

Extracts from the Operative District Plan

Chapter 21: General Rules

21.8.2

Any erection of a dwelling and/or subdivision of land, except for designation purposes, that does not meet the existing or required density of the zone is a non-complying activity.

Chapter 23: Land and Water Margins

23.1.1.17

Within any Residential Zone, Business 1, 2, or 4 Zone, the Rural Zone including cluster housing within Maori Reserve 873 or Mapleham Rural 4B Zone, the supply of water to any site shall be by a reticulated potable water supply.

23.3.7

Except as provided for by Rule 23.5, any land use that does not comply with Rule 23.1.1.17 (supply of water) is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 23.3.7, the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. the potability and capacity of water supply;*
- ii. the environmental standards of the proposed and existing water supply;*
- iii. the means of supply and location of any water source;*
- iv. contingency provisions and emergency response procedures in the event of a failure in the service;*
- v. financial contributions as set out in [Chapter 20: Financial Contributions](#) and [Chapter 34: Financial Contributions – Rules and development contributions as set out in Waimakariri District Council’s Development Contributions Policy](#);*
- vi. those matters over which control is exercised for Controlled Activities in [Chapter 32: Subdivision – Rules](#);*
- vii. effects on wahi taonga and mahinga kai;*
- viii. effects on effectiveness and efficiency of existing public systems;*
- ix. the need for ongoing maintenance, service contracts and standards; and*
- x. the effect land use will have on the water quantity of any water body.*

Chapter 30: Utilities and Traffic Management

30.6.1.1

All land uses in any Residential Zone or Business Zone, and any dwellinghouse in any Rural Zone, shall be located on a site that has access to a road which complies with the design attributes of Table 30.1, Table 30.2 for the Residential 7 Zone, other than land uses in the Residential 6, 6A and Business 1 Zones at Pegasus which shall be located on a site that has access to a road which complies with the design attributes of Table 32.2.

Table 30.1: Road Design Attributes by Zone

	Local	
	Rural	
Min. width of road (m)	20	
Min. lane width (m)	3	
No. of lanes	2	
Parking lanes width (m)		
Min. no. of parking lanes		
Min. sealed shoulders width (m)		
Min. footpath width (m)		
Min. no. of footpaths		
Street lighting	No	
Min. street trees per 20m		
Cycleways		

30.9 Discretionary Activity

30.9.1

Except as provided for by Rule 30.7, any land use that does not comply with one or more of the conditions under Rule 30.6.1.1 to 30.6.1.32 or 30.7.1 is a discretionary activity except where it is a non-complying activity under Rule 30.10 or it is exempted by Rule 30.6.2.

In considering any resource consent under Rule 30.9.1, the Council shall, in deciding whether to grant consent, and in deciding whether to impose conditions, have regard to (but not be limited by) the following matters:

- i. financial contributions as set out in [Chapter 20: Financial Contributions](#) and [Chapter 34: Financial Contributions – Rules](#); and
- ii. development contributions as set out in [Waimakariri District Council’s Development Contributions Policy](#).

Chapter 31: Health, Safety and Wellbeing

31.1.1.1

In the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha.

31.1.1.3

In the Rural Zone, where there is more than one dwellinghouse on a site, it shall be able to be shown that:

- a. each dwelling can be contained within its own delineated area and there is no overlap between delineated areas;.....*

31.1.1.10

The structure coverage of the net area of any site shall not exceed:

- a. 50% in Residential 1.....*
- b. 20% in the Rural Zone, the Mapleham Rural 4B, Residential 4A and 4B Zones, except for the Residential 4A Zone, Bradleys Road, Ohoka identified on District Plan Map 169;*

31.1.1.15

Any structure shall comply with the minimum setback requirements in Table 31.1 and measurements shall be taken from the nearest point of any part of any structure (or dwellinghouse).

Table 31.1: Minimum Structure Setback Requirements

<i>Location</i>	<i>A setback is required from Setback depth (minimum)</i>	
<i>Rural Zone</i>	<i>Any road boundary</i>	<i>20m for any dwellinghouse 10m for any structure other than a dwellinghouse</i>
	<i>Any internal site boundary</i>	<i>20m for any dwellinghouse 3m for any structure other than a dwellinghouse</i>
	<i>Any existing dwellinghouse on an adjoining site</i>	<i>10m for any structure (excluding a dwellinghouse)</i>

31.5.1

Any land use which does not comply with Rules 31.1.1.1 to 31.1.1.6 (standards for a site, or delineated area, containing a dwellinghouse) or Rules 31.3.2 and 31.4.2 is a non-complying activity except where exempted under Rule 31.1.2.

Objectives and Policies

Chapter 11: Utilities and Traffic Management

Objective 11.1.1

Utilities that maintain or enhance the community's social, economic and cultural wellbeing, and its health and safety.

Policy 11.1.1.3

Subdivision and development should not proceed within areas that do not have access to appropriate utilities, or where the utilities are operating at full capacity or where these subdivisions or developments are likely to adversely affect the planned expansion of those utilities. Subdivision and development can proceed if the existing utilities are upgraded to provide the appropriate capacity for the health and safety of the present and future population, or appropriate alternatives are provided. Appropriate alternative systems should, as a minimum:

- a. meet the current environmental and engineering design standards prescribed for the present utilities; and*
- b. be capable of integration with existing utilities.*

Chapter 12: Health, Safety and Wellbeing

Objective 12.1.1

Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.

Policy 12.1.1.5

In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses.

Explanation

Amenity values in the Rural Zones are affected by:

- i. the density of dwellinghouses;*
- ii. community expectations concerning dwellinghouse density;*
- iii. the location of dwellinghouses; and*
- iv. the presence of lawfully established intensive farming activities.*

To assist in maintaining the amenity values and quality of the rural environment, the density of dwellinghouses, and the separation of dwellinghouses need to be controlled. A dwellinghouse is associated with the presence of people and the position of rural dwellinghouses can be an important factor in the amenity values and quality of a rural setting. Where dwellinghouses are sited close to lot boundaries there is a need to maintain a reasonable level of privacy, which will be maintained through setback controls.

Accordingly, the Council would not anticipate the establishment of dwellinghouses on lots smaller than four hectares, or that do not comply with the standards for the Mapleham Rural 4B Zone, or within 20 metres of a property boundary. A much reduced setback for farm buildings is acceptable because the community has indicated that these structures are an integral part of a rural setting.

Notwithstanding the above, there is a desire by many to provide for family members close to the family home. This circumstance is recognised in the Plan by permitting a second dwellinghouse of a limited floor area located in close proximity to a primary dwellinghouse.

Intensive farming activities are a part of the rural environment. The Rural Zone is where they should locate but they need space to find sites and to develop. The more dense the housing in an area, the greater the difficulties for new operators to establish, and existing operators to provide for their wellbeing through continuing operations, expansion or other development.

Objective 12.1.2 and Policies 12.1.2.1, 12.1.2.2 and 12.1.2.3 and Rule 31.18 provide for additional separation distances between lawfully established intensive farming activities and the establishment of new dwellinghouses, also between existing dwellinghouses and the establishment of new intensive farming activities.

In order to avoid the effects of dwellings dominating land and having an adverse effect on rural amenity and rural character, methods employed to avoid the effects of floodwaters on structures are assessed as a discretionary activity. Policy 12.1.1.5 recognises that dwellings can dominate land, and artificially raising ground heights by earth mounds, poles, piles or other methods are not always appropriate in the Rural Zone.

Chapter 14 Rural Zones

Objective 14.1.1

Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:

- a. the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;*
- b. separation between dwellinghouses to maintain privacy and a sense of openness;*
- c. a dwellinghouse clustered with ancillary buildings and structures on the same site;*
- d. farm buildings and structures close to lot boundaries including roads;*
- e. generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;*

- f. *clean air – but with some significant short term and/or seasonal smells associated with farming activities; and*
- g. *limited signage in the Rural Zone.*

Policy 14.1.1.1

Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

Policy 14.1.1.2

Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.

Policy 14.1.1.3

Maintain and enhance the environmental qualities such as natural features, air and noise levels, including limited signage and rural retail activities that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.

Explanation

The characteristics of rural character identified in Objective 14.1.1 have been adopted as the result of extensive community consultation. They are the features of the rural environment that are valued by the people who live in the District's Rural Zones. For example, concrete kerb and channel, paved footpaths, streetlights, or cul-de-sac roads are not considered to be features characteristic of the Rural Zones. The community has clearly stated in the extensive consultation undertaken during the development of this District Plan, and subsequently, that a key resource management outcome for the Rural Zones is the maintenance of the underlying qualities that make these zones differ significantly from the District's various Residential Zones.

Community surveys have also shown that the level of concern about dwellinghouse development on small lots is highest in parts of the District where the increase in the number of small lots with dwellinghouses has been greatest. As a result of consideration of planning issues and the community's expressions of concern, the Council has adopted a threshold of four hectares both for subdivision as a controlled activity, and dwellinghouse development as a permitted activity in the Rural Zone. The Mapleham Rural 4B Zone was approved by the Environment Court (C9/2002) as an intensive rural development with restrictions on some land uses, a minimum lot size of one hectare, a minimum average allotment area of 1.5 hectare, and a maximum of 35 lots in the zone. Subdivision and dwellinghouse development on lots below these thresholds are non-complying activities.

Policy 14.1.1.1 recognises that subdivision below four hectares and/or lots below this size with dwellinghouses, or below the standards of the Mapleham Rural 4B Zone, are undesirable because they fail to meet those characteristics listed in the objective that contribute to the maintenance or enhancement of the rural character of the Rural Zone, or the Mapleham Rural 4B Zone. It also recognises that lawfully established activities should not be constrained by dwellinghouse development. The screening of dwellinghouses alone is not considered a mitigation measure for the protection of rural character.

Policy 14.1.1.2 recognises that it is important for agriculture, pastoral farming and horticulture to continue to be the predominant land use in the Rural Zones because this will contribute most to the maintenance and enhancement of rural character. It also recognises the potential for lawfully established farming activities to be constrained by dwellinghouse development. Where

existing intensive farming operations are expanding advances in technology can lead to adverse effects being of a similar scale. Within the Mapleham Rural 4B Zone intensive farms are prohibited because they will not contribute to the maintenance or enhancement of the rural character of that zone.

Policy 14.1.1.3 recognises that maintenance and enhancement of natural features are an integral aspect of the Rural Zone. This is an important consideration when assessing structures in the localised flooding area that propose to employ methods such as earth mounding, poles or piles to avoid the effects of flood waters on property. Policy 14.1.1.3 recognises that natural features, clean air, quietness and limited roadside advertising are important environmental qualities in the District's Rural Zones. These are attributes that can be prejudiced by the increased density of dwellinghouses and related residential activity below the subdivision, development, and activity standards of the respective Rural Zones.

Objective 14.2.1

Protect the life supporting capacity of the water resource from the adverse effects of on-site land based sewage treatment and wastewater disposal systems.

Policy 14.2.1.1

Avoid the deterioration of the quality of the water resource as a result of the operation of on-site land based sewage treatment and wastewater disposal systems in the Rural Zones.

Explanation

The cumulative impact of on site land based sewage treatment and wastewater disposal systems can have an adverse effect on the water resource. Policy 14.2.1.1 recognises that subdivision below four hectares is undesirable as there is the potential for a cumulative impact on the groundwater resource below this level as the density of domestic wastewater disposal systems increase. In view of the vulnerability of much of the District's groundwater resource to contamination, the Council considers it necessary to adopt a precautionary approach. Where on-site land based sewage treatment and wastewater disposal systems are proposed, it is considered appropriate to restrict the dwellinghouse density to one per four hectares.

On-site land based sewage treatment and wastewater disposal systems are recognised as a feature of the Rural zone where there is no reticulated sewage network present. The Canterbury Regional Council, through the Discharge Permit process and the Waimakariri District Council, through the Building Consent process control the installation and operation of on-site land based sewage treatment and wastewater disposal systems.

Objective 14.6.1

To facilitate the rebuild and recovery of Greater Christchurch by directing future developments to existing urban areas, priority areas, identified rural residential development areas and MR873 for urban and rural residential activities and development.

Policy 14.6.1.1

To avoid new residential and rural residential activities and development outside of existing urban areas and priority areas within the area identified in Map A in Chapter 6 of the Canterbury Regional Policy Statement; rural residential development areas identified in the Rural Residential Development Plan and MR873.