes for the four topic groupings

DISTRICT WIDE



RESIDENTIAL



RURAL



BUSINESS



How will people hear about the consultation?

Summary of key draft changes document



Contents	
Introduction	01
What is it?	01
Why are we doing it?	01
Where are we at now?	01
Strategic objectives	05
District-wide matters.....	08
Types of draft changes	08
Key issues, key draft changes	09
Feedback pointers.....	10
Residential matters.....	18
Rural matters.....	24
Business matters.....	28
How can you have a say?.....	40



Summary of key draft changes document cont'd

Rural matters: Intensive farming



FIND OUT MORE:
www.selwyn.govt.nz/dprintensivfarming

Key issues

- What is considered an intensive farming activity is currently not clearly defined, which makes consenting requirements ambiguous.
- There is potentially duplication of process between the district and regional councils regarding air quality (dust and odour) assessments. This duplication also extends to compliance and monitoring of dust and odour discharges.
- The main area of inconsistency is in regard to the assessment of free-range poultry activities. This activity is permitted by Environment Canterbury, but requires consent from the Selwyn District Council.
- If an intensive farm operator wants to establish a residential dwelling on their property, other rules notwithstanding, they are required to apply for a resource consent if the dwelling is located within 300 metres of the intensive farming operation, regardless of whether the operation is their own.

Key draft changes

- Introduce an amended definition for intensive farming so that it's defined as a commercial activity which predominantly occurs indoors and where the stock density or nature of the activity doesn't maintain ground cover. Ground cover will be assessed on a common sense basis.
- Intensive farming excludes small scale home production of pigs in rural areas which involves no more than 25 weaned pigs or six sows.
- Intensive farming becomes a permitted activity within the Proposed District Plan as long as the activity is within the Rural Zone and meets certain (yet to be established) permitted development standards. These standards could include building characteristics, supplying location details, noise, transport and lighting.
- Intensive farming will still need an air discharge consent from Environment Canterbury to address any potential odour and dust effects, regardless of the activity becoming permitted under the Proposed District Plan.
- Introduce a definition of extensive farming where the point of difference with intensive farming is that the stocking density is such that the ground cover is maintained.
- Keep the 300-metre reverse sensitivity setback between a new residential development and an existing intensive farming activity except if the dwelling is located on the same site as the intensive farm.

Tell us

- The new definition for intensive farming and its reliance on ground cover to determine if a farming activity is intensive or extensive?
- Environment Canterbury (the regional council) potentially being solely responsible for controlling and monitoring any air discharges (odour and dust) from an intensive farm?
- What permitted development standards should we introduce to control intensive farming?
- Keeping the 300-metre setback between a new residential development and an existing intensive farming activity except if the dwelling is located on the same site as the intensive farm. Do you think the setback distance should be reduced, increased or is it about right?

Also check out

- District-wide matters: Earthworks (Page 33)
- District-wide matters: Earthworks (Page 33)
- District-wide matters: Earthworks (Page 33)



How will people hear about the consultation cont'd?

Topic specific factsheets



Next steps – we need your feedback

Help us shape how intensive farming is managed in the future Selwyn District Plan. In particular, we would like your feedback on:

- the new definition for intensive farming and its reliance on ground cover to determine if a farming activity is intensive or extensive.
- Environment Canterbury (the regional council) potentially being solely responsible for controlling and monitoring any air discharges (odour and dust) from an intensive farm.
- what permitted development standards we should introduce to control intensive farming
- keeping the 300-metre setback between a new residential development and an existing intensive farming activity except if the dwelling is located on the same site as the intensive farm. Do you think the setback distance should be reduced, increased or is it about right?

How can I have a say?

There are many ways for you to give us your feedback on the draft changes to intensive farming related rules. You can:

- visit the Council's online engagement hub Your Say Selwyn at www.selwyn.govt.nz/dprintensivefarming where among other things you can participate in a survey.
- come to one of the upcoming drop-in sessions in August/September for anyone interested in key draft changes to the current District Plan, including in relation to intensive farming (visit www.selwyn.govt.nz/districtplanreview to find out when and where they're taking place).
- contact us directly via email districtplanreview@selwyn.govt.nz or call 03 347 1856.

There will be many opportunities for public feedback at different stages of the District Plan Review.

Selwyn District Plan Review – Your Say



Selwyn District Plan Review: Intensive farming

This factsheet is about how the current District Plan Review affects intensive farming, and its associated rules and policies. The factsheet includes answers to most common questions as well as information on how people can have a say on the draft changes affecting the management of intensive farming in the Proposed District Plan.

Introduction

Selwyn is home to a wide range of farming activities where livestock is commercially reared. Intensive farming in our district typically involves pork or poultry production, and in recent times many dairy barns have also been established.

Our district has the highest number of pork producers in the country (although not the largest volume produced) as well as a significant number of poultry farms. There is also a trend towards free-range pig and poultry farming.

District Plan Review

A major review is now under way of the current Selwyn District Plan – essentially a 'rule book' which sets out district-wide rules for sustainably managing Selwyn's natural and physical resources. Under the Resource Management Act, councils are required to review their District Plan every 10 years to make sure it's still fit for purpose.

As part of the District Plan Review the Council has been reviewing how to manage intensive farming in the district.

Intensive farming in the current Selwyn District Plan

Farming in the current Plan is usually considered intensive if:

- the activity is for the commercial rearing of livestock; and
- it isn't dependent on the fertility of the soil.

At present, when someone wants to establish or expand an intensive farm they are required to obtain a resource consent from both Environment Canterbury and Selwyn District Council.

Intensive farming factsheet cont'd



Key issues with the current District Plan

- What is considered an intensive farming activity is currently not clearly defined, which makes consenting requirements ambiguous.
- There is potentially duplication of process between the district and regional councils regarding air quality (dust and odour) assessments. This duplication also extends to compliance and monitoring of dust and odour discharges.
- The main area of inconsistency is in regard to the assessment of free-range poultry activities. This activity is permitted by Environment Canterbury, but requires consent from the Selwyn District Council.
- If an intensive farm operator wants to establish a residential dwelling on their property, other rules notwithstanding, they are required to apply for a resource consent if the dwelling is located within 300 metres of the intensive farming operation, regardless of whether the operation is their own.

Key draft changes for the Proposed District Plan

- Introduce an amended definition for intensive farming so that it's defined as a commercial activity which predominantly occurs indoors and where the stock density or nature of the activity doesn't maintain ground cover. Ground cover will be assessed on a common sense basis.
- Intensive farming excludes small scale home production of pigs in rural areas, which involves no more than 25 weaned pigs or six sows.
- Intensive farming becomes a permitted activity within the Proposed District Plan as long as the activity is within the Rural Zone and meets certain (yet to be established) permitted development standards. These standards could include building characteristics, supplying location details, noise, transport and lighting.
- Intensive farming will still need an air discharge consent from Environment Canterbury to address any potential odour and dust effects, regardless of the activity becoming permitted under the Proposed District Plan.
- Introduce a definition of extensive farming where the point of difference with intensive farming is that the stocking density is such that the ground cover is maintained.
- Keep the 300-metre reverse sensitivity setback between a new residential development and an existing intensive farming activity except if the dwelling is located on the same site as the intensive farm.

Frequently asked questions about intensive farming in District Plan

Is there a minimum or maximum stock number when running intensive farming?

There is no specific guidance as to what an appropriate stock density for an intensive farm should be. The potential and actual effects from a farm are more complex than a simple density figure. Use of a density figure could lead to farms which are operating well with little or no effect being targeted by consent requirements due to an arbitrary density figure. This approach would also expose the Council to being powerless to address a permitted activity causing significant effects due to their compliance with a stock density figure. Having ground cover as a qualifier for whether or not farming of livestock is intensive, gives the Council the ability to manage actual effects.

What is the Council considering to be an intensive farming activity in the new District Plan?

The Council's draft changes to the current District Plan have intensive farming defined as a commercial activity which predominantly occurs indoors, or where the stock density or nature of the activity doesn't maintain ground cover. The latter will be assessed on a common sense basis. It should also be noted that the draft National Planning Standards include a definition of 'intensive primary production' that the Council may need to adopt in the new District Plan if this term is confirmed in the final set of National Planning Standards. For more information on National Planning Standards visit the Ministry for the Environment website at www.mfe.govt.nz.

Will I still have to get a resource consent if I want to keep pigs for domestic purposes in the rural area?

No, draft changes to the current District Plan exclude small scale home production of pigs which involves no more than 25 weaned pigs or six sows.

The draft changes seem to make it easier to establish or expand an existing intensive farm. Isn't this to the detriment of the environment and adjoining properties?

While the draft changes to the District Plan are currently looking at making the establishment and expansion of existing intensive farms more permissive, any such farms would still need to obtain an air discharge consent from Environment Canterbury to address any odour or dust effects. Also the Proposed District Plan would require that new and expanding intensive farms meet certain permitted development standards, such as building characteristics, supplying location details, noise, transport and lighting. If a standard was breached then consent would be required.

Why do the draft changes for intensive farming look at potentially transferring full control of air discharges (odour and dust) resulting from intensive farm to the regional council? Isn't it risky to remove one layer of protection by relying only on the regional council?

The current situation can result in duplication of process between the district and regional councils. This can cause confusion and can also have significant cost and time implications on resource consent applicants, especially if multiple experts need to be enlisted to prepare and support any application.

This aspect also potentially extends to compliance and monitoring when considering which council should be following up on a complaint. Currently the district council is passing the majority of complaints on to the regional council which has the technical expertise and equipment to assess odour and dust discharges while the district council doesn't.

The draft changes to the current Plan would still require an intensive farming activity to have its air discharge assessed by Environment Canterbury. Also other aspects of the farming would be controlled by permitted development standards in the District Plan. If a standard was breached then consent from the district council would also be required.

At this stage of the District Plan Review we're only considering whether we should change how air discharges from intensive farming and other similar activities that cause dust and odour on a regular basis, for example quarrying and mushroom farming, are controlled. Before we draft the Proposed District Plan we want to hear what the public's view is on this.

Where can I find more information about the District Plan Review of intensive farming to date?

For more information about the Council's preferred option for intensive farming and all the work done to date as part of the review visit Your Say Selwyn engagement hub at www.selwyn.govt.nz/dprintensivefarming.

How will people hear about the consultation cont'd?

- Online engagement tools on Your Say Selwyn (eg survey for each topic, Q&As, forums)
 - Main page: www.selwyn.govt.nz/districtplanreview
 - Example of a topic specific page:
www.selwyn.govt.nz/dprintensivefarming



Face-to-face meetings (TBC)

- **Rolleston** (Selwyn Central Ward)- Tuesday 21 August, 3-6pm
- **Darfield** (Malvern Ward) – Sunday 26 August 12-3pm (in case of rain postponed to Sunday 2 September), Darfield Recreation Centre and Domain at Have a Go Day event, organised by SDC and Selwyn Sports Trust.
- **Leeston** (Ellesmere Ward) – Thursday 30 August, 3-6pm
- **Springfield** (Malvern Ward) – week of 3 September (Mon or Tues)
- **Prebbleton** (Springs Ward) – week of 10 September (Mon, Tues or Thurs)
- **Rolleston** (Selwyn Central Ward) – Monday 17 September, 3-6pm
- **Lincoln** (Springs Ward) – 30 Sept 11am-4pm as part of the Council's CultureFest held at the Lincoln Event centre.



How will people hear about the consultation¹⁸¹ cont'd?

- Video by Mayor to promote the consultation
- Social media (Council FB and community FBs; introduce competition *How well do you know our district?*)
- Direct mailout (1st rates instalment sent out 31 July (email) and early August (post))
- Media release (at the time of the launch as well as during the consultation)
- Council Call articles in Selwyn Times
- ECan communications channels
- Direct contact to Customer forum, key stakeholders and professional groups
- DPR hotline



Conclusion¹⁸²

- Public consultation starts in week of 13 August and finishes by 8 October (eight weeks in total, for a few topics a bit less)
- How can you help?
 - Promote the consultation within your community (eg community FB page, regular newsletter)
 - Attend drop-in sessions



12. Post Engagement Reporting

Author:	Justine Ashley (DPR Project Lead)
Contact:	347 2811

Purpose

To inform the Committee of the proposed methods for post-engagement reporting on the Preferred Option(s) for each topic, to enable workstreams to progress to the 'Drafting and Section 32 Evaluation Phase'.

Recommendation

"That the Committee notes the report."

Attachments

'Post Engagement Reporting on Preferred Options'

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 8 August 2018

PURPOSE: Post Engagement Reporting on Preferred Options

PREPARED BY: Justine Ashley, District Plan Review Project Lead

EXECUTIVE SUMMARY

<i>Purpose</i>	To inform the Committee of the proposed methods for post-engagement reporting on the Preferred Option(s) for each topic, to enable workstreams to progress to the 'Drafting and Section 32 Evaluation Phase'.
<i>Recommendation</i>	That the Committee notes the report.
<i>DPC Decision:</i>	



1.0 Introduction

In order to meet the DPR Critical Path work programme, up to 50 different topics of varying complexity need to progress from the Baseline and Preferred Option reporting phases to the 'Section 32 and Drafting' Phase by the end of 2018. This is to ensure that the DPR continues to track towards having a draft Proposed District Plan ready for the Committee's endorsement in July 2019, prior to local body elections.

Given that public consultation is scheduled to occur between 13 August – 8 October 2018, there will only be three District Plan Committee meetings available after 8 October and before the end of 2018 in which all Preferred Option(s) open to public engagement need to be confirmed (including any amendments) for Section 32 and Drafting. Of the three meetings, two are likely to be scheduled for only 2 hours each. As such, it is necessary to consider how the Project Team reports back to DPC at the conclusion of the engagement phase in a timely and efficient manner.

2.0 Post engagement reporting

The primary purpose of the post-engagement reporting is to inform the Committee of any feedback received and to seek confirmation that:

- a) the Preferred Option(s) previously endorsed by DPC can be progressed to the next phase (Section 32 and Drafting); **or**
- b) amendments to the Preferred Option(s) are required as a result of the feedback received; and that the updated Preferred Option(s) be progressed to the Section 32 and Drafting phase.

2.1 Little or no feedback received and no change to Preferred Option(s)

Where there has been little or no feedback from landowners, key stakeholders and/or the general public on the Preferred Option(s) for a particular topic(s), it is recommended that the post-engagement reporting is streamlined into one combined report, as outlined in **Appendix A**.

The purpose of this report is for DPC to confirm that the Preferred Option(s) for the identified topics that have previously endorsed by DPC can progress to the 'Drafting and Section 32 Evaluation Phase'.

2.2 Feedback received and/or changes to Preferred Option(s) recommended

Where there has been substantial feedback and/or the Project Team are recommending changes to the previously endorsed Preferred Option(s) for a particular topic, it is recommended that the post-engagement report provides a summary and an analysis of the feedback received, as outlined in **Appendix B**.

The purpose of this report is for DPC to confirm that either the previously endorsed or updated Preferred Option(s) for the identified topic progress to the 'Drafting and Section 32 Evaluation Phase'.

2.3 Feedback from DPR Partners and on-going stakeholder engagement

Any additional feedback received from Environment Canterbury or Nga Rūnanga as partners to the DPR process will also form part of post-engagement reporting, particularly where amendments to the Preferred Option(s) are recommended by the Project Team. It should also be noted that on-going engagement with key stakeholders, including internal SDC staff, is likely to continue to occur throughout the Section 32 and Drafting Phase for a number of topics as more detailed provisions are developed.

3.0 Conclusion

Due to the upcoming DPC workload and time constraints for progressing all workstreams to the Section 32 and Drafting Phase of the DPR, it is appropriate that DPC consider the methods of post-engagement reporting. The attached report templates are designed to inform DPC of any feedback received and to achieve efficiencies in endorsing the Preferred Option(s) for further development, including any amendments arising out of the consultation process.

Appendix 1

Template for post-engagement reporting on those topics where little or no feedback is received.

POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE:

PURPOSE:

Post Engagement Update on Preferred Options for:

- [Enter name of Topic and/or Scope Description]
- [Enter name of Topic and/or Scope Description]

PREPARED BY:

Justine Ashley, District Plan Review Project Lead

EXECUTIVE SUMMARY

<i>Purpose</i>	To seek confirmation from the Committee that the Preferred Option(s) for those Topics that received little or no feedback and where <u>no</u> change to the Preferred Option is recommended be endorsed for further development.
<i>Recommendation</i>	That the Committee confirms that the Preferred Option(s) for the following Topics progress to the 'Drafting and Section 32 Evaluation Phase': <ul style="list-style-type: none"> • [Enter name of Topic and/or Scope Description] • [Enter name of Topic and/or Scope Description]
<i>DPC Decision:</i>	

1.0 Introduction

1.1 Overview of Engagement

In accordance with the Communications and Engagement Summary Plan(s) that were prepared and endorsed by the District Plan Committee for each topic, consultation has been undertaken with the following parties.

Topic	Landowners/occupiers	Key stakeholders	Public
[Insert Topic Name]	x	✓	✓

2.0 Summary of Feedback Received

2.1 [Enter Topic Name]

Little or No feedback on the Preferred Option(s) for this topic was received during the engagement phase(s) identified in the above table. As such, the Topic Lead, [insert name], has advised that no changes to the Preferred Option(s) are recommended post engagement.

2.2 [Enter Topic Name]

3.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option(s) for the following topics that have previously endorsed by DPC progress to the 'Drafting and Section 32 Evaluation Phase':
 - [Enter name of Topic and/or Scope Description]
 - [Enter name of Topic and/or Scope Description]

Appendix 2

Template for post-engagement reporting on those topics with substantial feedback and/or a change in the Preferred Option(s) is recommended.

POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE:

TOPIC NAME:

SCOPE DESCRIPTION:

TOPIC LEAD:

PREPARED BY:

EXECUTIVE SUMMARY

<i>Summary of Preferred Option Endorsed by DPC for Further Engagement:</i>	
<i>Recommended Option Post Engagement:</i>	
<i>DPC Decision:</i>	

1.0 Introduction

1.1 Overview of Preferred Option Endorsed by DPC

Sub heading

2.0 Summary of Feedback Received

2.1 Landowner Feedback [where applicable – summary only]

Sub heading

2.2 Partner/Stakeholder Feedback [where applicable – summary only]

Sub heading

2.3 Public Feedback [where applicable and in response to key questions – summary only]

Sub heading

3.0 Analysis of Feedback Received

3.1 [Identify Issue]: [describe nature of issue(s) raised in feedback and analyse in context of Baseline and Preferred Option Report(s)]

Analysis

Conclusion

4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'. OR [delete as appropriate]
- The Preferred Option previously endorsed by DPC is amended as follows:

- [describe amendment(s)];
 - ...; and
 - ...
- The updated Preferred Option described above progresses to the 'Drafting and Section 32 Evaluation Phase'.